

[Chap6901]CHAPTER 69:01

## ROAD TRAFFIC

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26 of 1997

G.N. 1/1998

An Act to amend and consolidate the law relating to road traffic and vehicles in Malawi and for matters connected therewith or incidental thereto

[15TH JANUARY 1998]

## PART I

### PRELIMINARY

#### [Ch6901s1]1. Short title

This Act may be cited as the Road Traffic Act.

#### [Ch6901s2]2. Interpretation

In this Act, unless the context otherwise indicates—

“ambulance” means a motor vehicle specially constructed or adapted for the purpose of conveying sick or injured persons to or from a place for medical treatment and which is registered as such;

“animal” means any horse, cattle, ass, mule, sheep, pig, goat or dog;

“articulated motor vehicle” means a combination of motor vehicles consisting of a truck-tractor and a semi-trailer;

“authorized officer” means a road traffic examiner, motor vehicle examiner, weighbridge inspector or a traffic police officer and includes any other person whom the Minister may, from time to time, by regulation declare to be an authorized officer;

“breakdown vehicle” means a motor vehicle designed or adapted solely for the purpose of recovering or salvaging motor vehicles and which is registered as such;

“breath test” means a test for the purpose of indicating the concentration of alcohol in a person’s blood carried out on that person’s breath by means of a device and procedures authorized by the Minister;

“bridge” includes a culvert and a causeway;

“builder” means any person who, for the purposes of the business of selling motor vehicles, manufactures or assembles motor vehicles in whole or in part from used components;

“bus” means a motor vehicle designed or adapted for the conveyance of ten or more persons including the driver;

“certificate of fitness” in relation to a motor vehicle, means a certificate issued under section 71;

“combination of motor vehicles” means two or more motor vehicles coupled together;

“cross” or any like expressions, means to move on a public road in a direction which intersects the normal course of travel of traffic on such road;

“Director” means the Director of Road Traffic appointed under section 3 or his duly authorized representative;

“driver” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle or who guides any draught, pack or saddle animal or herd or flock of animals, and “drive” or any like word has a corresponding meaning;

“driver’s licence” means a driver’s licence referred to in Part V;

“driver’s licence testing centre” means a driver’s licence testing centre referred to in Part V;

“enforcement agency” means the Malawi Police Service or any local authority which has a traffic warden in its employment or any other agency authorized by some written law to enforce traffic law;

“examiner” means a road traffic examiner or a motor vehicle examiner as the case may be appointed under Part II;

“fire-fighting vehicle” means a motor vehicle designed or adapted solely or principally for fighting fires and which is registered as such;

“freeway” means a public road or a section of a public road which has been designated as a freeway by an appropriate road traffic sign;

“goods” means any movable property;

“gross combination mass”, in relation to a motor vehicle which is used to draw any other motor vehicles, means the maximum mass of any combination of motor vehicles, including the drawing vehicle and load as specified by the manufacturer thereof or, in the absence of such specification, as determined by the Director;

“gross vehicle mass” in relation to a motor vehicle, means the maximum mass of such vehicle and its load as specified by the manufacturer or, in the absence of such specification, as determined by the Director;

“highway authority” has the meaning assigned thereto in the Public Roads Act; Cap. 69:02

“importer” means any person who, for the purposes of his business of selling motor vehicles, imports new or used motor vehicles into Malawi;

“instructor” means any person who for direct or indirect reward—

(a) instructs any person in the driving of a motor vehicle;

(b) teaches any other person the rules of the road or road traffic signs in order to obtain a learner's or a driver's licence;

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

"intoxicating liquor" has the meaning assigned thereto in the Liquor Act; Cap. 50:07

"learner's licence" means a learner's licence referred to in Part IV;

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

"manufacturer" means a person who, for the purposes of his business of selling motor vehicles, manufactures or assembles new motor vehicles;

"medical practitioner" means any person registered as such under the Medical Practitioners and Dentists Act; Cap. 36.01

"motorcycle" means a motor vehicle which has two wheels and includes any such vehicle having a side-car attached;

"motor quadrucycle" means a motor vehicle, other than a motor cycle or a tractor, which has four wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;

"motor trader" means any person who is engaged in the business of buying, selling, exchanging or repairing motor vehicles required to be registered and licenced in terms of the Automotive Trades Registration and Fair Practices Act or of building permanent structures onto such vehicles and who complies with the prescribed conditions; Cap. 50:05

"motor tricycle" means a motor vehicle, other than a motor cycle or a tractor, which has three wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;

"motor vehicle" means any self-propelled vehicle and includes—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals and engine or motor, but does not include—

(i) any vehicle propelled by electrical power derived from storage batteries and which is pedestrian-controlled; or

(ii) any vehicle with a mass of not more than two hundred and thirty kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“motor vehicle inspection station” means a motor vehicle inspection station registered under section 64;

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

“operator” means the person responsible for the use of a motor vehicle of any class contemplated in Part VII, and who has been registered as the operator of such vehicle;

“owner” in relation to a vehicle, means—

(a) the person who has the right to the use and enjoyment of a vehicle in terms of a contractual agreement with the title holder of such vehicle;

(b) any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the title holder in accordance with the contractual agreement referred to in paragraph (a);

(c) the person who is a title holder and has the use and enjoyment of the vehicle; or

(d) a motor trader who is in possession of a vehicle for the purpose of sale, and who is registered as such under section 11; and “owned” or any like word has a corresponding meaning;

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

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

“pedestrian crossing” means—

(a) that marked portion of a public road at an intersection included within the prolongation or connexion of the kerb line and adjacent boundary line of such road; or

(b) any other portion of public road designated as a pedestrian crossing by appropriate road traffic signs;

“prescribed territory” means any state or territory declared by the Minister by notice published in the Gazette to be a prescribed territory;

“professional driver” means the driver of a motor vehicle in respect of which an operator is registered;

“professional driving permit” means a professional driving permit referred to in Part V;

“public road” has the meaning assigned thereto in the Public Roads Act; Cap. 69:02

“rescue vehicle” means a motor vehicle designed or adapted solely for the purpose of rescuing persons and which is owned or controlled by a department of the government, local authority or a body of persons approved by the Director and is registered as such;

“road service permit” means a road service permit referred to in Part VII;

“road traffic examiner” means a road traffic examiner appointed under Part II;

“road traffic sign” means a road traffic sign prescribed under section 89;

“roadworthy” in relation to a vehicle, means a vehicle which complies with the relevant provisions of this Act and is otherwise in a fit condition to be operated on a public road;

“semi-trailer” means a trailer having no front axle and so designed that at least fifteen per cent of its tare is superimposed on and borne by a vehicle drawing such trailer;

“sidewalk” means that portion of a verge intended for the exclusive use of pedestrians;

“tare” in relation to a motor vehicle, means the mass of such vehicle ready to travel on a road and includes the mass of—

(a) any spare wheel and all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything affixed to such vehicle so as to form a structural alteration of a permanent nature; and

(d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—

(i) fuel; and

(ii) anything affixed to such vehicle which is not of the nature referred to in paragraph (b) or (c);

“title holder” in relation to a vehicle, means—

(a) the person who has to give permission for the alienation of that vehicle in terms of a contractual agreement with the owner of such vehicle, or

(b) the person who has the right to alienate that vehicle,  
and who is registered as such under section 11;

“tractor” means a motor vehicle designed or adapted mainly for drawing other vehicles and not to carry any load thereon, but does not include a truck-tractor;

“traffic lane” means a longitudinal division of a public road of sufficient width to accommodate the passage of a single line of vehicles;

“traffic signal” means a road traffic sign which, by means of automatic signals, alternately directs traffic to stop and permits it to proceed;

“traffic warden” means a traffic warden referred to in section 182;

“trailer” means a vehicle which is not self-propelled and which is designed or adapted to be drawn by a motor vehicle, but does not include a side-car attached to a motor cycle;

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

(a) for drawing other vehicles; and

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

but does not include a tractor;

“vehicle” means a device designed or adapted principally to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves exclusively on rails;

“verge” means that portion of a road, street or thoroughfare which is not the roadway.

## PART II

### REGISTERING AUTHORITY AND OFFICERS

#### [Ch6901s3]3. Appointment of Director of Road Traffic

There shall be appointed a Director of Road Traffic who shall, subject to the general or special directions of the Minister, exercise such powers and perform such duties as are conferred upon him by or in pursuance of this or any other Act.

#### [Ch6901s4]4. Appointment of officers

(1) For the purposes of this Act, the Director may, subject to this Act, delegate any of his duties to authorized officers.



(2) Each authorized officer shall be under the direction of the Director.

[Ch6901s5]5. Establishment of Committee for Road Traffic Law Enforcement

(1) The Minister shall, by notice published in the Gazette, establish a Committee for Road Traffic Law Enforcement consisting of members representing such organizations as shall be prescribed in the notice.

(2) The Committee referred to in subsection (1) shall advise the Minister with regard to any matter relating to road traffic law enforcement and shall perform such other functions assigned to it by the Minister.

[Ch6901s6]6. Determination and enforcement of national policy on road traffic law enforcement

(1) The Minister may determine the national policy to be followed in respect of road traffic law enforcement.

(2) The Minister may make regulations in relation to the policy referred to in subsection (1) and the enforcement thereof.

[Ch6901s7]7. Powers and duties of an examiner

(1) In addition to the powers and duties conferred upon him by or under this Act an examiner may, subject to the provisions of this Act or any other written law—

(a) require the driver of any vehicle to stop such vehicle and by notice in writing as prescribed, direct the owner, operator, driver or person in charge of any vehicle, wherever found, which in his opinion does not comply with the requirements for a certificate or fitness to produce such vehicle for inspection, examination or testing to an appropriately registered motor vehicle inspection station for such class of vehicle at a time and place specified in such notice;

(b) in respect of any motor vehicle, demand from the owner, operator or driver thereof the production of any document required from such person in respect of that motor vehicle in terms of this Act, or any like document issued by a competent authority outside Malawi;

(c) require from any instructor—

(i) where such instructor is engaged in teaching or instructing for gain another person in the driving of a motor vehicle, forthwith; or

(ii) where such instructor is not so engaged, within seven days,  
to produce evidence of his registration;

(d) examine any motor vehicle in order to satisfy himself whether it is the motor vehicle in respect of which a document referred to in paragraph (b) was issued;

(e) impound any document referred to in paragraph (b) which appears to be or which the officer has reasonable grounds to believe that it is invalid or which has been or appears to have been unlawfully altered or defaced or which is being put to unlawful use, and where any document is so impounded, the examiner shall issue a receipt in respect thereof to the person concerned;

(f) require the owner, operator, driver or person in charge of any vehicle forthwith to furnish his name and address, and give any other particulars required as to his identification, and where applicable, immediately to produce a professional driving permit;

(g) demand from any person immediately to produce a licence or any other document authorizing him to drive a motor vehicle, and to produce any other document which he is required to have in respect of any motor vehicle in terms of this Act;

(h) impound any licence or document produced to him in terms of paragraph (g) which in his opinion may afford evidence of a contravention of any provision of this Act, and where any licence or document is so impounded, the examiner shall issue a receipt in respect thereof to the person concerned;

(i) require any person, whether or not such person is in any vehicle, to furnish his name and address and to give any other particulars required as to identification, as well as such information as is within his power to furnish and which may lead to the identification of the owner, operator or driver of such vehicle;

(j) at any reasonable time, having regard to the circumstances of the case, on the production of a search warrant, and in the exercise of any power or the performance of any duty which in terms of this Act he is authorized or required to exercise or perform, enter any premises on which he has reason to believe that any vehicle is kept;

(k) if he is a motor vehicle examiner, inspect, examine and test or cause to be inspected, examined or tested any vehicle in order to determine whether it is roadworthy and for that purpose may dismantle the vehicle or any part thereof or its equipment or accessories:

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

(l) drive any vehicle when necessary in the performance of his duties, if in the case of a motor vehicle, he is licensed to drive a motor vehicle of the class concerned; and

(m) test any applicant for a learner's licence or driver's licence in the manner and in regard to the matters as prescribed, in order to determine whether such applicant is fit and competent to obtain a learner's licence or driver's licence for the class of vehicle for which he applies.

(2) No examiner shall test any applicant for a driver's licence under section 24 unless such examiner himself is licensed to drive a vehicle of the class for which the applicant applies to obtain a driver's licence.

[Ch6901s8]8. Powers and duties of a traffic police officer

A traffic police officer may, subject to the provisions of this Act and any other written law—

(a) exercise or perform all the powers or duties conferred upon an examiner in section 7 (1) except those referred to in paragraphs (k), (l) and (m) of that section;

(b) when in uniform, require the driver of any vehicle to stop such vehicle;

(c) on production of an identity card cause to be inspected, examined and tested at a motor vehicle inspection station, any part and the functioning of any vehicle and the equipment thereof, with a view to ascertaining whether such vehicle or the functioning thereof and the equipment comply with the provisions of this Act:

Provided that no such motor vehicle inspection station instructed by such officer to inspect, examine or test such vehicle shall, in the exercise of the authority hereby conferred upon it, permit any person to dismantle the mechanism or any working parts of any motor vehicle unless that person is a motor vehicle examiner or a licensed motor vehicle inspector and if he has so dismantled such vehicle, he shall reassemble the dismantled mechanism or parts unless he is requested by the person in charge of the vehicle not to do so;

(d) ascertain the dimensions of, the load on, or the mass, axle mass load or axle unit mass load of any vehicle or the mass of any combination of vehicles, laden or unladen, and, if necessary for the purpose of ascertaining such mass, require any vehicle or combination of vehicles to proceed to a weighbridge or mass measuring device, and if the mass of any vehicle or combination of vehicles exceeds the mass allowed under this Act, prohibit the operation of such vehicle or combination of vehicles on a public road until such mass has been reduced or adjusted to comply with this Act:

Provided that where the load on a vehicle includes any hazardous cargo, indivisible cargo, perishable cargo, or cargo for which a special overload permit has been issued, the reduction and handling of the mass should be undertaken as prescribed by this Act or any other written law;

(e) drive any vehicle when necessary in the performance of his duties if, in the case of any motor vehicle, he is licensed to drive a motor vehicle of the class concerned;

(f) if any person, being the driver or apparently in charge of a vehicle, appears to such officer, by reason of his physical or mental condition, howsoever arising, to be incapable for the time being of driving or being in charge of such vehicle, temporarily forbid such person to continue to drive or be in charge of such vehicle and make such arrangements for the safe disposal or placing of the vehicle as in his opinion may be necessary or desirable in the circumstances;

(g) regulate and control traffic upon any public road, and give such directions as may, in his opinion, be necessary for the safe and efficient regulation of the traffic and, where he is of the opinion that the driver of a motor vehicle is hampering or impeding the normal flow of traffic on a public road, direct the driver to remove the vehicle from such road and to follow another route;

(h) require any person to furnish his name and address and give any other particulars which are required for his identification or for any process if such officer reasonably suspects such person of having committed an offence under this Act or if in the opinion of such officer he is liable to give evidence in regard to the commission or suspected commission of any such offence;

(i) in respect of any motor vehicle, demand from the owner, operator or driver thereof to produce any document prescribed under this Act;

(j) impound any document referred to in paragraph (i) produced to him and which in his opinion may afford evidence of a contravention of or failure to comply with any provision of this Act, and where any document is so impounded, the traffic police officer shall issue a receipt therefore to the person concerned;

(k) require any professional driver or the operator or owner of any motor vehicle to produce for inspection and to have a copy made of—

(i) any record or document which that person is required under this Act to carry or have in his possession or which is required to be affixed to any such motor vehicle; or

(ii) any record which that person is required under this Act to preserve;

(l) at any time enter any motor vehicle of an operator and inspect such vehicle and any recording device installed therein for the purposes of Part V of this Act, and inspect and make a copy of any record regarding the vehicle which has been produced by such recording device;

(m) at any time enter upon any premises on which he has a reason to believe that a motor vehicle of an operator is kept or that any record or other document required to be kept under Part V of this Act are to be found, and inspect such vehicle, and inspect and copy any such record or document;

(n) if he has reason to believe that an offence under Part V of this Act has been committed in respect of any record or document inspect by him, impound that record or document, and where any document is so impounded, the traffic police officer shall issue a receipt therefor to the person concerned;

(o) inspect any motor vehicle or part thereof and impound any document issued in connexion with the registration and licensing of such motor vehicle which relates to such motor vehicle, where it is found that the engine or chassis number of such motor vehicle differs from the engine or chassis number as specified on the document, and direct that such motor vehicle be taken to any police station specified by such traffic police officer for police clearance, and may, after such clearance has been obtained, return the impounded document to any person who is entitled thereto, or notify the owner of the motor vehicle concerned that such vehicle must be re-registered, as the case may be;

(p) by means of an approved speed measuring device, detect and measure the speed of any vehicle moving on a public road; and

(q) by means of an approved device, administer a breath test to any driver of a vehicle or any person being the holder of a driver's licence occupying the seat next to a holder of a learner's licence while the holder of the learner's licence is or was driving a vehicle on a public road.

[Ch6901s9]9. Failure to comply with instruction or direction of an authorized officer

(1) No person shall—

(a) fail to comply with any instruction or direction given to him by an authorized officer or obstruct, hinder or interfere with any authorized officer in the exercise of any power or the performance of any duty under this Act;

(b) in order to compel any person referred to in paragraph (a) to perform or to abstain from performing any act in respect of the exercise of his powers or the performance of his duties, or on account of such person having performed or abstained from performing such an act, threaten or suggest the use of violence against or restraint upon such person or any of his relatives or dependants, or threaten or suggest any injury to the property of such person or of any of his relatives or dependants.

(2) Whenever the production of any document which is not required to be affixed to a vehicle or to be kept with him in a vehicle by any person is demanded under section 7 (b) or 8 (i), the production thereof at any police station or office set aside by a competent authority for use by a traffic police officer, within a period of seven days after being so demanded, shall be deemed to be sufficient compliance with the demand.

(3) Whenever any document is produced under subsection (2) at any police station or office referred to in that subsection, the officer-in-charge of such police station or office so set aside shall forthwith notify accordingly the officer who made the demand concerned and shall issue an acknowledgement of production of such document to the person producing it.

(4) Where a document is not produced under subsection (2) and any process is to be handed to or served upon a person under this Act and any other written law, an examiner or traffic police officer may require the imprint of the left thumb of the person to whom the process relates on such process, and such person shall be obliged to furnish such imprint in the manner and at the place or places on that document and copies thereof as directed by the examiner or traffic police officer concerned:

Provided that if it is not possible to obtain the left thumb print of such person, the imprint of any other finger may be required, in which case the finger thus used shall be identified in writing by the examiner or traffic police officer concerned under each imprint of such finger.

(5) Any person convicted of an offence under subsection (1) shall be liable to a fine not exceeding K5,000 or to imprisonment for a period not exceeding two years or both such fine and imprisonment.

[Ch6901s10]10. Impersonating authorized officer or inducing any such officer not to perform his duty

(1) No person shall, by word, conduct or demeanour, impersonate an authorized officer.

(2) No person shall connive with or induce or attempt to induce any authorized officer to omit to carry out his duty or to commit an act inconsistent with his duty.

(3) Any person convicted of an offence under subsection (1) or (2) shall be liable to a fine not exceeding K5,000 or to imprisonment for a period not exceeding two years or both such fine and imprisonment.

### PART III

#### REGISTRATION AND LICENSING OF MOTOR VEHICLES

##### [Ch6901s11]11. Registration and licensing of motor vehicles

(1) The Minister shall, by regulations published in the Gazette, prescribe the registration and licensing system of motor vehicles, including the structure and manner of implementing that system.

(2) No person shall operate on a public road any motor vehicle which is not registered and licensed under this Part.

##### [Ch6901s12]12. Previous registration deemed to be registration under this Act

Notwithstanding anything contained in section 11, any motor vehicle registered under the Act now repealed shall be deemed to be registered under this Act, and the registration mark assigned to such motor vehicle under the Act now repealed shall be deemed to have been assigned under this Act.

### PART IV

#### REGISTRATION AND LICENSING OF MANUFACTURERS, BUILDERS AND IMPORTERS

##### [Ch6901s13]13. Application for registration and registration of manufacturer, builder and importer

(1) Every manufacturer, builder or importer shall apply in the prescribed manner to the Director for registration as a manufacturer, builder or importer.

(2) If the Director is satisfied that an applicant referred to in subsection (1) complies with the qualifications for competency as prescribed for the specific category in respect of which the application is made, the Director shall register such applicant on the conditions and in the manner prescribed.

(3) The Director may alter the conditions referred to in subsection (2).

##### [Ch6901s14]14. Suspension and cancellation of registration of manufacturer, builder or importer

The Director may, upon giving reasons in writing, suspend for a stated period or cancel the registration of a manufacturer, builder or importer.

##### [Ch6901s15]15. Manufacturer, builder or importer to register motor vehicles

Every manufacturer, builder or importer of motor vehicles shall register in the prescribed manner every motor vehicle manufactured, built or imported by him before he distributes or sells such vehicle.

[Ch6901s16]16. Right of appeal to Minister

(1) Any person who is aggrieved by the refusal of the Director to register him as a manufacturer, builder or importer or at the suspension or cancellation of his registration as a manufacturer, builder or importer or at the conditions on which he is so registered may, within twenty-one days after such refusal, suspension or cancellation, or notification of the conditions on which he is so registered, appeal to the Minister against such refusal, suspension, cancellation or conditions in accordance with such procedure and upon payment of such fees as may be prescribed, and such person shall at the same time serve a copy of the appeal on the Director.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Director shall forthwith furnish the Minister with his reasons for the refusal, suspension, cancellation or conditions to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he may deem fit.

[Ch6901s17]17. Appointment of inspector of manufacturers, builders and importers

(1) The Minister shall designate a person, an authority or an organization as an inspector of manufacturers, builders and importers.

(2) The powers and duties of the inspector referred to in subsection (1) in relation to the registration and inspection of manufacturers, builders or importers and any motor vehicles manufactured, built or imported shall be as prescribed.

PART V

LICENSING OF DRIVERS, ISSUING PROFESSIONAL DRIVING PERMITS AND HOURS OF DRIVING

[Ch6901s18]18. Driver of motor vehicle to be licensed

(1) No person shall drive a motor vehicle, teach for gain the driving of motor vehicles or accompany a holder of a learner's licence on a public road except under the authority and in accordance with the conditions of a driver's licence issued to him under this Part or of any document deemed to be a licence for the purposes of this Part and unless he keeps such driver's licence or document or any other prescribed authorization with him in the vehicle.

(2) Subject to section 20, no person shall drive a motor vehicle on a public road under the authority of a learner's licence unless such person is accompanied by and is under the direct personal supervision of a person who is in possession of a driver's licence authorizing him to drive that class of vehicle and occupying the seat next to such holder of a learner's licence.

[Ch6901s19]19. Licence to drive

(1) A licence authorizing the driving of a motor vehicle shall be issued by the Director in accordance with the provisions of this Part and shall be either—

- (a) a learner's licence; or
- (b) a licence, to be known as a driver's licence,

and, except as otherwise provided in this Part, no person shall be examined or tested for the purpose of the issue to him of a driver's licence unless he is the holder of a learner's licence.

(2) A learner's licence, a driver's licence and a professional driving permit issued by the Director shall remain the property of the Government.

[Ch6901s20]20. Prescribing, classification and extent of learner's or driver's licence

Subject to the provisions of this Part—

- (a) the category of a learner's or driver's licence;
- (b) the class of motor vehicle to which each category of such licence relates;
- (c) the authority conveyed by such licence;
- (d) the period of validity of such licence;
- (e) the limitations to which the authority conveyed by such licence shall be subject; and
- (f) the form and content of such licence,

shall be as prescribed.

[Ch6901s21]21. Disqualification from obtaining or holding learner's or driver's licence

(1) A person shall be disqualified from obtaining or holding a learner's or driver's licence—

- (a) if he—

- (i) in the case of any licence for a motor cycle without a side-car having an engine with a cylinder capacity not exceeding 125 cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of "motor vehicle" is under the age of sixteen years;

- (ii) in the case of any licence for a motor vehicle, being a motor vehicle not of a class as referred to in subparagraph (i) and the gross vehicle mass of which does not exceed 3,500 kilograms or, where such motor vehicle is—



(A) a goods vehicle, the gross vehicle mass of which does not exceed 3,500 kilograms; or

(B) a combination of motor vehicles, the gross combination mass of which does not exceed 3,500 kilograms,

is under the age of eighteen years; or

(iii) in the case of any other licence, is under the age of twenty-one years;

(b) during any period in respect of which he has been declared by a competent authority to be disqualified from obtaining or holding a licence to drive a motor vehicle, while such disqualification remains in force;

(c) where a licence to drive a motor vehicle held by him has been suspended by a competent authority, while such suspension remains in force;

(d) where a licence to drive a motor vehicle held by him has been cancelled by a competent authority, while such cancellation remains in force;

(e) if such licence relates to a class of motor vehicle which he may already have driven under a licence held by him unless the applicant is obtaining a renewal of such licence;

(f) if he is suffering from one or other of the following diseases or disabilities—

(i) epilepsy;

(ii) sudden attacks of disabling giddiness or fainting due to hypertension or any other causes;

(iii) any form of mental illness to such an extent that it is necessary that he be detained, supervised, controlled and treated as a patient under the Mental Treatment Act; Cap. 34:02

(iv) any condition causing muscular incoordination;

(v) uncontrolled diabetes mellitus;

(vi) defective vision ascertained in accordance with a prescribed standard;

(vii) any other disease or physical defect which is likely to render him incapable of effectively driving and controlling a motor vehicle of the class to which such licence relates without endangering the safety of the public:

Provided that deafness shall not of itself be deemed to be such a defect;

(g) if, on the basis of expert medical evidence, he is addicted to the use of any drug having a narcotic effect or the excessive use of intoxicating liquor; or

(h) in such other circumstance as may be prescribed, either generally or in respect of a particular class of a learner's or driver's licence.

(2) The Director shall, before issuing a driver's or learner's licence, ensure that the person is not disqualified under paragraphs (f) and (g) of subsection (1), and for that purpose, the Director may administer a test in such a manner as he may deem fit.

(3) The Director may, if he deems it expedient and on such conditions as he may deem fit, declare that any person shall no longer be subject to any disqualification, suspension or cancellation referred to in subsection (1) (b), (c) or (d), respectively.

[Ch6901s22]22. Failure to disclose disqualification in respect of licence authorizing driving of motor vehicle

(1) No person shall, when applying for a learner's or driver's licence, wilfully fail to disclose any disqualification to which he is subject under section 21.

(2) Any person who—

(a) is the holder of a licence authorizing the driving of a motor vehicle under this Part; and

(b) becomes aware thereof that he is disqualified from holding such licence,

shall, within a period of seven days after having so become aware of the disqualification, surrender the licence to the Director.

(3) When a licence is surrendered under subsection (2) the Director shall cancel it:

Provided that the licence shall not be cancelled if the Director is satisfied that the holder thereof is competent to drive the class of motor vehicle concerned with the aid of corrective lenses, an artificial limb or any other physical aid, in which case the Director shall—

(a) endorse the licence accordingly and such endorsement shall be a condition subject to which the licence is held; and

(b) return the licence.

[Ch6901s23]23. Application for and issue of learner's licence

(1) A person desiring to obtain a learner's licence shall in person apply therefore in the prescribed manner to a designated driver's licence testing centre.

(2) An application made under subsection (1) shall be accompanied by the prescribed fees.

(3) Upon receipt of an application under subsection (1), the driver's licence testing centre concerned shall, if it is satisfied from the information furnished in the application or from such further information as such centre may reasonably request, that the applicant is not disqualified from obtaining

a learner's licence, examine and test the applicant for a learner's licence and in respect of the matters as prescribed.

(4) If the examiner is satisfied that the applicant has sufficient knowledge of the matters as prescribed in respect of the class of vehicle concerned, and is not disqualified under section 21 from obtaining a learner's licence, such examiner shall upon payment by the applicant of the prescribed fees issue or authorize the issue of a learner's licence to such applicant in respect of the appropriate class of motor vehicle.

(5) A person who wilfully or negligently issues or authorizes the issue of a learner's licence contrary to the provisions of this Part commits an offence.

(6) Any person convicted of an offence under subsection (5) shall be liable to a fine not exceeding K5,000 or to imprisonment for a period not exceeding two years or both such fine and such imprisonment.

[Ch6901s24]24. Application for and issue or renewal of driver's licence

(1) The holder of a—

(a) learner's licence who desires to obtain a driver's licence; or

(b) valid driver's licence who desires to obtain a renewal of a valid driver's licence,

shall apply in the prescribed manner to a designated driver's licence testing centre for a licence to drive a motor vehicle of a class the driving of which is authorized by his learner's licence or valid driver's licence as the case may be.

(2) An application under subsection (1) shall be accompanied by the prescribed fees.

(3) Upon receipt of an application under subsection (1), the driver's licence testing centre concerned shall, if it is satisfied from the information furnished in the application or from such further information as such centre may reasonably request, that the applicant is not disqualified from obtaining a driver's licence, determine a day on and time at which the applicant shall present himself to be examined by an examiner in the manner and on the matters as prescribed and for such purpose the applicant shall supply a motor vehicle of the class to which his application relates.

(4) An examiner shall test an applicant for a driver's licence in the manner and in respect of the matters as prescribed.

(5) If an examiner has satisfied himself under subsection (4) that an applicant for a driver's licence is competent to drive a motor vehicle of the class to which such applicant's application relates, such examiner shall upon payment by the applicant of the prescribed fees issue or authorize the issue of the driver's licence to such applicant in respect of such class of motor vehicle, and the examiner or the person authorized by him shall—

(a) in the case where the applicant has under subsection (3) provided a motor vehicle equipped with an automatic or semi-automatic transmission, endorse the driver's licence to the effect that authorization is granted only for the driving of a motor vehicle equipped with the automatic or semi-automatic transmission; and

(b) in the case where the applicant is found to be competent to drive with the aid of corrective lenses, an artificial limb or other physical aid, endorse the licence accordingly.

(6) A person who wilfully or negligently—

(a) issues a driver's licence;

(b) authorizes the issue of a driver's licence; or

(c) renews a driver's licence,

contrary to the provisions of this section, commits an offence.

(7) Any person convicted of an offence under subsection (6) shall be liable to a fine not exceeding K5,000 or to imprisonment for a period not exceeding two years or both such fine and imprisonment.

[Ch6901s25]25. Power of Director in respect of examination and testing of applicant for learner's or driver's licence

Notwithstanding anything to the contrary contained in this Act, the Director may, whenever he deems it expedient, direct where by which examiner an applicant for a learner's or driver's licence shall be examined and tested and at which driver's licence testing centre such applicant may apply for a learner's or driver's licence.

[Ch6901s26]26. Holders of licence to drive motor vehicle shall give notice of change of particulars

When the holder of a motor vehicle driver's licence which was issued under this Part has changed his place of residence permanently or his name he shall, within fourteen days after such change, notify the Director of his new residential and postal address or his new name as the case may be.

[Ch6901s27]27. Right of appeal to Director

(1) Any person who is aggrieved by the refusal of an examiner to issue or authorize the issue to him of a learner's or driver's licence may, within twenty-one days after such refusal, appeal to the Director in accordance with such procedure and upon payment of such fees as may be prescribed and such person shall at the same time serve a copy of the appeal on the examiner for drivers' licences concerned.

(2) After receipt of the copy of the appeal referred to in subsection (1), the examiner shall forthwith furnish the Director with his reasons for the refusal to which such appeal refers.

(3) For the purpose of deciding an appeal under subsection (1), the Director may appoint any person to examine and test the appellant as to his competency to drive the class of motor vehicle concerned and may, in addition, require each party to the appeal to furnish such information and evidence as he may deem expedient.

(4) The Director may after considering the appeal give such decisions as he may deem fit.

[Ch6901s28]28. When licence not issued in terms of this Act deemed to be driver's licence

(1) Subject to the provisions of subsection (2)—

(a) a licence authorizing the driving of a motor vehicle issued in a prescribed territory; and

(b) an international driving permit issued while the holder thereof was not permanently or ordinarily resident in Malawi,

shall, in respect of the class of motor vehicle to which that licence or permit relates and subject to the conditions thereof, be deemed to be a licence for the purposes of this Part:

Provided that if that licence is a provisional licence of any kind or an international driving permit, it shall not authorize the driving of a motor vehicle carrying passengers and for which a professional driving permit is required.

(2)(a) The period for which a licence referred to in subsection (1) (a) or an international driving permit referred to in subsection (1) (b) shall be deemed to be a licence for the purposes of this Part shall be as prescribed.

(b) The holder of a licence referred to in subsection (1) (a) or an international driving permit referred to in subsection (1) (b) may apply for a driver's licence to take the place of such licence or permit.

(3) An application under subsection (2) (b) shall be made in the prescribed manner to a designated driver's licence testing centre and shall be accompanied by the prescribed fee.

(4) On receipt of an application under subsection (2) (b), the driver's licence testing centre concerned shall issue to the applicant a driver's licence.

[Ch6901s29]29. Suspension or cancellation by Director of learner's or driver's licence

(1) Where the Director is of the opinion that the holder—

(a) of a learner's or driver's licence issued under this Part or the repealed Act is disqualified under section 21 from holding the licence, he shall cancel such licence; or

(b) of a licence referred to in paragraph (a) would constitute a source of danger to the public by driving a motor vehicle on a public road, he may cancel or suspend such licence.

(2) For the purposes of subsection (1) the Director may request the holder of the licence concerned to submit himself within such period as the Director may determine—

(a) to an examination and a test by one or more examiners nominated by the Director to determine his competency to drive a motor vehicle of the class to which his licence relates and for the purpose of such examination and test the holder of the licence concerned shall provide a motor vehicle of the class concerned:

Provided that the holder of the licence concerned may request that he be submitted to such examination and test to determine his competency to drive a motor vehicle—

- (i) of any other class of which the driving is authorized by his licence; or
- (ii) of a specific prescribed class,

and for the purpose of such examination and test he shall provide a motor vehicle of the class concerned;

(b) to an examination by a medical practitioner nominated by the Director to determine his physical and mental fitness to drive a motor vehicle; or

(c) to an examination and test referred to in paragraph (a) and an examination referred to in paragraph (b).

(3) Where the holder of the licence concerned is after the examination and test under subsection (2) (a) found to be competent to drive a motor vehicle of the class provided by him and is not disqualified under section 21, the Director may direct—

(a) that every licence authorizing the driving of a motor vehicle and of which he is the holder shall be cancelled; and

(b) that a driver's licence in respect of a motor vehicle of the class provided by him shall be issued to him free of charge and for the purpose the provisions of section 24 (5) (a) and (b) shall apply *mutatis mutandis*.

(4) The cost of any examination referred to in subsection (2) (b) shall be a charge against the holder of the licence concerned.

(5) Where a person fails to comply with a request under subsection (2), the Director may forthwith suspend or cancel, as the case may be, the licence concerned unless such person is able to satisfy the Director within a period determined by the Director that such failure was due to a reason beyond his control and that such licence should not be so suspended or cancelled.

(6) The suspension or cancellation of a licence under this section shall apply to any other learner's or driver's licence held by the holder of such suspended or cancelled licence and recognized under this Part as a valid licence, as the Director may determine.

(7) When a licence is cancelled or suspended under subsection (1) or is cancelled under subsection (3) (a), the holder thereof shall forthwith surrender the licence to the Director who shall effect an appropriate endorsement thereon and, in the case where the licence has been suspended—

- (a) retain the licence for the period of suspension; and
- (b) return the licence to the holder thereof upon the expiry of the period of suspension.

(8) The Director may, where he deems it expedient and on such conditions as he may deem fit, reinstate a licence suspended under this section.

(9) The Director may, where he deems it expedient and on such conditions as he may deem fit, authorize a person whose licence has been cancelled under this section to apply for a learner's and a driver's licence.

(10) A person whose learner's or driver's licence has been cancelled by any competent authority, shall be deemed to be unlicensed.

(11) Where any circumstance arises in relation to the holder of a motor vehicle driver's licence issued in a prescribed territory, which, would have disqualified such person as under section 21 from obtaining a driver's licence, or if such holder would, constitute a source of danger to the public by driving a motor vehicle on a public road, he may inform such person that such licence is of no force and effect within Malawi and from the date on which such person is so informed the licence shall cease to be in force within Malawi.

#### [Ch6901s30]30. Lapsing of endorsement on licence

(1) An endorsement pursuant to any order of a court effected upon any motor vehicle driver's licence under this Part shall lapse after the expiry of a period of three years from the date upon which such endorsement was made:

Provided that no other period of suspension of such licence shall be included in the calculation of the period of three years.

(2) Where, in relation to a driver's licence, all endorsements have lapsed under subsection (1), the Director may, upon application by the holder thereof in the prescribed manner and upon payment of the fees referred to in section 24 (2), issue to such holder a driver's licence free from any endorsements.

#### [Ch6901s31]31. Cancellation or amendment of endorsement on licence

(1) Where the holder of a licence—

- (a) authorizing the driving of a motor vehicle in Malawi; and

(b) on which an endorsement has been effected, is of the opinion that there are circumstances justifying the cancellation or amendment of such endorsement, he may apply to the Director for the cancellation or amendment of such endorsement.

(2) An application under subsection (1) shall be accompanied by—

- (a) the licence concerned;
- (b) a statement by the applicant setting forth the reasons for the application; and
- (c) the prescribed fees.

(3) Upon receipt of an application under subsection (1), the Director may, for the purpose of the consideration thereof—

- (a) require the applicant to submit such further statement or document; or
- (b) take such other steps,

as the Director may deem expedient.

(4) Where an application under subsection (1)—

(a) is refused by the Director, he shall notify the applicant accordingly and return the licence concerned to him; or

(b) is granted by the Director, he shall cancel the licence and issue or authorize the issue of a new licence without endorsement or reflecting the amended endorsement, as the case may be.

[Ch6901s32]32. Driving instructor to be licensed

(1) No person shall act as a driving instructor and teach for gain the driving of motor vehicles unless he is licensed under section 34.

(2) No person shall employ any other person as a driving instructor or make use of his services as a driving instructor unless such person is licensed as an instructor in terms of section 34.

[Ch6901s33]33. Application for driving instructor's licence

(1) A person desiring to be licensed as a driving instructor shall apply to the Director in the prescribed manner.

(2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

[Ch6901s34]34. Licence and classification of driving instructor



Where the Director is satisfied that an applicant referred to in section 33 fulfills the competency and classification qualifications pertaining to the specific category of the application, he shall license and classify such applicant.

[Ch6901s35]35. Suspension and cancellation of driving instructor's licence

The Director may suspend for such period as he may deem fit, or cancel, the licence of a driving instructor if such instructor—

- (a) is guilty of misconduct in the exercise of his powers or the performance of his duties; or
- (b) failed without reasonable cause to attend an appropriate refresher course at a training centre approved by the Minister within a prescribed period.

[Ch6901s36]36. Right of appeal to Minister

(1) Any person who is aggrieved by the refusal of the Director to licence him as a driving instructor or with the suspension or cancellation of his licence as a driving instructor may, within twenty-one days after such refusal, suspension or cancellation, appeal to the Minister against such refusal, suspension or cancellation in accordance with such procedure and upon payment of such fees as may be prescribed and such person shall at the same time serve a copy of the appeal on the Director.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Director shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he may deem fit.

[Ch6901s37]37. Driving School to be licensed

No person or organization shall act as a driving school unless he or it is licensed under section 39.

[Ch6901s38]38. Application for driving school licence

(1) A person or organization desiring to be licensed as a driving school shall apply to the Director.

(2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

[Ch6901s39]39. Licence and classification of driving schools

Where the Director is satisfied that an applicant referred to in section 38 fulfils the competency and classification qualifications as prescribed pertaining to the specific category of the application, he shall licence and classify such applicant.

[Ch6901s40]40. Suspension and cancellation of driving school licence

The Director may, upon giving reasons in writing, suspend for a stated period or cancel, the license of a driving school if such driving school—

- (a) is guilty of misconduct in the exercise of its powers or the performance of its duties; or
- (b) employs any person not licensed and classified under section 34 for the purpose of teaching for gain the driving of motor vehicles.

[Ch6901s41]41. Right of appeal to Minister

(1) Any person or organization aggrieved by the refusal of the Director to license him or it as a driving school or with the suspension or cancellation of his or its licence as a driving school may, within twenty-one days after such refusal, suspension or cancellation, appeal to the Minister against such refusal, suspension or cancellation in accordance with such procedure and upon payment of such fees as may be prescribed and such person or organization shall at the same time serve a copy of the appeal on the Director.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Director shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.

(3) The Minister may, make such decision on the appeal as he may deem fit.

[Ch6901s42]42. Learner's or driver's licence issued contrary to provisions of this part to be void

A learner's or driver's licence issued contrary to the provisions of this Part shall be void and upon the request of the Director, or a traffic police officer, as the case may be, the holder of such licence shall forthwith submit it to the Director, or such traffic police officer, as the case may be, who shall cancel the licence:

Provided that the traffic police officer may cancel such licence only with the prior approval of the Director.

[Ch6901s43]43. Use of learner's or drivers licence by another person prohibited

No person who is the holder of a learner's or driver's licence shall allow such licence to be used by any other person.

[Ch6901s44]44. Unlicensed driver not to be employed or permitted to drive motor vehicle

No person who is the owner or operator or is in charge or control of a motor vehicle shall employ or permit any other person to drive such vehicle on a public road unless such other person is licensed under this Part to drive the vehicle.

[Ch6901s45]45. Permit required by professional driver

(1) No person shall drive on a public road a motor vehicle in respect of which an operator is registered except in accordance with the conditions of a permit, to be known as a professional driving permit, issued to him under this Part and unless he keeps such permit with him in the vehicle:

Provided that the provisions of this subsection shall not apply to the holder of a learner's licence who drives such vehicle while he is accompanied by a person registered as a professional driver for such category of vehicle.

(2) Any document issued by a competent authority in any prescribed territory and serving in such territory a purpose similar to that of a professional driving permit shall, subject to the conditions thereof and to such conditions as may be prescribed, be deemed to be a professional driving permit for the purpose of subsection (1).

[Ch6901s46]46. Prescribing of classification and extent of professional driving permit

Subject to the provisions of this Part—

- (a) the categories of professional driving permits;
- (b) the authority conveyed by such permits;
- (c) the period of validity of such permits; and
- (d) the form and contents of such permits,

shall be as prescribed.

[Ch6901s47]47. Application for professional driving permit

(1) Any person desiring to obtain a professional driving permit shall, subject to the provisions of this Part, apply in the prescribed manner to a driving licence testing centre.

(2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

[Ch6901s48]48. Registration of professional driver

If the Director is satisfied that the applicant referred to in section 47 fulfils the prescribed requirements for the issue to him of a professional driving permit, he shall register such applicant as a professional driver.

[Ch6901s49]49. Issue of professional driving permit

After the Director has registered an applicant as a professional driver under section 48, the Director shall issue in the prescribed manner a professional driving permit to the applicant.

[Ch6901s50]50. Suspension or cancellation of professional driving permit by Director

(1) Where any circumstance arises in relation to the holder of a professional driving permit issued in Malawi which, in the opinion of the Director, would entitle him to refuse to issue a professional driving permit to such holder, or if such holder has been convicted of a second or subsequent offence which, in the opinion of the Director, relates to the driving of a motor vehicle or a failure to stop after or report an accident, the Director may, upon giving reasons in writing, suspend or cancel the professional driving permit held by such person and in such event the Director shall notify that person accordingly.

(2) If a suspension or cancellation is effected under subsection (1), the person concerned shall forthwith surrender the professional driving permit to the Director.

(3) After the expire of any period of suspension the Director shall upon request restore to the person entitled thereto the professional driving permit surrendered to him under subsection (2), if the validity thereof has not expired.

(4) Where any circumstance arises in relation to the holder of a professional driving permit or like document issued outside Malawi which, in the opinion of the Director, would have entitled him to refuse to issue a professional driving permit to such holder or if such holder has been convicted of a second or subsequent offence which, in the opinion of the Director, relates to the driving of a motor vehicle or a failure to stop after or report an accident, the Director may inform such person that such permit is of no force and effect within Malawi and from the date on which such person is so informed the permit shall cease to be in force within Malawi.

[Ch6901s51]51. Right of appeal to Minister

(1) Any person who is aggrieved by the refusal of the Director to issue him with a professional driving permit or the conditions subject to which a professional driving permit has been issued to him may, within twenty-one days after such refusal or such issuance, as the case may be, appeal to the Minister against any such refusal or conditions in accordance with such procedure and upon payment of such fees as may be prescribed and such person shall at the same time serve a copy of the appeal on the Director.

(2) On receipt of the copy of the appeal referred to in subsection (1), the Director shall forthwith furnish the Minister with his reasons for the refusal or the conditions of issuance to which such appeal relates.

(3) The Minister may, make such decision on the appeal as he may deem fit.

[Ch6901s52]52. Driver of motor vehicle in respect of which operator is registered to hold professional driving permit

No person who—

(a) is the owner or operator of or is in charge or control of a motor vehicle in respect of which an operator is registered shall employ or permit any driver to drive such vehicle on a public road

unless such driver is the holder of a professional driving permit where such permit is required under this Part for that purpose; or

(b) is the holder of a professional driving permit under this Part shall allow such permit to be used by any other person.

[Ch6901s53]53. Professional driving permit issued contrary to provisions of this Part to be void

Any professional driving permit issued contrary to the provisions of this Part shall be void, and the holder thereof shall, on demand by the Director or by a traffic police officer, surrender forthwith such permit to the Director or such traffic police officer.

[Ch6901s54]54. Drivers to comply with driving hours

(1) No driver of a motor vehicle for a class prescribed for the purposes of this subsection shall drive such motor vehicle on a public road for a period or periods of time exceeding the prescribed period or periods.

(2) No operator or person exercising control over a professional driver shall permit, induce, force or in any other way influence such driver to contravene the provisions of subsection (1).

[Ch6901s55]55. Certain classes of motor vehicles to contain recording device to measure time

(1) No person shall operate on a public road a motor vehicle of a class referred to in section 54 (1) unless such vehicle is fitted with a prescribed automatic, electronic, electrical or mechanical device for the purpose of recording the period of time for which such vehicle is being driven.

(2) The driver of a motor vehicle of class referred to in section 54 (1) shall, when driving such motor vehicle on a public road, use the recording device referred to in subsection (1).

[Ch6901s56]56. Duties of operator and driver of certain class of motor vehicle with regard to records

The duties of an operator and a driver of a motor vehicle of a class referred to in section 54 (1), in relation to the maintenance and preservation of records of driving hours produced by the recording device referred to in section 55 (1) shall be as prescribed.

[Ch6901s57]57. Records produced by recording device may be removed and analyzed

(1) In the event of a motor vehicle being involved in an accident, a traffic police officer may remove and analyze or cause to be removed and analyzed the records produced by a recording device referred to in section 55 (1) pertaining to that vehicle.

(2) A record produced by means of a recording device, shall prima facie be regarded as referring to the motor vehicle to which that recording device is attached and the information recorded by or in such recording device shall prima facie be deemed to be correct.

[Ch6901s58]58. Production of licence and permit to court

(1) Where any person is charged with any offence under this Act relating to the driving of a motor vehicle or a failure to stop after or report an accident, he shall produce every licence and permit of which he is the holder, or a duplicate thereof if he is not in possession of the original, to the court at the time of the hearing of the charge.

(2) For the purposes of this Part—

- (a) “licence” means a learner’s or driver’s licence; and
- (b) “permit” means a professional driving permit.

(3) No person referred to in subsection (1) shall fail, without reasonable excuse, to produce under that subsection every licence and permit of which he is the holder.

[Ch6901s59]59. Court may issue order for endorsement, suspension or cancellation of licence or permit disqualify person from obtaining licence or permit

(1) A court convicting a person of an offence under this Act relating to the driving of a motor vehicle or a failure to stop after or report an accident may, in addition to imposing a sentence, issue an order if the person convicted is—

(a) the holder of a licence, that particulars of the conviction, sentence and any other order of the court consequent thereupon be endorsed on such licence and the registrar or clerk of such court shall endorse such licence accordingly;

(b) the holder of a driver’s licence or of a learner’s licence and a permit that such driver’s licence or learner’s licence and permit be suspended for such period as the court may deem fit or that such licence or licence and permit be cancelled and any such order shall be endorsed on such licence as provided for in paragraph (a);

(c) the holder of a driver’s licence or of a learner’s licence and permit that such driver’s licence or learner’s licence and permit be cancelled and that the person convicted be disqualified from obtaining a driver’s licence or a learner’s licence and permit for any class of motor vehicle for such period as the court may deem fit and such order shall be endorsed on the licence as provided in paragraph (a); or

(d) not the holder of a driver’s licence or of a learner’s licence and permit declaring him to be disqualified from obtaining a driver’s licence or a learner’s licence and permit either indefinitely or for such period as the court may deem fit.

(2) The making of an endorsement under subsection (1) may be postponed by the court issuing the order until any appeal against the conviction or sentence or both has been disposed of.

[Ch6901s60]60 On conviction of certain offences licence and permit shall be suspended for minimum period and learner’s or driver’s licence cannot be obtained

(1) The driver's licence or the learner's licence and permit of any person convicted of an offence referred to in—

- (a) section 124 (1) (a), (b) or (c), in the case of injury to a person;
  - (b) section 126 (1), if the court found that the offence was committed by driving recklessly;
- or
- (c) section 128 (1) or (2), shall be suspended in the case of—
    - (i) a first offence, for a period of at least six months;
    - (ii) a second offence, for a period of at least one year; or
    - (iii) a third or subsequent offence, for a period of at least five years.

(2) A court convicting any person of an offence referred to in subsection (1) shall bring the provisions of subsection (1) to the notice of such person.

(3) The provisions of section 61 shall apply mutatis mutandis to the suspension of a driver's licence or a learner's licence and permit under this section.

[Ch6901s61]61. Procedure subsequent to endorsement, suspension or cancellation of licence or permit

(1) Where a court has issued an order that a licence be endorsed or that such licence or any permit be suspended or cancelled the court shall advise the Director of the conviction and sentence of the person concerned.

(2) Where the court has issued an order that a licence, or a permit be cancelled the court shall transmit such licence or permit to the Director.

(3) A licence or a permit which has been suspended as a result of an order of the court shall, after it has been endorsed accordingly by the court concerned, be transmitted to the Director who shall return such licence to the person entitled thereto after the period of suspension has lapsed.

(4) Whenever a licence is endorsed, or a licence and permit are suspended or cancelled under a court order, the endorsement, suspension or cancellation shall apply to every other licence and permit, as the case may be, held by the person concerned and every such other licence or permit shall be endorsed accordingly by the court and thereafter returned to the person entitled thereto:

Provided that if such other licence or permit—

- (a) is suspended, that licence or permit shall be transmitted to the Director who shall return such licence to the person entitled thereto after the period of suspension has lapsed; or
- (b) is cancelled, that licence and permit shall be transmitted by the court to the Director.

PART VI

## FITNESS OF VEHICLES

### [Ch6901s62]62. Motor vehicle inspection station to be registered

(1) No person or organization shall operate a motor vehicle inspection station after a date to be determined by the Minister by notice in the Gazette, unless such station is registered and classified under this Part.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K5,000 or to imprisonment for a period not exceeding two years or both such fine and imprisonment.

### [Ch6901s63]63. Application for registration of motor vehicle inspection station

(1) Any person or organization desiring to operate a motor vehicle inspection station shall apply to the Director for the registration and classification of such station.

(2) An application made under subsection (1) shall be accompanied by the prescribed fees.

### [Ch6901s64]64. Registration and classification of motor vehicle inspection station

Where upon receipt of an application referred to in section 63 the Director is satisfied that with regard to the motor vehicle inspection station concerned the prescribed requirements for registration of such a motor vehicle inspection station have been met, the Director shall register and classify the station upon the conditions and in the manner as may be prescribed and shall give notice of such registration and classification in the Gazette.

### [Ch6901s65]65. Persons empowered to examine vehicles exempted from liability for damage

No person who is empowered under this Act to examine, inspect or to order the examination or inspection of or to issue any other directions concerning any vehicle under this Act shall be liable for the loss of any such vehicle or the contents thereof or for any damage caused to any such vehicles or the contents thereof resulting from any action taken by such person in good faith and without negligence and in the intended exercise of any such powers.

### [Ch6901s66]66. Suspension or cancellation of registration of motor vehicle inspection station

The Director may, if in his opinion a registered motor vehicle inspection station no longer complies with the requirements referred to in section 64, suspend for such period as he may deem fit or cancel the registration of a motor vehicle inspection station.

### [Ch6901s67]67. Right of appeal to Minister

(1) A person or organization who or which is aggrieved by the refusal of the Director to register him or it as a motor vehicle inspection station or at the suspension or cancellation of his or its registration as a motor vehicle inspection station may, within twenty-one days after such refusal, suspension or cancellation, appeal to the Minister against such refusal, suspension or cancellation in



accordance with such procedure and upon payment of such fees as may be prescribed and such appellant shall at the same time serve a copy of the appeal on the Director.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Director shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.

(3) The Minister may, make such decision on the appeal as he may deem fit.

[Ch6901s68]68. Appointment of inspector of motor vehicle inspection stations

(1) The Minister shall designate a person or organization as an inspector of motor vehicle inspection stations.

(2) The powers and duties of the inspector of motor vehicle inspection stations in relation to the inspection and the control of standards, classification and functioning of motor vehicle inspection stations shall be as prescribed.

(3) The Minister may, in order to defray the expenditure incurred by or on behalf of the inspector for the purposes of performing its functions, prescribe fees to be paid in respect of every vehicle inspection conducted or test carried out under section 71.

[Ch6901s69]69. Certificate of fitness required in respect of motor vehicle

(1) No person shall on a public road operate a motor vehicle which is not in a roadworthy condition.

(2) No person shall operate a motor vehicle on a public road unless the requirements in respect of the certificate of fitness referred to in subsection (3) pertaining to such motor vehicle are complied with and except in accordance with the conditions of such a certificate of fitness.

(3) Subject to the provisions of this Part—

(a) the categories of certificates of fitness;

(b) the classes in which motor vehicles are classified for the purposes of prescribing the requirements relating to roadworthiness and the requirements for the certificate of fitness applicable to each class of motor vehicle; and

(c) the period of validity of certificate of fitness, shall be as prescribed.

(4) Any document issued by a competent authority in a prescribed territory and serving a similar purpose to that of a certificate of fitness under this Act shall be deemed to be a certificate of fitness for the purposes of subsection (2).

[Ch6901s70]70. Application for certificate of fitness

(1) Any person desiring to obtain a certificate of fitness as referred to in section 69 shall present the motor vehicle to a registered motor vehicle inspection station authorized to inspect the class of motor vehicle presented.

(2) The presentation of the motor vehicle made under subsection (1) shall be accompanied by the prescribed fees.

[Ch6901s71]71. Examination of motor vehicle and issue of certificate of fitness

(1) Upon presentation of the motor vehicle referred to in section 70, a motor vehicle examiner or a licensed motor vehicle inspector shall test and examine the motor vehicle concerned in the manner and in respect of the features as prescribed.

(2) If the motor vehicle examiner or licensed motor vehicle inspector, after the examination and testing of such motor vehicle—

(a) is satisfied that the vehicle is roadworthy, he shall, upon payment by the applicant of the prescribed fees, affix to such motor vehicle a certificate of fitness and the issuer of such certificate shall submit a copy thereof to the Director; or

(b) is not so satisfied, he shall affix to such motor vehicle in the prescribed manner a rejection notice indicating the number of days, after the date of such examination and testing, the applicant has to remedy any defect in such vehicle, and if the motor vehicle examiner or motor vehicle inspector is thereafter so satisfied, he shall act under paragraph (a).

(3) Notwithstanding the provisions of subsection (1), a motor vehicle examiner or a licensed motor vehicle inspector authorized in writing by a motor vehicle inspection station may, at any time before the motor vehicle which is being or has been examined and tested with a view to the issue of a certificate of fitness in respect thereof under the subsection, is returned to the applicant, re-examine that motor vehicle and for that purpose—

(a) he shall be deemed to be the motor vehicle examiner or motor vehicle inspector referred to in subsection (1); and

(b) any prior action taken in respect of that vehicle under subsections (1) and (2) shall be of no force and effect.

(4) No person shall wilfully or negligently issue or authorize the issue of a certificate of fitness which is materially incorrect, or issue or authorize the issue of such certificate of fitness in respect of a motor vehicle which does not comply with the prescribed requirements.

(5) No person shall remove or replace the components of a vehicle in respect of which a certificate of fitness was issued, except in the normal course of maintenance or use of such vehicle.

(6) Any person who contravenes subsections (4) and (5) shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K10,000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

[Ch6901s72]72. Prohibition against licensing of unroadworthy vehicle

A motor vehicle which does not comply with the requirements referred to in section 69 (3) (b) shall not be licensed or relicensed.

[Ch6901s73]73. Prohibition against holding of more than one certificate of fitness in respect of the same motor vehicle

No person shall in respect of the same motor vehicle hold more than one valid certificate of fitness at any one time.

[Ch6901s74]74. Certificate of fitness to be affixed to motor vehicle

(1) Subject to the provisions of subsections (2) and (3), no person shall operate or permit to be operated on a public road a motor vehicle of a prescribed class—

- (a) unless a certificate of fitness is affixed thereto; or
- (b) if a certificate of fitness—
  - (i) the period of validity of which has expired; or
  - (ii) which does not relate to such vehicle is affixed thereto.

(2) A certificate of fitness issued by a competent authority in a prescribed territory and the purpose of which is similar to that of a certificate of fitness shall, for the purposes of subsection (1), be deemed to be a certificate of fitness.

(3) Where a document the purpose of which is similar to that of a certificate of fitness has been issued by a competent authority in any prescribed territory in respect of a motor vehicle, but no certificate of fitness is required to be affixed to such vehicle in terms of a law of the territory concerned, the provisions of subsection (1) (a) shall not apply to such motor vehicle during the period of validity of such document.

(4) A document referred to in subsection (3) shall, during the period of validity thereof, at all times be in or on the motor vehicle concerned while it is operated on a public road in Malawi.

[Ch6901s75]75. Authority conveyed by certificate of fitness subject to provisions of this Act

The conditions of a certificate of fitness relating to a motor vehicle and the authority conveyed thereby shall not be construed as derogating from any provisions of this Act and in the event of any inconsistency between the conditions of such certificate of fitness and any provisions of this Act, the latter shall prevail.

[Ch6901s76]76. Effect of alteration of motor vehicle on certificate of fitness

(1) A certificate of fitness in respect of a motor vehicle shall become void where such motor vehicle is altered in such a manner that—

- (a) the certificate no longer correctly describes the motor vehicle; or
- (b) such alteration affects the conditions of that certificate of fitness.

(2) Within seven days after a certificate of fitness became void in terms of subsection (1), the holder of such certificate of fitness shall present the motor vehicle to which such certificate of fitness is affixed for examination and testing under section 70.

[Ch6901s77]77. Right of appeal to Director

(1) Any person who is aggrieved at the refusal of a motor vehicle examiner or a motor vehicle inspection station to issue a certificate of fitness in respect of a motor vehicle or at the conditions subject to which such certificate was issued to him may, within twenty-one days after such refusal or after the issue of the certificate subject to the conditions concerned, appeal against any such refusal or conditions concerned to the Director in accordance with such procedure and upon payment of such fees as may be prescribed and such person shall at the same time serve a copy of the appeal on the motor vehicle examiner or the motor vehicle inspection station concerned.

(2) After receipt of the copy of the appeal referred to in subsection (1), the motor vehicle examiner or motor vehicle inspection station concerned shall forthwith furnish the Director with his or its reasons for the decision to which such appeal relates.

(3) For the purpose of deciding an appeal under subsection (1), the Director may—

(a) where the appeal concerns a certificate of fitness, cause the motor vehicle concerned to be examined and tested by a motor vehicle examiner or motor vehicle inspection station nominated by him; and

(b) require each party to the appeal to furnish such information and evidence as the Director may deem necessary.

(4) The Director may, make such decision as he may deem fit.

[Ch6901s78]78. Voidness of certificate of fitness issued contrary to provisions of this Part

Any certificate of fitness issued contrary to the provisions of this Part shall be void and the holder thereof shall, on demand by the motor vehicle inspection station which issued such certificate of fitness, an examiner or by a traffic police officer, forthwith surrender such certificate of fitness to such motor vehicle inspection station, examiner or traffic police officer.

[Ch6901s79]79. Suspension or cancellation of certificate of fitness by Director

(1) Where the holder of a certificate of fitness issued in Malawi is convicted of a second or subsequent offence which, relates to the roadworthiness of a motor vehicle or to such certificate of fitness the Director may suspend, for such period as he may determine, or cancel such certificate of fitness.

(2) Where the Director suspends or cancels a certificate of fitness under subsection (1), he shall detain the motor vehicle and make arrangements with a reputable garage to have the faults repaired and the garage shall make an undertaking not to release the motor vehicle until the Director has inspected it and is satisfied that it is fit. All the expenses in respect of the vehicle shall be borne by the owner of the motor vehicle.

(3) The Director shall notify the motor vehicle inspection station concerned of every certificate of fitness suspended or cancelled under subsection (1).

(4) Upon the expire of the period of suspension referred to in subsection (1), the Director shall, upon request, authorize a new examination for a certificate of fitness by a motor vehicle examiner or a motor vehicle inspection station.

(5) No person shall, without the consent of the Director obtain a certificate of fitness for a motor vehicle during the period in which a certificate of fitness of which he was the holder is suspended or has been cancelled under subsection (1).

(6) Where the holder of—

(a) a document serving a similar purpose to that of a certificate of fitness; or

(b) a certificate affixed to a motor vehicle with a similar purpose to that of a certificate of fitness, issued in a prescribed territory,

is convicted of a second or subsequent offence which, in the opinion of the Director, relates to the roadworthiness of a motor vehicle or to such a document or certificate, the Director may inform that person that every such document or certificate held by him is no longer in force within Malawi, and from the date on which that person is so informed, every such document or certificate shall cease to be in force within Malawi.

#### [Ch6901s80]80. Notice to discontinue operation of motor vehicle

(1) Where a motor vehicle is not roadworthy, a traffic police officer or a motor vehicle examiner may, by notice in the prescribed form served on the driver, owner or operator of such vehicle, direct that such vehicle shall not be operated on a public road or that such motor vehicle shall only be operated under specified conditions.

(2) The manner in which and circumstances under which such traffic police officer or motor vehicle examiner may issue a notice referred to in subsection (1) and the further steps which shall or may be taken in respect of the vehicle concerned, shall be as prescribed.

## PART VII

### OPERATOR FITNESS

#### [Ch6901s81]81. Registration of operator

(1) The owner of a motor vehicle of a class which is prescribed for the purposes of the application of this Part shall be the operator of such motor vehicle and shall be registered as such under subsection (4).

(2) The owner of a motor vehicle referred to in subsection (1) shall, upon payment of the prescribed fees—

(a) upon the licensing of such motor vehicle under Part III make known; or

(b) within twenty-one days—

(i) after the conclusion or amendment of an agreement;

or

(ii) after the vehicle became a vehicle of a class referred to in subsection (1), notify the Director,

which person, hereinafter referred to as the designated person, is to be registered as the operator of such motor vehicle.

(3) The owner of any motor vehicle registered in a foreign state shall, unless he is deemed to be the holder of a road service permit under section 82 (3), before entering Malawi with such vehicle, upon payment of the prescribed fee, notify the Director which designated person shall be registered as the operator of such vehicle.

(4) The Director shall, if satisfied that the designated person should be registered as the operator, register such person as the operator of the motor vehicle concerned.

#### [Ch6901s82]82. Issue of road service permit

(1) The Director shall provide and issue, in respect of each motor vehicle referred to in section 81 (1) a road service permit upon payment of the prescribed fee, to the operator concerned.

(2) The categories, period of validity, form and contents of a road service permit shall be as prescribed.

(3) Any document issued by a competent authority in a prescribed territory and serving in such territory a purpose similar to that of a road service permit shall, subject to the conditions thereof and to such conditions as may be prescribed, be deemed to be a road service permit for the purposes of subsection (1).

(4) Where any circumstance arises in relation to the holder of a road service permit referred to in subsection (3), which in the opinion of the Director would have entitled him to act under section 86 if such permit was issued in Malawi, the Director may inform such holder that such permit is of no force and effect within Malawi, and from the date on which such person is so informed such permit shall cease to be in force within Malawi.

[Ch6901s83]83. Road service permit to be displayed on motor vehicle

No person shall operate a motor vehicle of any class referred to in section 81 (1) on a public road unless a valid road service permit is displayed on such motor vehicle.

[Ch6901s84]84. Proof of certain facts

(1) If in any prosecution the question arises as to who is the operator of a motor vehicle, an imprint or copy of or an extract from a road service permit certified by a road traffic examiner or a traffic police officer to be true shall upon production thereof be prima facie proof that the person whose name appears as operator on such permit was the operator of such vehicle at the time when the offence was committed.

(2) No person shall under subsection (1) certify any imprint, copy or extract to be true, knowing that it is not a true imprint, copy or extract.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K10,000 or to imprisonment for a period not exceeding three years or to both such fine and imprisonment.

[Ch6901s85]85. Duties of operator

The operator of a motor vehicle shall—

- (a) notify, within seven days—
  - (i) the owner, if applicable, of such motor vehicle; and
  - (ii) the Director,

of any change in the circumstances pertaining to his registration as the operator of such motor vehicle and return the road service permit in respect of that motor vehicle to the Director;

(b) keep safe and protect from theft a road service permit issued to him and if any such permit is lost, stolen or destroyed he shall notify the nearest police station within twenty-four hours and the Director within seven days after having become aware of such loss that he should have been aware of such loss, theft or destruction or after it could reasonably be expected that he should have been aware of such loss, theft or destruction, whichever event occurred first;

(c) exercise proper control over the driver of such motor vehicle to ensure the compliance by such driver with all the provisions of this Act, in particular the provisions regarding—

- (i) the driving hours referred to in section 54;
- (ii) the requirements in respect of the professional driving permit referred to in section 45; and
- (iii) the loading of vehicles;
- (d) ensure that such motor vehicle complies with fitness requirements;
- (e) conduct his operations with due care to the safety of the public;
- (f) if hazardous substances are conveyed, ensure that all requirements for the conveyance of such substances are complied with; and
- (g) take all reasonable measures to ensure that such motor vehicle is used on a public road in compliance with the provisions for the loading and transportation of passengers and goods.

[Ch6901s86]86. Power of Director in respect of motor vehicle, drivers and activities of operators

(1) The Director may, on account of any evidence as to the state of fitness of a motor vehicle in respect of which an operator is produced to him under subsection (4), by written notice—

- (a) notify such operator that such motor vehicle is suspected of being unroadworthy and that the operator should forthwith take adequate steps to ensure its continued roadworthiness;
- (b) demand from such operator to indicate in writing what precautions he has taken to ensure the continued roadworthiness of his motor vehicle;
- (c) direct such operator to produce such motor vehicle for inspection, examination or testing at a time and place to be specified in such notice; and
- (d) suspend the road service permit issued in respect of the motor vehicle, if such motor vehicle has been examined or tested under paragraph (c) and found to be unroadworthy for such period as such motor vehicle is so unroadworthy.

(2) The Director may, on account of the record of a driver of a motor vehicle for which an operator is registered, by written notice—

- (a) inform such operator if the Director has reasonable grounds to believe that he does not exercise proper control over the drivers under his authority as required under section 85;
- (b) demand from such operator to indicate in writing what precautions he has taken in order to ensure proper control over drivers under his authority;
- (c) demand such operator to produce for examination the records relating to drivers which an operator is required to keep under this Act; and
- (d) direct that the driver concerned be retested under section 29 (2).



(3) The Director may, if the record of an operator indicates that such operator does not comply with the provisions of this Act, by written notice—

- (a) direct such operator to fulfil the duties conferred on him under section 85;
- (b) appoint a person whom he deems fit, to investigate the activities or specific activities of such operator and direct the person so appointed to make a written recommendation to him as to what measures should be taken in respect of such operator;
- (c) direct such operator to appear before him or before any other person appointed by him, in order to furnish reasons for his failure to fulfil the duties conferred on him under section 85; and
- (d) notify such operator—
  - (i) that a road service permit shall only be issued to him on such conditions as the Director may deem fit;
  - (ii) that no further road service permit shall be issued to him for such period as the Director may specify in the notice; or
  - (iii) that the road service permit or permits pertaining to such motor vehicle or motor vehicles as the Director may determine in respect of which he is registered as the operator is or are suspended until the Director is satisfied that the grounds for such suspension no longer exist:

Provided that—

- (A) the period of any suspension under subparagraph (iii) shall not exceed twelve months;
- (B) any decision by the Director under this paragraph shall only be taken on the basis of a recommendation by a person appointed under paragraph (b); and
- (C) the Director shall within twenty-one days after the date of the notice, in writing furnish such operator with the reasons for his decision.

(4) The Director may, in the exercise of his powers under this section—

- (a) demand from any operator to make discovery of documents by way of affidavit or by answering interrogatories on oath and to produce such documents for inspection;
- (b) demand from any operator to allow inspection of any records and documents related to any vehicle required to be kept by an operator under this Act;
- (c) at any time require that an inquiry be instituted into the operational activities of an operator by a person appointed by him for that purpose and, if such operator is a company, also into any other company in a group of companies of which the operator is the controlling company.

(5) The Director may, if he has reasonable grounds to believe that any person registered as the operator of a motor vehicle is not the bona fide operator of such vehicle, demand proof from the owner of the vehicle.

[Ch6901s87]87. Appeal to Minister

(1) Any person who feels aggrieved by the refusal of the Director to register him as an operator or by a decision of the Director under section 86 (3) (d) may, within twenty-one days after having received notice of such refusal or decision, appeal against such refusal or decision, as the case may be, to the Minister in accordance with such procedure and upon payment of such fees as may be prescribed, and such person shall at the same time serve a copy of the appeal on the Director.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Director shall forthwith furnish the Minister with his reasons for the refusal or decision, as the case may be, to which the appeal refers.

(3) The Minister may, make such decision on the appeal as he may deem fit.

[Ch6901s88]88. Act or omission of manager, agent or employee of operator

(1) Whenever any manager, agent or employee of an operator commits an act or omission and it would have constituted an offence under this Act if an operator had committed the act or failed to commit the act then such operator, unless he proves—

- (a) that he did not connive at or permit such act or omission;
- (b) that he took all reasonable measures to prevent an act or omission of the nature in question; and
- (c) that an act or omission of the nature of the act or omission charged did not under any circumstances fall within the scope of the authority of the employment of such manager, agent or employee,

shall be deemed himself to have committed or failed to commit such act and be liable to be convicted and sentenced in respect thereof, and for the purposes of paragraph (b) the fact that the operator forbade an act or omission of the nature in question, shall not by itself be regarded as sufficient proof that he took all reasonable measures to prevent such act or omission.

(2) Whenever any manager, agent or employee of an operator commits an act or omission which would constitute an offence under this Act if such operator had committed the act or omission, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he were such operator.

PART VIII

ROAD TRAFFIC SIGNS, GENERAL SPEED LIMIT AND PARKING FEES

[Ch6901s89]89. Minister to prescribe road traffic signs

(1) The Minister may, subject to the provisions of this Act and for the purpose of prohibiting, limiting, regulating or controlling traffic in general or any particular class of traffic on a public road or a section of such road or for the purpose of designating any public road or section thereof as a public road of a particular class, prescribe such signs, signals, markings or other devices, to be known as road traffic signs, as he may deem expedient, as well as their significance and the conditions and circumstances under which any road traffic sign may be displayed on a public road.

(2) The Minister may, subject to such conditions as he may deem expedient, authorize any person or body to display on a public road any sign, signal, marking or other device for the purpose of ascertaining the suitability of such sign, signal or device as a road traffic sign.

[Ch6901s90]90. Authority to display road traffic sign

(1) The Minister may, in respect of any public road, cause or permit to be displayed such road traffic signs as he may deem expedient.

(2) Subject to and in conformity with such general or other directions as may be given by the Minister, a highway authority, or any person authorized by it either generally or specifically, may in respect of any public road, cause or permit to be displayed in the prescribed manner such road traffic signs as it or he may deem expedient.

(3) A local authority may, in respect of any public road within the area of jurisdiction of that local authority, display or cause to be displayed such road traffic signs as such local authority may deem expedient.

(4) Subject to such conditions as may be determined by the National Road Safety Council of Malawi established under the National Road Safety Council of Malawi Act, scholars or students may be organized into patrols, to be known as scholars' patrols, for the purpose of displaying an appropriate road traffic sign so as to ensure the safety of scholars or students crossing a public road. Cap. 69:06

(5) The highway authority may authorize any association or club to display such road traffic signs, subject to such conditions as the highway authority may deem expedient, and any such association or club may thereupon display a badge or other token of the association or club in conjunction with any such road traffic sign.

(6) A railway administration may in respect of any railway level crossing on any public road for which the railway administration is responsible, cause or permit to be displayed, such road traffic signs as the railway administration may deem expedient.

(7) Notwithstanding the provisions of subsections (3) and (6), the highway authority may direct that any road traffic sign be displayed or removed by a local authority on or along any public road in the area of such local authority, or by the railway administration on or along any railway level crossing over a public road for which the railway administration is responsible and if the local authority or the railway

administration fails to comply with the direction, the highway authority may cause such sign to be displayed or removed, as the case may be, and the highway authority shall recover the cost of such display or removal from the local authority or from the railway administration, as the case may be.

(8) Any road traffic sign displayed under the repealed Act and which complies with a road traffic sign referred to in section 89, shall be deemed to be displayed under this Act.

(9) No person shall display any road traffic sign on a public road without having been authorized under this Act.

(10) The highway authority or a local authority may, by notice in writing, direct the owner or occupier of any land on which any road traffic sign or other object resembling a road traffic sign is displayed, or on which any object is displayed which obscures or interferes with the effectiveness of any road traffic sign, to remove such sign or object within a period stated in the notice, and if the owner or occupier concerned fails to comply with the notice the highway authority or local authority may cause such sign or other object to be removed.

(11) Any person who wilfully or negligently removes or damages any road traffic sign or alters the position thereof or the inscription, lettering, colour or design thereof or thereon shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K5,000 or to imprisonment not exceeding one year; for a second offence shall be liable to a fine not exceeding K10,000 or to imprisonment not exceeding two years and for subsequent offence shall be liable to four years imprisonment without an option of a fine.

[Ch6901s91]91. Failure to obey road traffic sign

(1) Subject to the provisions of subsection (3), any person who shall, unless otherwise directed by a traffic police officer, fail to comply with any direction conveyed by a road traffic sign commits an offence.

(2) In any prosecution for a contravention of or a failure to comply with the provisions of subsection (1), it shall be presumed, until the contrary is proved, that the road traffic sign concerned was displayed by the proper authority pursuant to the powers granted by this Act.

(3) The driver of a vehicle belonging to—

- (a) the Director's Department;
- (b) a fire-fighting organization;
- (c) a rescue organization or a hospital; or
- (d) a traffic police department,

who drives a vehicle in the execution of his duties, may disregard the directions of a road traffic sign:

Provided that—

(a) he shall drive the vehicle with due regard to the safety of other traffic; and

(b) in the case of a vehicle belonging to the Director's Department, a fire-fighting vehicle, a rescue vehicle, an ambulance, a police vehicle or a vehicle driven by a person while he is engaged in civil protection such vehicle shall be fitted with a device capable of emitting a sound or with a bell and with an identification lamp and such device or bell shall be constantly sounded and such lamp shall be in operation while the vehicle is driven in disregard of the road traffic sign.

[Ch6901s92]92. Speed limit

(1) The general speed limit—

(a) in respect of every public road or section thereof situated within an urban area;

(b) in respect of every public road or section thereof situated outside an urban area; and

(c) in respect of every freeway, shall be as prescribed.

(2) An appropriate road traffic sign may be displayed on any public road indicating a speed limit other than the general speed limit which under subsection (1) applies in respect of that road:

Provided that such other speed limit shall not be higher than the speed limit prescribed under subsection (1) (c).

(3) The Minister may, after consultation with the Director, in respect of any particular class of vehicle prescribe a speed limit which is lower or higher than the general speed limit prescribed under subsection (1) (b) or (c).

(4) No person shall drive a vehicle on a public road at a speed in excess of—

(a) the general speed limit which under subsection (1) applies in respect of that road;

(b) the speed limit indicated under subsection (2) by an appropriate road traffic sign in respect of that road; or

(c) the speed limit prescribed by the Minister under subsection (3) in respect of that class of vehicle concerned.

[Ch6901s93]93. Certain drivers may exceed general speed limit

Notwithstanding the provisions of section 92, the driver of a vehicle belonging to—

(a) the Director's Department;

(b) a fire-fighting organization;

(c) a rescue organization or hospital; or

- (d) a traffic police department,

who drives a vehicle in the execution of his duties may exceed the applicable general speed limit:

Provided that—

- (a) he shall drive the vehicle concerned with due regard to the safety of other traffic; and
- (b) in the case of a vehicle belonging to—
  - (i) the Director's Department;
  - (ii) a fire-fighting organization;
  - (iii) a rescue organization or hospital;
  - (iv) a traffic police department, or a vehicle driven by a person while he is engaged in civil protection,

such vehicle shall be fitted with a device capable of emitting a sound or with a bell and with an identification lamp, as prescribed, and such device or bell shall be constantly sounded and such lamp shall be in operation while the vehicle is driven in excess of the applicable general speed limit.

[Ch6901s94]94. Certain classes of motor vehicles to contain recording device to measure speed

(1) No person shall operate on a public road a motor vehicle of a prescribed class unless such vehicle is fitted with a prescribed automatic, electronic, electric or mechanical recording device to record the speed at which such motor vehicle is being driven.

(2) The driver of a motor vehicle of a class referred to in subsection (1) shall, when driving such motor vehicle on a public road, use the recording device referred to in subsection (1).

[Ch6901s95]95. Power of local authority to collect parking fees

(1) A local authority may charge fees in respect of the parking of vehicles on any public road or section thereof within its area of jurisdiction.

(2) The fees referred to in section (1) may differ in respect of different public roads or different sections of the same public road.

(3)(a) If a parking meter is installed for the purpose of collecting fees referred to in subsection (1), it shall be installed in conjunction with a demarcated parking bay or bays and shall bear thereon a legend indicating the days and hours when payment shall be made for parking and the amount payable for a specific period of parking.

(b) If any method other than a parking meter is used to collect the fees referred to in subsection (1), provision shall be made for a sign to be displayed at the parking area concerned

indicating the days and hours when payment shall be made for parking, the amount payable for a specific period of parking and the manner of payment for a specific period of parking.

(4)(a) The period of time for which a vehicle may be lawfully parked in a parking bay referred to in subsection (3) (a), shall, unless the contrary is proved, be as measured by the parking meter for such bay.

(b) If any method other than a parking meter is used to collect the fees referred to in subsection (1), the period of time for which a vehicle may be lawfully parked in a parking area referred to in subsection (3) (b), shall, unless the contrary is proved, be as measured by means of the method concerned in respect of the vehicle concerned.

(5) Any local authority may established upon a public road within the area of its jurisdiction ranks or stands, to be known as special parking places, for the parking of passenger-carrying motor vehicles or any class of such vehicles and may make by-laws for the regulation and control of the use of those special parking places—

(a) to provide for the issue of permits allocating particular special parking places or subdivisions thereof to particular persons or vehicles for their exclusive use;

(b) to prohibit the use of any special parking place or subdivision so allocated by any other person or vehicle;

(c) to charge fees in respect of the use of special parking places; and

(d) to provide for matters incidental thereto:

Provided that provision may be made in any permit or in any renewal thereof for the limitation of the hours during which the holder shall have the exclusive use of a particular special parking place and during which the use thereof by any other person or vehicle is prohibited.

(6) By-laws made under subsection (5) shall provide for the annual renewal, subject to the good conduct of the applicant, of the right to use any such special parking place or subdivision thereof.

(7) All fees collected by a local authority by means of a parking meter, or in respect of any parking area or special parking place as contemplated in this section, shall, as far as possible, be used to defray the cost of, and incidental to, any scheme, work or undertaking for the improvement or regulation of traffic conditions within the area of such local authority, including the costs of installing and maintaining any such parking meter, parking area or special parking place.

(8) The exercise by a local authority of its powers under this section shall not render the local authority subject to any liability in respect of the loss of or damage to any vehicle or the contents or fittings of any such vehicle while such vehicle is in a parking area or special parking place.

## PART IX

## RULES OF THE ROAD

### [Ch6901s96]96. Vehicle to be driven on left side of roadway

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

Provided that such encroachment shall be permissible—

(a) where it can be done without obstructing or endangering other traffic or property which is or may be on such half and for a period and distance not longer than is necessary and prudent and provided that it is not prohibited by a road traffic sign;

(b) in compliance with a direction of a traffic police officer or a road traffic sign; or

(c) when overtaking.

(2) The provisions of subsection (1) shall not apply in the case of a public road which is restricted to traffic moving thereon in one direction only.

### [Ch6901s97]97. Driving on divided public road

(1) Whenever any public road has been divided into two or more roadways by means of an intervening space or by a physical barrier or dividing section so constructed as to impede vehicular traffic, no person shall drive a vehicle upon such public road except upon the left-hand roadway unless directed or permitted by an appropriate road traffic sign or a traffic police officer to use another roadway.

(2) No person shall drive a vehicle on, over, across or within any dividing space, barrier or section referred to in subsection (1), except through an opening in such space, barrier or section or at a cross-over or intersection:

Provided that no person shall so drive through any such opening or at any such cross-over or intersection where such driving is prohibited by an appropriate road traffic sign or by a traffic police officer:

Provided further that the provisions of this subsection shall not apply to a traffic police officer in the performance of his duties.

### [Ch6901s98]98. Passing of vehicle

(1) Subject to the provisions of subsections (2) and (4) and section 96, the driver of a vehicle intending to pass any other vehicle proceeding in the same direction on a public road shall pass to the right thereof at a safe distance and shall not again drive on the left side of the roadway until safely clear of the vehicle so passed:



Provided that, in the circumstances as aforesaid, passing on the left of such vehicle shall be permissible if the person driving the passing vehicle can do so with safety to himself and other traffic or property which is or may be on such road and—

(a) the vehicle being passed is turning to its right or the driver thereof has signalled his intention of turning to his right;

(b) such road is a public road in an urban area and—

(i) is restricted to vehicles moving in one direction; and

(ii) the roadway is of sufficient width for two or more lines of moving vehicles;

(c) such road is a public road in an urban area and the roadway is of sufficient width for two or more lines of moving vehicles moving in each direction;

(d) the roadway of such road is restricted to vehicles moving in one direction and is divided into traffic lanes by appropriate road traffic signs; or

(e) he is driving in compliance with the directions of a traffic police officer or is driving in traffic which is under the general direction of such officer, and in accordance with such direction.

(2) The driver of a vehicle shall not pass other traffic proceeding in the same direction on a public road when approaching—

(a) the summit of a rise;

(b) a curve; or

(c) any other place where his view is so restricted that any such passing could create a hazard in relation to other traffic which might approach from the opposite direction, unless—

(i) he can do so without encroaching on the right-hand side of the roadway; or

(ii) the roadway of such road is restricted to vehicles moving in one direction.

(3) The driver of a vehicle on a public road shall, except in the circumstances referred to in the first proviso to subsection (1), upon becoming aware of other traffic proceeding in the same direction and wishing to pass his vehicle, cause his vehicle to travel as near to the left edge of the roadway as is possible, without endangering himself or other traffic or property on the roadway, and shall not accelerate the speed of his vehicle until the other vehicle has passed.

(4) When about to pass oncoming traffic, the driver of a vehicle on a public road shall ensure that the vehicle driven by him does not encroach on the roadway to his right in such manner as may obstruct or endanger oncoming traffic.

(5) The driver of a vehicle intending to pass a stationary bus on a public road shall do so with due care for the safety to persons who are approaching or leaving or may approach or leave such bus.

(6) Any person who contravenes subsection (2) shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K10,000 or to imprisonment for a period not exceeding three years or both such fine and imprisonment.

[Ch6901s99]99. Crossing or entering public road or traffic lane

(1) The driver of a vehicle shall not cross a public road unless the road is clear of moving traffic for a sufficient distance to allow him to cross the road without obstructing or endangering any such traffic.

(2) The driver of a vehicle shall not enter a public road unless he can do so with safety to himself and other traffic.

(3) The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs shall not turn from one lane into or across another lane unless he can do so without obstructing or endangering other traffic.

[Ch6901s100]100. Driving signals

The driver of a vehicle on a public road who intends to stop such vehicle or suddenly reduce speed thereof or to turn such vehicle to the left or to the right or to move such vehicle to the left or right on the roadway shall give a conspicuous signal of his intention, visible to any person approaching him from the front or from the rear or from the side and of a duration sufficient to warn any such person of his intention.

[Ch6901s101]101. Right of way at certain road junctions

The driver of a vehicle on a public road shall, when he intends to enter any portion of a public road which constitutes a junction of two or more public roads where vehicular traffic is required to move around a traffic island within such junction, yield the right of way to all vehicular traffic approaching from his right within such junction, unless his entry into such junction is controlled by an instruction given by a traffic police officer or a direction conveyed by a road traffic sign requiring him to act differently.

[Ch6901s102]102. Procedure when turning

(1) The driver of a vehicle on a public road who desires to turn to the left shall, having due regard to the provisions of section 101, before reaching the point at which he intends to turn, indicate his intention to turn and shall steer his vehicle as near to the left side of the roadway on which he is travelling as circumstances may permit and shall make such turn with due care and merge into the public road into which he desires to turn.

(2) The driver of a vehicle on a public road who desires to turn to the right shall, having due regard to the provisions of section 101, before reaching the point at which he desires to turn, indicate his intention to turn and shall not effect such turning unless he can do so without obstructing or endangering other traffic and—

(a) if he is driving a vehicle on the roadway of a public road which roadway is intended for traffic in both directions—

(i) he shall steer such vehicle as near as circumstances may permit to the immediate left of the middle of the roadway on which he is travelling; and

(ii) where the turn is at an intersection, he shall not encroach on the right half of the roadway into or out of which he intends to turn, except in the intersection itself, but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by any appropriate road traffic sign; or

(b) if he is driving a vehicle on a roadway of a public road where such roadway is intended for traffic in only one direction—

(i) he shall steer such vehicle as near as circumstances permit to the right side of such roadway; and

(ii) where the turn is at an intersection, he shall not encroach on the right half of the roadway into which he intends to turn, except in the intersection itself but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by an appropriate road traffic sign:

Provided that where such turn is to be made into a roadway intended for traffic only in one direction, he may encroach on the right half of that roadway.

#### [Ch6901s103]103. Towing of vehicles

No person may operate any vehicle on a public road while towing or drawing another vehicle save in the manner prescribed for the towing or drawing of any vehicle by another vehicle on a public road.

#### [Ch6901s104]104. Stopping of vehicles

Except in order to avoid an accident or in compliance with a road traffic sign or with a direction given by a traffic police officer or for any cause beyond the control of the driver, no person shall stop a vehicle on the roadway of a public road—

(a) alongside or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by such stopping;

- (b) within any tunnel or subway or on any bridge or within six metres of any tunnel, subway or bridge;
- (c) on, or within six metres from the beginning or end of, any part of such roadway where the normal width thereof has for any reason been constricted;
- (d) in contravention of any road traffic sign;
- (e) on the right-hand side of such roadway facing oncoming traffic;
- (f) alongside or opposite any other vehicle on such roadway, where such roadway is less than nine metres wide;
- (g) within the railway reserve at a level crossing;
- (h) within nine metres of his approaching site of a pedestrian crossing demarcated by appropriate road traffic signs; or
- (i) in any other place where the stopping of a vehicle would or would be likely to constitute a danger on an obstruction to other traffic.

[Ch6901s105]105.      Parking of vehicles

- (1) No person shall park a vehicle on a public road—
  - (a) in contravention of any road traffic sign;
  - (b) in any place referred to in section 104;
  - (c) on the same side as a fire hydrant within an area bounded by the centre line of the roadway and lines at right angles to such centre line one and a half metre on either side of the hydrant, if such hydrant is clearly visible to and recognizable as such by drivers of moving vehicles or if it is indicated by an appropriate road traffic sign;
  - (d) in any place where the vehicle would obscure any road traffic sign;
  - (e) in such manner as to encroach upon the sidewalk, if any; or
  - (f) in such manner as to obstruct any private or public vehicular entrance to such road.
- (2) No person shall park a vehicle on any portion of the roadway, excluding the shoulders, of a public road outside an urban area or with any part of such vehicle within one metre of the edge of such roadway except in a parking place demarcated by an appropriate road traffic sign.
- (3) No person shall park a vehicle on the roadway of a public road within an urban area—

(a) within nine metres of the side from which he approaches a pedestrian crossing demarcated by appropriate road traffic signs, unless such parking is permitted by appropriate road traffic signs;

(b) within five metres of any intersection unless such parking is permitted by a road traffic sign;

(c) upon or over the actuating mechanism of a traffic signal;

(d) (i) with the outside of any left-hand wheel thereof more than 450 millimetres within the roadway; or

(ii) where the public road concerned is restricted to vehicles moving in one direction and the vehicle is parked on the right-hand side of the roadway, with the outside of any right-hand wheel thereof more than four hundred and fifty millimetres within the roadway, unless such parking is permitted by appropriate road traffic sign; or

(e) which is less than five and a half metres wide unless the public road concerned is restricted to vehicles moving in one direction and such parking is permitted by appropriate road traffic signs.

(4) No person shall park a motor vehicle on a traffic island or in a pedestrian mall or a pedestrian lane.

(5) Whenever a vehicle has been parked in contravention of any provisions of this Act or in contravention of or in disregard of the directions of any road traffic sign or notice board such vehicle may be removed or caused to be removed and impounded by a traffic police officer or authorized officer, and unless the vehicle has been so parked in the course of a theft thereof, the owner shall bear the costs of such removal and impoundment.

[Ch6901s106]106. Certain vehicles may be stopped and parked at any place where necessary

(1) Notwithstanding the provisions of sections 104 and 105, the driver—

(a) of a car belonging to—

(i) fire-fighting organization;

(ii) a rescue organization or hospital;

(iii) a traffic police department or in the execution of its duties; or

(b) who drives a vehicle while it is used in construction or maintenance of a public road or is rendering essential public service,

may stop or park the vehicle concerned at any place where it may be necessary to do so.

(2) A vehicle stopped or parked under subsection (1) shall, while such vehicle is so stopped or parked, display prescribed identification lamps.

[Ch6901s107]107.      Compulsory stop

The driver of a vehicle on a public road shall stop such vehicle in compliance with any direction conveyed by a road traffic sign or given by a police officer in uniform.

[Ch6901s108]108.      General duties of driver of vehicle or passenger on public road

(1) No person driving or having a vehicle on a public road shall—

(a) cause such vehicle to travel backwards for a distance or time longer than may be necessary for the safety or reasonable convenience of any occupant of that vehicle or of other traffic on such road;

(b) follow another vehicle more closely than is reasonable and prudent having regard to the speed of such other vehicle and the traffic on and the condition of the roadway, or more closely than is permitted;

(c) permit any person, animal or object to occupy any position in or on such vehicle which may prevent the driver thereof from exercising complete control over the movements of the vehicle or signalling his intention of stopping, slowing down or changing direction;

(d) when driving such vehicle, permit any person to take hold of or interfere with the steering or operating mechanism of the vehicle;

(e) when driving such vehicle, occupy such position that he does not have complete control over the vehicle or does not have a full view of the roadway and the traffic ahead of such vehicle;

(f) allow such vehicle to remain unattended on such road without so setting its brake or adopting such other method as will effectively prevent the vehicle from moving from the position in which it is left;

(g) if such vehicle is parked or is stationary at the side of such road, drive the vehicle from that position unless he is able to do so without interfering with moving traffic approaching from any direction and with safety to himself or others;

(h) fail to give an immediate and absolute right of way to a vehicle sounding a device or bell referred to in section 91 (3) or 93;

(i) fail to give way to any railway locomotive or rolling stock which is approaching or crossing such road;

(j) allow any portion of his body to protrude beyond such vehicle while it is in motion on such road except for the purpose of giving any hand signals which he is required or authorized to give under this Act or unless he is engaged in examining or testing or parking such vehicle;

(k) permit any person or animal to occupy the roof, any step or running board or any other place on top of a vehicle while such vehicle is in motion;

(l) cause or allow the engine thereof to run in such manner that it emits smoke or fumes which would not be emitted if the engine were in good condition or ran in an efficient manner;

(m) cause or allow the engine thereof to run while the motor vehicle is stationary and unattended;

(n) negligently or wilfully deposit or cause or permit to be deposited any petrol or other liquid fuel or any oil or other flammable or offensive matter, or other refuse, of whatever nature, from such vehicle upon or alongside such road;

(o) cause or allow the engine thereof to run while petrol or other flammable fuel is being delivered into the fuel tank of such vehicle, or cause or allow such engine to be started up before the delivery of the petrol or other flammable fuel into the fuel tank of such vehicle has been completed and the cover of such fuel tank has been replaced; or

(p) speak on a cellular phone unless the cellular phone is attached to the vehicle or the person pulls off the road.

(2) No person, other than the driver, shall take hold of or interfere with the steering or operating mechanism of a vehicle while it is in motion on a public road, unless it may reasonably be inferred that the driver is no longer capable of steering or controlling such vehicle.

(3) No passenger in a vehicle on a public road shall permit any part of his body to protrude beyond such vehicle.

(4) No person shall enter or alight from any vehicle on a public road unless such vehicle is stationary and unless he can do so with safety to himself and other users of the road.

(5) No person shall drive, pull or push a vehicle upon a sidewalk:

Provided that the provisions of this subsection shall not apply to a perambulator, invalid chair, baby cart or child's play vehicle.

[Ch6901s109]109

Duties relating to motor cycle, motor tricycle or motor quadrucycle

(1) No person shall drive a motor cycle, motor tricycle or motor quadrucycle on a public road unless his feet are resting on the motor front foot-rests suitable for the purpose and where the design of such motor cycle, motor tricycle or motor quadrucycle makes it possible to do so, he is seated astride on the saddle of such motor cycle, motor tricycle or motor quadrucycle.

(2) No person shall on a public road carry a passenger on a motor cycle unless such cycle has an engine with a cylinder capacity exceeding fifty cubic centimetres and unless such passenger is seated in

a side-car or astride on a pillion attached to such cycle and, in such latter event, the feet of the passenger are resting on foot-rests suitable for that purpose.

(3) No person shall ride on a motor cycle or in a side car attached to a motor cycle, motor tricycle or motor quadrucycle on a public road unless such person at all times wears a protective helmet of the pattern and standard as prescribed.

(4) Subject to the provisions of subsection (2), not more than two persons shall ride upon a motor cycle on a public road, excluding a person riding in a side-car attached to such motor cycle.

(5) Not more than two persons shall be carried in a side-car attached to a motor cycle on a public road.

(6) No person or animal or object shall be carried on a motor cycle, motor tricycle or motor quadrucycle on a public road in front of the driver thereof:

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

(7)(a) Persons, other than traffic police officers in the performance of their duties, driving motor cycles on a public road, shall drive in single file except in the course of overtaking another motor cycle, and two or more persons driving motor cycles shall not overtake another vehicle at the same time:

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

(b) For the purposes of paragraph (a), a motor cycle shall include a motor tricycle or motor quadrucycle.

(8) No person driving a motor cycle, motor tricycle or motor quadrucycle on a public road or seated on such motor cycle, motor tricycle or motor quadrucycle shall take hold of any other vehicle in motion.

(9) Any person driving a motor cycle, motor tricycle or motor quadrucycle on a public road shall do so with at least one hand on the handle-bars of such motor cycle, motor tricycle or motor quadrucycle.

(10) Any person driving a motor cycle, motor tricycle or motor quadrucycle on a public road shall do so with the headlight of such motor cycle, motor tricycle or motor quadrucycle illuminated at all times.



(11) Any person driving a motor cycle, motor tricycle or motor quadrucycle on a public road shall do so in such manner that all the wheels of such motor cycle, motor tricycle or motor quadrucycle are in contact with the surface of the road at all times.

[Ch6901s110]110. Vehicle causing excessive noise

No person shall operate or permit to be operated on a public road a vehicle causing noise—

(a) in excess of the prescribed noise level; or

(b) resulting from the use of methods, accessories or appliances the use of which is prohibited by regulation.

[Ch6901s111]111. Use of hooter

No person shall on a public road use the audible warning device or hooter of a vehicle except when such use is necessary in order to comply with the provisions of this Act or on the grounds of safety.

[Ch6901s112]112. Riding on pedal cycles

(1) No person shall ride a pedal cycle on a public road unless he is seated astride on the saddle of such pedal cycle.

(2) Persons riding pedal cycles on a public road shall ride in single file except in the course of overtaking another pedal cycle, and two or more persons riding pedal cycles shall not overtake another vehicle at the same time.

(3) No person riding or seated on a pedal cycle on a public road shall take hold of any other vehicle in motion.

(4) No person riding a pedal cycle on a public road shall deliberately cause such pedal cycle to swerve from side to side.

(5) No person riding a pedal cycle on a public road shall carry thereon any person, animal or object which obstructs his view or which prevents him from exercising complete control over the movements of such pedal cycle.

(6) A person riding a pedal cycle on a public road shall do so with at least one hand on the handle-bars of such pedal cycle.

(7) Whenever a portion of a public road has been set aside for use by persons riding pedal cycles, no person shall ride a pedal cycle on any other portion of such road.

(8) A person riding a pedal cycle on a public road or a portion of a public road set aside for use by persons riding pedal cycles shall do so in such manner that all the wheels of such pedal cycle are in

contact with the surface of the road at all times.

[Ch6901s113]113. Device running on rails

(1) Whenever rails laid across any public road are used for the purposes of any locomotive or other device running on rails, whether such device is drawn or propelled, no person driving or being in charge of such locomotive or device shall cause or allow such locomotive or device to cross such public road unless he has given sufficient warning to users of such roadway of the intention to drive, draw or propel the locomotive or device across such road.

(2) No person driving or being in charge of any locomotive or device mentioned in subsection (1) shall cause or allow it to be stopped on a public road in such manner as to obstruct or hinder traffic on such road:

Provided that the provisions of this subsection shall not apply to a locomotive or device mentioned in subsection (1) which is temporarily stopped on a public road—

(a) in compliance with an order or instruction, whether in writing or otherwise, or a hand signal or any other signal in relation to the use of such locomotive or device;

(b) for the purpose of loading or off-loading goods or allowing persons to board or alight at any place; or

(c) for shunting purposes.

[Ch6901s114]114. Animal on public road

(1) Subject to the provisions of subsection (3), no person shall leave or allow any animal to be on any section of a public road and no person shall leave such animal in a place from where it may stray onto such section of a public road.

(2) The owner of any animal left or allowed to be on any section of the public road under subsection (1) shall be vicariously liable for the acts of the person actually in charge of the animal.

(3) The provisions of subsection (1) shall not apply—

(a) to any animal which is being ridden or is being used to draw a vehicle along a public road; or

(b) to any animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to any person or vehicle using such road.

(4) In any prosecution for a contravention of subsection (1), it shall be presumed, until the contrary is proved, that any animal referred to in subsection (1) was left or allowed to be on the public road.

(5) No person shall drive an animal referred to in subsection (1)—

(a) along a public road during the period from sunset to sunrise, unless a person carrying a red light visible in clear weather for a distance of at least one hundred and fifty metres tends such an animal or, in the case of a flock or herd of more than ten animals, a person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as aforesaid follows such animals; or

(b) along a public road during any other period, unless a person displaying in a conspicuous manner a red cloth of not less than three hundred millimetres by three hundred millimetres, tends such animal or, in the case of a flock or herd of more than ten animals, a person tending such animals and displaying a cloth as aforesaid precedes and another such person displaying a cloth as aforesaid follows such animals.

(6) A person in charge of an animal on a public road shall tend the animal in such a manner so as not to constitute an obstruction or danger to other traffic.

(7) A traffic police officer may take charge of any animal referred to in subsection (1) on a public road or take such steps in respect of the animals as may be prescribed.

[Ch6901s115]115. Animal-drawn vehicles

(1) No person shall operate an animal-drawn vehicle on a public road unless the name and address of the owner thereof is affixed or painted in a conspicuous position on the left side of such vehicle in letters not less than twenty-five millimetres high.

(2) No person shall operate an animal-drawn vehicle on a public road unless the vehicle and the harness and other equipment thereof are in an efficient and safe condition.

(3) The owner of an animal-drawn vehicle shall not cause or permit such vehicle to be used on a public road by any person who is not competent whether by reason of his age or otherwise to drive and control such vehicle.

(4) The driver of an animal-drawn vehicle on a public road shall at all times give his undivided attention to the driving of the vehicle under his control and if the vehicle is standing on a public road, the driver shall not cease to retain control over every animal which is still harnessed to the vehicle, unless some other person competent to do so takes charge of every such animal or every such animal is so fastened that it cannot move from the place where it has been left.

(5) No person shall operate on a public road a vehicle drawn by a team of animals not controlled by reins unless there is a person leading the team and exercising control over such team.

(6) The driver or other person in charge of a vehicle drawn by any animal shall not, on a public road outside an urban area, permit such vehicle to follow any other vehicle similarly drawn at a distance of less than one hundred and fifty metres reckoned from the foremost animal of such first-mentioned

vehicle, except for the purpose of overtaking a vehicle travelling at a slower speed or when a vehicle travelling at a greater speed, having overtaken such vehicle, is drawing away from it.

[Ch6901s116]116. Pedestrian's right of way in pedestrian crossing

(1) Where a pedestrian crossing is situated in conjunction with a traffic signal, a pedestrian shall not enter such crossing except in accordance with the indications of such traffic signal.

(2) In circumstances not referred to in subsection (1), the driver of a vehicle shall yield the right of way slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a pedestrian crossing when the pedestrian is upon that half of the roadway upon which the vehicle is travelling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(3) No pedestrian shall suddenly enter a pedestrian crossing and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield as referred to in subsection (2).

(4) Whenever any vehicle is stopped at a pedestrian crossing to permit pedestrians to cross the roadway, the driver of any other vehicle approaching from the rear shall not pass such stopped vehicle.

[Ch6901s117]117. Duties of pedestrians

(1) Whenever a sidewalk or footpath abuts on the roadway of a public road, a pedestrian shall not walk on such roadway except for the purpose of crossing from one side of such roadway to the other or for some other sufficient reason.

(2) A pedestrian on a public road which has no sidewalk or footpath abutting on the roadway shall walk as near as is practicable to the edge of the roadway on his right-hand side so as to face oncoming traffic on such roadway, except where the presence of pedestrians on the roadway is prohibited by a road traffic sign.

(3) No pedestrian shall cross a public road without satisfying himself that the roadway is sufficiently free from oncoming traffic to permit him to cross the road in safety.

(4) A pedestrian, when crossing a public road by means of a pedestrian crossing or in any other manner, shall not linger on such road but shall proceed with due despatch.

(5) No pedestrian on a public road shall conduct himself in such a manner as to or as is likely to constitute a source of danger to himself or to other traffic which is or may be on such road.

(6) A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than fifty metres from such pedestrian crossing or intersection.

(7) A pedestrian on or along a public road shall comply with traffic directions given to the pedestrian by a traffic police officer or a road traffic sign.

[Ch6901s118]118. Racing and sport on a public road

(1) For the purposes of this section the expression “race or sport” includes—

- (a) any race, speed trial, reliability trial; hill climbing competition or sports meeting;
- (b) any other activity whatsoever—
  - (i) which may constitute a source of danger to traffic; or
  - (ii) which may hamper, impede or disrupt the normal flow of traffic.

(2) No person shall organize or take part in any race or sport on a public road, unless the prior written consent of the Director has been obtained or, where the race or sport will take place wholly within the area of jurisdiction of a local authority, the prior written consent of such local authority has been obtained.

(3) In granting consent under subsection (2), the Director or the local authority may—

- (a) in addition to any requirement, impose such further conditions as he or it may deem expedient;
- (b) exempt any person concerned with the race or sport for the duration thereof—
  - (i) from any provision of this Act regarding any speed limit or determine another speed limit for the road concerned;
  - (ii) from any other provision of this Act or from any by-law;
- (c) levy fees for defraying the expenses incurred by the Director or local authority in connexion with the race or sport.

(4) Any consent granted under subsection (2) may be withdrawn at any time.

[Ch6901s119]119.       Hindering or obstructing traffic on public road

(1) No person shall wilfully or unnecessarily prevent, hinder or interrupt the free and proper passage of traffic on a public road.(2) Subject to the provisions of this Act or any other law, no person shall place or abandon or cause to be placed or abandoned on a public road any object that may endanger or cause damage to traffic on such road.

[Ch6901s120]120.       Vehicle left or abandoned on public road

(1) Any vehicle standing on a public road in a position or in circumstances which in the opinion of a traffic police officer or authorized person are likely to cause danger or an obstruction to other traffic on such road may be removed forthwith to a safer place by any such traffic police officer or authorized person or any authority instructed by such officer or authorized person to remove such vehicle:

Provided that such traffic police officer or person or authority shall, in removing such vehicle, use such device or devices as may be necessary having regard to the public safety.

(2) Any vehicle—

(a) parked in a place where—

(i) the stopping of a vehicle is prohibited under section 104; or

(ii) a vehicle of a class to which such vehicle belongs may not be parked;

(b) left for a continuous period of more than—

(i) forty-eight hours in the same place on a public road outside an urban area;

(ii) seventy-two hours in the same place on a public road within an urban area; or

(c) found on a public road and to which—

(i) no registration number is affixed or, a false registration number is affixed; or

(ii) no other number or anything else is affixed which may, serve to identify the owner,

shall be deemed to have been abandoned by the owner and such vehicle may be removed by or on behalf of the Director or local authority having jurisdiction over the place or road concerned and the Director or such local authority shall take all reasonable steps to trace the owner and the owner shall, be liable to the Director or such local authority for the expenses incurred—

(A) in the removal of such vehicle;

(B) in keeping the vehicle in custody for a period not exceeding four months; and

(C) in connexion with the endeavour to trace him, and the Director or such local authority may, subject to the provisions of subsection (3), retain possession of such vehicle until such expenses have been paid.

(3) If—

(a) such owner is traced by the Director or local authority referred to in subsection (2) and fails to recover the vehicle concerned and pay the expenses referred to in that subsection within one month after being requested to do so; or

(b) after a lapse of three months from the date of removal contemplated in subsection (2), the owner cannot be traced,

such vehicle or anything contained therein may be sold by auction by the Director or local authority and in the case of sale by a local authority, such local authority shall notify the Director of the sale.

(4) The proceeds of any sale referred to in subsection (3) shall be applied firstly to the costs of the removal, custody and sale of the vehicle concerned and all the endeavours made to trace the owner of such vehicle and any balance shall be paid to the owner thereof upon his establishing his claim thereto:

Provided that if no claim can be established within one year from the date of such sale, such balance shall be forfeited to the Director or the local authority concerned.

(5) The Director or any local authority referred to in subsection (2) may delegate, either generally or specifically, any power conferred upon the Director or local authority under that subsection to any organization or person.

(6) The reasonable exercise by the Director or any local authority of the powers conferred by this section shall not render the Director or local authority subject to any liability in respect of the loss or theft of or damage to any vehicle or part thereof or of anything therein or thereon.

(7) Subject to the provisions of any other law, no person shall leave a vehicle in the same place on a public road for a continuous period of more than seventy-two hours.

[Ch6901s121]121.      Damage to public road

No person shall on a public road—

(a)      cause any wheel of any vehicle to drag or spin upon the surface of the roadway, except in the case of an emergency;

(b)      make use of chocks or shoes between any wheel of any vehicle moving along the roadway and the surface of such roadway; or

(c)      use any vehicle or thing or move any vehicle or thing on the roadway in a manner causing or likely to cause damage thereto.

[Ch6901s122]122.      Trading on public roads

Except—

(a)      on or in premises zoned or demarcated for that purpose by a competent authority under any written law; or

(b)      in such circumstances and in accordance with such requirements as may be prescribed or determined by by-law, no person shall sell, display, offer for sale or deliver pursuant to a sale, any goods—

(i)      on or alongside a public road inside an urban area, within one hundred and eighty metres of a railway level crossing or any road traffic sign denoting a blind corner or rise thereon or within five metres from any intersection thereon; or

- (ii) on or alongside any public road:

Provided that where the public road is inside an urban area, the competent authority of such urban area shall not so zone or demarcate premises in such urban area situated alongside such a road, without the prior written approval of the Director.

[Ch6901s123]123. Requirement on vehicles to stop for President

(1) When a vehicle in which the President is travelling is in motion on any road and is accompanied by an escort, the driver of every other vehicle on that road shall, as soon as the leading vehicle of the escort is within such a distance as to be easily recognizable, draw his vehicle as is reasonably practicable to the side of the carriageway and shall stop such vehicle until the vehicle in which the President is travelling and its escort have passed.

(2) No person driving a vehicle shall overtake or attempt to overtake any vehicle in which the President is travelling with an escort or any vehicle in such escort.

(3) When the vehicle in which the President is travelling and the escort are stationary on the carriageway every person driving a vehicle shall conform to any traffic directions given by a police officer.

(4) In this section “escort” means the vehicle or vehicles in which the President and his staff are travelling and includes a police car immediately preceding and following the same.

(5) For the purposes of this section the two sides of a dual carriageway shall together be deemed to constitute one road.

## PART X

### ACCIDENTS AND ACCIDENT REPORTS

[Ch6901s124]124. Duty of driver in event of accident

(1) The driver of a vehicle on a public road at the time when such vehicle is involved in or contributes to any accident in which any other person is killed or injured or suffers damage in respect of any property—

- (a) shall immediately stop the vehicle;
- (b) shall ascertain the nature and extent of any injury sustained by any person;
- (c) shall, if a person is injured, render such assistance to the injured person as he may be capable of rendering;
- (d) shall ascertain the nature and extent of any damage sustained;



(e) shall, if required to do so by any person having reasonable grounds for so requiring, give his name and address, the name and address of the owner of the vehicle driven by him and, in the case of a motor vehicle, the registration or similar mark thereof;

(f) shall, if he has not already furnished the information referred to in paragraph (e) to a traffic police officer at the scene of the accident, and unless he is incapable of doing so by reason of injuries sustained by him in the accident, as soon as is reasonably practicable, and in any case within twenty-four hours after the occurrence of such accident, report the accident to any police officer at a police station or at any office set aside by a competent authority for use by a traffic police officer, and there produce his driver's licence and such information as is referred to in that paragraph; and

(g) shall not, except on the instructions of or when administered by a medical practitioner in the case of injury or shock, take any intoxicating liquor or drug having narcotic effect unless he has complied with the provisions of paragraph (f), where it is his duty to do so, and has been examined by a medical practitioner if such examination is required by a traffic police officer:

Provided that for the purposes of subsection (1) (a) and (b), where the driver is genuinely apprehensive of his safety he shall not be required to stop but shall drive straight to a police station and report the accident.

(2) No person shall in an urban area remove any vehicle involved in an accident in which another person is killed or injured from the position in which it came to rest, until such removal has been authorized by a traffic police officer, except when such accident causes complete obstruction of the roadway of a public road, in which event the vehicle involved, may without such authority and after its position has been clearly marked on the surface of the roadway by the person moving it, be moved sufficiently to allow the passage of traffic.

(3) Subject to subsection (2), no person shall remove a vehicle involved in an accident from the scene of such accident, other than for the purpose of sufficiently allowing the passage of traffic, without the permission of the owner, driver or operator of such vehicle or a person who may lawfully take possession of such vehicle.

(4) In any prosecution for a contravention of any provision of this section it shall be presumed, until the contrary is proved, that the accused was aware of the fact that the accident had occurred, and that he did not report the accident or furnish the information as required by subsection (1)(f).

(5) Any person who contravenes subsection (1) shall be guilty of an offence and upon conviction shall be liable—

(a) in the case of the death of or injury to a person where it is proved that the person convicted has failed to comply with paragraphs (a), (b), (c) or (f) of subsection (1), to a fine not exceeding K20,000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment;

(b) in the case of damage in respect of any property of another person where it is proved that the person convicted has failed to comply with paragraphs (a), (d) or (f) of subsection (1), to a fine not exceeding K10,000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment; or

(c) where it is proved that he has failed to comply with paragraph (e) or (g) of subsection (1), to a fine not exceeding K5,000 or to imprisonment for a period not exceeding one year or to both such fine and imprisonment; or

(d) in the case of damage in respect of an animal of another person where it is proved that the person convicted has failed to comply with paragraphs (a), (b) or (f) of subsection (1) to a fine not exceeding K5,000 or to imprisonment for a period not exceeding six months but not both.

(6) Any person who contravenes subsection (2) shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K10,000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

[Ch6901s125]125. Garage to keep record of motor vehicle involved in accidents

(1) Any person in charge of a garage or other place where motor vehicles are repaired, and to which any motor vehicle showing signs or marks of having been involved in an accident is brought for the purpose of the repair of such signs or marks, shall keep a record specifying the nature of such signs or marks, the engine number, chassis number and the registration or similar mark and number, and if known, the name and address of the owner and driver of such vehicle.

(2) A person required to keep a record under subsection (1) shall retain such record for a period of three years from the date on which it was made and any such record shall, on demand, be produced to a traffic police officer.

## PART XI

### RECKLESS OR NEGLIGENT DRIVING, INCONSIDERATE DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A DRUG HAVING A NARCOTIC EFFECT AND MISCELLANEOUS OFFENCES

[Ch6901s126]126. Reckless or negligent driving

(1) No person shall drive a vehicle on a public road recklessly or negligently.

(2) Without restricting the ordinary meaning of the word “reckless” any person who drives a vehicle in wilful or want on disregard for the safety of persons or property shall be deemed to drive that vehicle recklessly.

(3) In considering whether an offence has been committed under subsection (1), the court shall have regard to all circumstances of the case, including, but without prejudice to the generality of the foregoing provisions of this section, the nature, condition and use of the public road upon which the offence is alleged to have been committed, the amount of traffic which at the time actually was or

which could reasonably have been expected to be upon that road and the speed at and manner in which the vehicle was driven.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and upon conviction shall be liable—

(a) in the case where the court finds that the offence was committed by driving recklessly, to a fine not exceeding K10,000 or to imprisonment for a period not exceeding three years or to both such fine and imprisonment;

(b) in the case where the court finds that the offence was committed by driving negligently, to a fine not exceeding K5,000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment; or

(c) in the case where death results from reckless or negligent driving, to a fine not exceeding K30,000 or to imprisonment for a period not exceeding three years or to both such fine and imprisonment and for subsequent offence to imprisonment for three years with no option of a fine and permanent revocation of a driver's licence.

[Ch6901s127]127. Inconsiderate driving

(1) No person shall drive a vehicle on a public road without reasonable consideration for any other person using the road.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K2,000 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[Ch6901s128]128. Driving while under the influence of intoxicating liquor or drug having narcotic effect or with excessive amount of alcohol in blood

(1) No person shall on a public road—

(a) drive a vehicle;

(b) occupy the driver's seat of motor vehicle the engine of which is running; or

(c) being the holder of a driver's licence, occupy the seat in a motor vehicle next to a holder of a learner's licence while the holder of the learner's licence is or was driving the vehicle on a public road,

while under the influence of intoxicating liquor or a drug having a narcotic effect.

(2) No person shall on a public road—

(a) drive a vehicle;

(b) occupy the driver's seat of a motor vehicle the engine of which is running; or

(c) being the holder of a driver's licence, occupy the seat in a motor vehicle next to a holder of a learner's licence while the holder of the learner's licence is or was driving the vehicle on a public road,

while any specimen of breath, blood or urine taken from his body indicates an alcohol concentration of not less than either 0.08 grams of alcohol per one hundred millilitres of blood or 0.08 grams of alcohol per two hundred and ten litres of breath.

(3) Where a traffic police officer has reason to believe that any person—

(a) is or was driving a vehicle upon a public road;

(b) is or was occupying the driver's seat of a motor vehicle the engine of which is running;

(c) being the holder of a driver's licence, is or was occupying the seat in a motor vehicle next to a holder of a learner's licence while the holder of the learner's licence is or was driving the vehicle on a public road,

then such traffic police officer may require that person to undergo a breath test in accordance with the directions given by such traffic police officer or provide a sample of blood or urine.

(4) A traffic police officer may arrest any person without warrant—

(a) when the result of the breath test specified in subsection (3) exceeds the limit of alcohol concentration expressed in subsection (2); or

(b) when the person refuses or fails to—

(i) undergo a breath test as specified in subsection (3); or

(ii) provide a sample of blood or urine as directed in subsection (3) by a traffic police officer.

(5) No person shall, who when required by a traffic police officer under subsection (3) to—

(a) submit to a breath test—

(i) refuse or fail to submit to the test; or

(ii) willfully do anything to alter the concentration of the alcohol in his blood; or

(b) provide a sample of blood or urine, refuse or fail to do so.

(6) If, in any prosecution for a contravention of the provisions of subsection (2), it is proved that the concentration of alcohol in any specimen taken from the body of the person concerned was not less than 0.08 grams of alcohol per one hundred millilitres of blood or 0.08 grams of alcohol per two

hundred and ten litres of breath at any time within two hours after the alleged offence, it shall be presumed, until the contrary is proved, that such concentration was not less than 0.08 grams of alcohol per one hundred millilitres of blood or two hundred and ten litres of breath at the time of the alleged offence.

(7) In any civil or criminal action or proceedings for a contravention of the provisions of subsection (1) or (2) evidence of the concentration of alcohol or other drugs in a person's blood or breath at the time of the contravention as determined by analysis of the person's blood, urine, breath or other bodily substance shall be admissible.

(8) Where in any prosecution under this Act, evidence is tendered of the analysis of a specimen of breath, blood or urine of any person, it shall be presumed, until the contrary is proved, that any device used for obtaining such specimen and the receptacle in which such specimen was placed for despatch to an analyst if required, were free from any substance or contamination which could have affected the result of such analysis.

(9) Any person convicted of an offence under subsection (1) or (2) shall be liable—

(a) to a fine not exceeding K10,000 or to imprisonment for a period not exceeding three years or to both such fine and imprisonment; or

(b) in the case of the death of or injury to a person, to a fine not exceeding K50,000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, for a second or subsequent offence no option of a fine but to imprisonment of five years and permanent revocation of a driver's licence.

[Ch6901s129]129. Unauthorized acts in relation to vehicle

(1) No person shall, without reasonable cause or without the consent of the owner, operator or person in lawful charge of a vehicle—

(a) set the machinery thereof in motion;

(b) place such vehicle in gear;

(c) in any way tamper with the machinery, accessories or parts of such vehicle; or

(d) enter or climb upon such a vehicle.

(2) No person shall ride in or drive a vehicle without the consent of the owner, operator or person in lawful charge thereof.

(3) No person shall without lawful excuse tamper with a vehicle or with any part of the equipment or the accessories of any vehicle or wilfully damage the vehicle or throw any object at any such vehicle.

(4) No person shall, without the written consent of the Director alter, obliterate or mutilate the engine number or chassis number of a motor vehicle or allow it to be altered, obliterated or mutilated.

(5) Any person convicted of an offence under this section shall be liable to a fine not exceeding K10,000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Ch6901s130]130.      Furnishing false information

Without derogating from any other provision of this Act, no person shall—

(a)      in connexion with any application under this Act; or

(b)      in connexion with the furnishing of any information which, to his knowledge, is to be or may be used for any purpose under this Act,

make a declaration or furnish information which to his knowledge is false or in any material respect misleading.

[Ch6901s131]131.      Unlawful acts in relation to registration number, registration mark or certain documents

(1) No person shall—

(a)      falsify or counterfeit or, with intent to deceive, substitute, alter, deface or mutilate or add anything to a registration number or a registration mark or a similar number or mark issued by a competent authority outside Malawi; or

(b)      be in possession of such number or mark which has been falsified or counterfeited or so substituted, altered, defaced or mutilated or to which anything has been so added.

(2) No person shall—

(a)      falsify or counterfeit or, with intent to deceive, substitute, alter, deface or mutilate or add anything to a certificate, licence or other document issued or recognized under this Act; or

(b)      be in possession of such certificate, licence or other document which has been falsified or counterfeited or so substituted, altered, defaced or mutilated or to which anything has been so added.

(3) No person shall—

(a)      use a certificate, licence or other document issued or recognized under this Act and of which he is not the holder; or

(b)      permit such certificate, licence or other document of which he is the holder to be used by any other person.

(4) Where in a prosecution for a contravention of subsection (1) (b) or (2) (b) it is proved that a person was found in possession of a registration number or a registration mark or a similar number or mark or a document which has been falsified or counterfeited or substituted, altered, defaced or mutilated or to which anything has been added, it shall until the contrary is proved, be presumed that such person knew that—

- (a) such number, mark or document was—
  - (i) falsified or counterfeited; or
  - (ii) substituted, altered, defaced or mutilated with intent to deceive; or
- (b) whatever was added to such number, mark or document was added thereto with intent to deceive.

(5) No person shall—

- (a) with intent to deceive, tamper with the engine or chassis number of a motor vehicle; or
- (b) without lawful cause be in possession of a motor vehicle of which the engine or chassis number has been tampered with.

(6) Where in prosecution for a contravention of subsection (5) it is proved that a person was found in possession of a motor vehicle the engine or chassis number of which has been tampered with, it shall, until the contrary is proved, be presumed that such person knew that such number had been tampered with intent to deceive.

(7) Any person convicted of an offence under subsections (1), (2), (3), or (5) shall be liable to a fine not exceeding K10,000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

## PART XII

### PRESUMPTIONS AND LEGAL PROCEDURE

[Ch6901s132]132. Presumption in regard to public road, freeway and public road in urban areas

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

(2) Where in any prosecution under this Act it is alleged that an offence was committed on a freeway, the road concerned shall, until the contrary is proved, be deemed to be a freeway.

(3) Where in any prosecution under this Act it is alleged that an offence was committed on a public road in an urban area, the road concerned shall, until the contrary is proved, be presumed to be a public road in an urban area.

[Ch6901s133]133. Presumption in regard to mass ascertained by a mass-measuring bridge or other mass-measuring instrument

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

[Ch6901s134]134. Presumption in regard to gross vehicle mass of motor vehicle

Where in any prosecution under this Act it is alleged that an offence was committed in relation to the gross vehicle mass of a motor vehicle, the mass so alleged shall, in the absence of evidence as contemplated in section 133, be presumed, until the contrary is proved, to be the gross vehicle mass of such vehicle.

[Ch6901s135]135. Proof of gross vehicle mass of motor vehicle

Any document purporting to have been issued by a manufacturer and stating the gross vehicle mass of any particular model of motor vehicle manufactured by him, shall be prima facie evidence as to the gross vehicle mass of such model.

[Ch6901s136]136. Presumption that owner drove or parked vehicle

(1) Where in any prosecution relating to the driving of a vehicle on a public road, it is immaterial to prove who was the driver of a vehicle, it shall be presumed, until the contrary is proved, that such vehicle was driven by the owner thereof.

(2) Whenever a vehicle is parked in contravention of any provision of this Act, it shall be presumed, until the contrary is proved, that such vehicle was parked by the owner thereof.

(3) For the purposes of subsections (1) and (2) it shall be presumed until the contrary is proved, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in those subsections, by a director or servant of the corporate body in the exercise of his powers or in the performance of his duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.

[Ch6901s137]137. Presumption in regard to officers

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

Provided that the provisions of this section shall not apply with regard to a prosecution on a charge relating to impersonation.

## PART XIII

### REGISTERS AND RECORDS



[Ch6901s138]138. Register of records to be kept

(1) The registers or records as may be prescribed shall be kept by—

- (a) the Director;
- (b) a motor vehicle inspection station;
- (c) an enforcement agency;
- (d) any court convicting a person of an offence under this Act;
- (e) any local authority; and
- (f) any other person determined by the Minister by notice published in the Gazette.

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

(3) Any authority referred to in subsection (1) shall, in the manner and at such intervals, furnish the Minister or any person or body designated by the Minister with information recorded in a register or record of such authority and the Minister shall from the information so furnished compile or cause to be compiled such register as he may deem fit.

(4) The Minister may prescribe that any person or organization shall keep such additional registers or records as he may deem expedient.

[Ch6901s139]139. Copy of entry in register or record to be evidence

(1) A document purporting to be an extract from or copy of any register or record kept in terms of this Act and purporting to be certified as such shall in any court and upon all occasions whatsoever be admissible as evidence and shall be prima facie evidence of the truth of the matters stated in such document without the production of the original register or record or any certificate, licence, other document, microfiche, microfilm or computerized record from or of which such extract or copy was made.

(2) The information contained in a register or record kept for the purposes of this Act shall be furnished to—

- (a) a traffic police officer or an examiner who requires it for the performance of his duties;
- (b) any person authorized thereto by the Minister or the Director to demand such furnishing;
- (c) a competent authority in a foreign state; or
- (d) a local authority:

Provided that the consent of the Minister or any person authorized thereto by him shall be obtained before such information is furnished to an authority referred to in paragraph (c).

(3) Any authority keeping a register or record under section 138 shall, upon payment of the prescribed fees, confirm whether or not certain information corresponds to the information contained in such register or record, to any person who, in the opinion of such authority, on reasonable grounds requires confirmation of such information.

[Ch6901s140]140. Cognizance may be taken of information contained in register or record

The Minister or the Director may, in exercising a discretion or taking a decision under this Act, take cognizance of the information contained in a register or record contemplated in section 138.

#### PART XIV

#### COMPULSORY THIRD PARTY INSURANCE

[Ch6901s141]141. Users of motor vehicle to be insured against third party risks

(1) Subject to this Act, it shall not be lawful for any person to use or cause or permit any other person to use a motor vehicle on a public road unless there is in force in relation to the use of such motor vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third party risks as complies with the requirement of this Part.

(2) Any person who contravenes subsection (1), shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding K10,000 or to imprisonment for a period not exceeding two years or to both fine and such imprisonment.

(3) Where any person is convicted of an offence under subsection (1), the court convicting him shall, in addition to any other penalty, disqualify him from holding or obtaining a driving licence, for a first offence, for a period of not less than six months, and for a second offence a period of not less than one year and for a third and subsequent offence for a period of not less than 5 years.

[Ch6901s142]142. Saving in respect of liability

A person charged with using a motor vehicle in contravention of section 144 shall not be convicted if he proves that such motor vehicle did not belong to him and was not in his possession under a contract of hire or of loan, that he was using the motor vehicle in the course of his employment and that he neither knew nor had reason to believe that there was not in force in relation to such motor vehicle a policy of insurance or security as complied with the requirements of this Part.

[Ch6901s143]143. Requirements in respect of policies of insurance

In order to comply with the requirements of this Part a policy of insurance must be a policy which—

- (a) is issued by an insurer approved by the Director; and

(b) insures such persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of—

- (i) the death of or bodily injury to any person; or
- (ii) damage to property,

caused by or arising out of the use of the motor vehicle on a public road.

[Ch6901s144]144. Restriction of liability

A policy of insurance shall not be required to cover—

(a) any liability in respect of the death of or bodily injury to a person in the employment of a person insured by the policy if such death or bodily injury arises out of and in the course of his employment;

(b) except in the case of a motor vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon entering or getting on to or alighting from such motor vehicle at the time of the occurrence of the event out of which the claims arose;

(c) liability under section 143 (b) (i)—

(i) in respect of a total sum in excess of the prescribed amount or the policy limits whichever is the larger arising out of the claims for any one person in respect of the death of or bodily injury to any person;

(d) liability under section 143 (b) (ii)—

(i) in respect of a total sum in excess of the prescribed amount or the policy limits whichever is the larger arising out of the claims for any one accident in respect of each motor vehicle or combination of motor vehicles concerned;

(ii) for damage to property of or in the possession, custody or control of the person insured, his agent, driver or representative;

(iii) for damage to property in or on the motor vehicle of the person insured; or

(iv) for damage to any bridge, weighbridge, road, ramp, ferry, railway line, or anything in or below the surface of a road; or

(e) any contractual liability.

[Ch6901s145]145. Requirements in respect of securities

In order to comply with the requirements of this Part a security must—

(a) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein and up to an amount approved by the Minister, any failure by the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under section 143 which may be incurred by him or them; and

(b) be approved by the Minister and deposited with the Minister.

[Ch6901s146]146. Certificate of security

(1) Whenever such a security as is mentioned in the preceding section is approved by the Minister and deposited with him the Minister shall give to the owner of the motor vehicle concerned a certificate of security in the form prescribed for certificates of insurance issued under section 151 and the said section 151 shall apply to certificates of security in all respects as they apply to certificates of insurance.

(2) References in the remainder of this Part to a policy, an insurer or an insured shall be deemed to include references to a security, a giver of a security or a person secured as the case may be.

[Ch6901s147]147. Certain conditions in policies of insurance to be of no effect

(1) Save as in this Act expressly provided any condition in a policy under this Part providing that in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim no liability shall arise under the policy or that in any such event any liability so arising shall cease to be of no effect in connexion with any claim in respect of which the policy holder is required to be insured by virtue of this Part:

Provided that nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

(2) Where a certificate of insurance has been issued under this Part in favour of the person by whom a policy has been effected, so much of a policy as purports to restrict the insurance of the person insured thereby reference to—

(a) the age or physical or mental conditions of the person driving the vehicle;

(b) the condition of the vehicle;

(c) the number of persons that the vehicle carried;

(d) the weight or physical characteristics of the goods that the vehicle carries;

(e) the times at which or the areas within which the vehicle is used;

(f) the horse power or value of the vehicle;

(g) the carrying on the vehicle of any particular apparatus; or

(h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the laws for the time being in force relating to motor vehicles,

shall as respects such liabilities as are required to be covered by this Part be of no effect:

Provided that nothing in this subsection shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this subsection shall be recoverable by the insurer from that person.

[Ch6901s148]148. Right of injured party to proceed against insurer

(1) Any person having a claim against a person insured in respect of any liability in regard to which a policy of insurance has been issued for the purposes of this Part shall be entitled in his own name to recover directly from the insurer any amount, not exceeding the amount covered by the policy, for which the person insured is liable to the person having the claim:

Provided that—

(a) the rights of any such person claiming directly against the insurer shall, except as provided in subsection (2), be not greater than the rights of the person insured against such insurer;

(b) the right to recover directly from the insurer shall terminate upon the expiration of a period of two years from the date upon which the claimant's cause of action against the person insured arose; or

(c) the expiration of such period as is mentioned in paragraph (b) of this proviso shall not affect the validity of any legal proceedings commenced during such period for the purpose of enforcing a right given under this section.

(2) In respect of the claim of any person claiming directly against the insurer by virtue of subsection (1), any condition in a policy purporting to restrict the insurance of the person insured thereby shall be of no effect:

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of the operation of this subsection may be recovered by the insurer from that person.

[Ch6901s149]149. Restriction of liability in respect of passengers in public service vehicles to be void

So far as any contract for the conveyance of a passenger in a public service vehicle purports to negative or to restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of or bodily injury to the passenger while being carried in, entering or alighting from the vehicle or purports to impose any conditions with respect to the enforcement of any such liability, it shall be void.

[Ch6901s150]150. Hospital expenses

Where an insurer makes any payment under the provisions of this Part in respect of the death of or bodily injury to any person who has received treatment in a hospital in respect of the fatal or other bodily injury so arising the insurer shall also pay to such hospital the expenses reasonably incurred by the hospital in affording such treatment to an amount as prescribed for each person so treated as either an in-patient or as an out-patient.

[Ch6901s151]151. Certificate of insurance

(1) Upon the issue of a policy of insurance in accordance with the requirements of this Part the insurer shall issue to the insured in respect of each vehicle and trailer insured a certificate (in this Part referred to as “a certificate of insurance”) in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and different forms and different particulars may be prescribed in relation to different circumstances.

(2) A certificate of insurance referred to in subsection (1), shall at all times be in the motor vehicle concerned while it is operated on a public road.

(3) A certificate of insurance may be inspected by a police officer or by any person so authorized in writing by the Director.

(4) Any person who shall manufacture or be in possession of any false policy or certificate of insurance or who shall alter any policy or certificate of insurance shall be guilty of an offence and upon conviction shall be liable—

(a) in case of a first offence to a fine not exceeding K5,000 and to imprisonment for one year or to both such fine and such imprisonment; and

(b) in the case of a second or subsequent offence to a fine not exceeding K10,000 and to imprisonment for two years or to both such fine and such imprisonment.

[Ch6901s152]152. Driver to give name and address

(1) Any person driving a motor vehicle on a public road or any person whom a police officer or any other authorized person has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a public road or any person whom a police officer has reasonable cause to believe to have committed an offence in relation to the use of a motor

vehicle on a public road shall on being so required by a police officer give his name and address and the name and address of the owner of the vehicle.

(2) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by a police officer or any other authorized person to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section 141, and to produce the policy or certificate of insurance relating to the motor vehicle if required to do so by a police officer or any other authorized person.

[Ch6901s153]153. Making false statements

(1) No person shall for the purpose of obtaining a policy of insurance as required by section 141 make any false statement knowing it to be false, in consequence whereof the policy is liable to be avoided, or wilfully commit any act which disentitles him to claim under the policy.

(2) Any person who contravenes subsection (1), shall be guilty of an offence and upon conviction shall be liable—

(a) in case of a first offence to a fine not exceeding K2,000 and to imprisonment for one year or to both such fine and imprisonment; and

(b) in the case of a second or subsequent offence to a fine not exceeding K5,000 and to imprisonment for two years or to both such fine and imprisonment.

[Ch6901s154]154. Duty of insurer when policy is cancelled

(1) Where, to the knowledge of an insurer, a policy issued for the purposes of this Part ceases to be effective without the consent of the person to whom it was issued otherwise than by the effluxion of time or by reason of his death the insurer shall forthwith notify the Director and the Commissioner of Police of the date on which the policy ceased to be effective.

(2) Where in the circumstances mentioned in subsection (1), any policy of insurance ceases to be effective the person insured shall forthwith surrender any certificate of insurance held by him to the insurer.

[Ch6901s155]155. Duplicate certificate of insurance

No insurer shall issue a replacement certificate of insurance until he has made such enquiries as to satisfy him beyond reasonable doubt that the original certificate of insurance has been lost or destroyed or otherwise rendered unusable.

## PART XV

### GENERAL PROVISIONS

[Ch6901s156]156. Exemption from previous relating to packing

Notwithstanding anything to the contrary contained in any law, a local authority may, in such circumstances and subject to such conditions as it may deem expedient, exempt—

- (a) a medical practitioner;
- (b) a nurse or midwife registered under the Nurses and Midwives Act; or Cap. 36:02
- (c) any person who, in the opinion of such local authority, by reason of a permanent disability has substantial difficulty in walking or is unable to walk,

from the provisions of any law relating to the parking of a motor vehicle in force within its area of jurisdiction.

[Ch6901s157]157. Doubt concerning use or classification of motor vehicle

If, for the purposes of this Act, doubt arises as to the use to which any vehicle is put or the classification of any vehicle, such matter shall be referred to the Director.

[Ch6901s158]158. Vehicle and load may be exempted from provisions of this Act

The Director may, subject to such conditions and upon payment of such fees or charges as he may determine, authorize in writing, either generally or specifically, the use on a public road of a vehicle which does not comply with the provisions of this Act or the conveyance on a public road of passengers or any load otherwise than in accordance with the provisions of this Act.

[Ch6901s159]159. Director may authorize certain refunds

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

(2) The Director shall not authorize any refund under this section unless the claim therefore is received within twelve months after the date of the payment concerned.

[Ch6901s160]160. Inspection for ensuring that provisions of this Act are being given effect to

(1) The Minister may authorize any person, organization, or authority to carry out any inspection which the Minister deems necessary in order to ensure that the provisions of this Act are being complied with.

(2) If the Minister delegates the power conferred upon him by subsection (1) to the Director, the Director may authorize any person, organization, or authority to carry out the inspection concerned.

(3) No person shall obstruct or hinder any person in the carrying out of any inspection referred to in subsection (1).

[Ch6901s161]161. Variation of prescribed form



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

[Ch6901s162]162. Duplicate of document or token

(1) Subject to the provisions of subsection (3), the Director if satisfied that a certificate, licence or other document or token issued by the Director in terms of this Act has been lost, destroyed or defaced or that the figures or particulars thereon have become illegible shall, upon receipt of an application on the prescribed form and upon payment of the prescribed fees, issue a duplicate of such certificate, licence or other document or token to the person who, in the opinion of the Director, is entitled thereto, with either the word "DUPLICATE" written thereon or the issue number printed thereon:

Provided that a duplicate of a learner's licence, a driver's licence, or a professional driving permit, shall only be issued to the person to whom the original licence or permit was issued.

(2) An application for a duplicate of a licence or permit referred to in the proviso to subsection (1), shall be made as prescribed and the Director shall issue the duplicate as prescribed.

(3) If, after the issue of a duplicate under subsection (1), the original certificate, licence or other document or token is found, the person to whom the duplicate was issued shall take all reasonable steps to obtain possession thereof and surrender it forthwith to the Director.

[Ch6901s163]163. Signature upon documents

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

[Ch6901s164]164. Service of notices

(1) Whenever under this Act any notice is authorized or required to be served upon or issued to any person, such notice shall either be served personally upon the person to whom it is addressed or be sent to him by registered post to his last known address:

Provided that the address furnished by the holder of a driver's licence at the time of his application for such licence or recorded against his name in a register of drivers' licences, or the address recorded against the registration of a vehicle in a register of motor vehicles as the address of the owner of such vehicle, shall serve as his domicile of summons and execution for all purposes arising from or for the purposes of the Act, for the service of notices, post or processes on such person.

(2) Service by registered post in terms of subsection (1), shall be deemed to have been effected on the seventh day after the date stamped upon the receipt for registration issued by the post office which accepted the notice.

(3) A certificate by the officer who issued the notice referred to in subsection (1), or by a person subordinate to such officer, stating the time, place and manner of issuing such notice, shall be evidence that such notice was duly issued, unless and until the contrary is proved.

[Ch6901s165]165.        Application to the Government

(1) The provisions of Part XIV shall apply to vehicles owned by the Government other than such vehicles as are allocated for use by the Malawi Army.

(2) Any officer in the public service or any employee, servant or agent of the Government who, in the course of his duties as such drives, uses, exercises control over or is in-charge of any vehicle owned by the Government, shall be personally subject to all of the provisions of this Act, and shall personally be liable for any offence committed by him against any of the said provisions of this Act while so driving, using, exercising control over or being in-charge of such vehicle.

[Ch6901s166]166.        Seizure of vehicles

(1) Subject to subsection (2), a traffic police officer, an examiner, or an authorized officer may seize a vehicle or a vehicle with its load which is used in or is on reasonable grounds believed to be used in the commission or suspected commission of an offence under this Act.

(2) The manner and conditions in respect of the seizure, storage and disposal of a vehicle or a vehicle with its load referred to in subsection (1), shall be as prescribed.

[Ch6901s167]167.        Offences and penalties

(1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.

(2) Any person convicted of an offence under any provision of this Act for which no special penalty is provided by this Act shall be liable to a fine not exceeding K20,000 or to imprisonment for a period not exceeding one year or both such fine and imprisonment.

[Ch6901s168]168.        Forfeiture

The court convicting any person of an offence under section 167 (1) as read with section 83, or a regulation made under section 181 (1) (d), (l), (n) or (q), may, without notice to any person, declare a vehicle or its load or both which was or were used in the commission of the offence and which was or were seized under the provisions of this Act, or the convicted person's rights in such vehicle or load or both, to be forfeited to the Government:

Provided that such declaration shall not affect any right which any person other than the convicted person may have to the vehicle or load or both, if it is proved that that other person did not know that that vehicle or its load or both was or were being used or would be used in the commission of the offence concerned, or that he could not prevent such use.

[Ch6901s169]169. Delegation

(1) The Minister may—

(a) delegate to any other person any power conferred upon him by this Act, other than the power conferred by section 181; and

(b) authorize any other person to perform any duty assigned to the Minister by this Act, and may effect such delegation or grant such authorization subject to such conditions as he may deem fit.

(2) The Director may—

(a) delegate to any other person any power conferred upon him by or under this Act; and

(b) authorize any other person to perform any duty assigned to the Director by or under this Act,

and may effect such delegation or grant such authorization subject to such conditions as he may deem fit.

(3) Any delegation effected or authorization granted under subsection (1) or (2), may at any time be withdrawn by the Minister or by the Director, as the case may be.

## PART XVI

### TRAFFIC COURT

[Ch6901s170]170. Minister may prescribe offences

Notwithstanding anything in this Act or any other written law the Minister may prescribe a schedule of traffic offences (hereinafter referred to as prescribe offences) which may be dealt with and prosecuted in any area in which a Traffic Court exercises jurisdiction in accordance with this section or any rules made hereunder; and the Minister may for the purposes of this section prescribe statutory maximum penalties for such offences, which shall not exceed the penalties prescribed for such offences elsewhere in or under this Act.

[Ch6901s171]171. Statutory maximum penalty to have effect

A statutory maximum penalty prescribed for a prescribed offence shall, notwithstanding any other penalty prescribed for such offence by or under this Act, have effect where the person charged with such offence submits a written plea of guilty which is accepted in accordance with this section.

[Ch6901s172]172. Notification of a prescribed offence by an authorized officer

Notwithstanding anything elsewhere in this Act or any other written law, an authorized officer may, if it is under his authority to do so and he considers it appropriate, serve either personally or by affixing the same prominently to the vehicle concerned, upon the owner, driver or person in charge of control of any motor vehicle who the authorized officer reasonably believes to have committed any of the prescribed offences, a notification of a traffic offence (hereinafter referred to as a notification) in the prescribed form charging such person with having committed the offence or offences indicated in the notification and requiring such person to attend the Traffic Court specified in the notification to answer such charge or charges at such date and time (being not sooner than twenty-one days after the date of such service) as is specified in such notification.

[Ch6901s173]173. Person served with notification may send a written plea of guilty to Traffic Court

Subject to section 176 a person served with a notification under this section shall not be obliged to attend the Traffic Court concerned in answer to such notification if he has pleaded guilty unequivocally in writing and sent the notification, together with the prescribed proof of payment for the amount of the statutory maximum penalty or penalties for the offence or offences to which he has pleaded guilty, by prepaid registered post or by hand, to that Traffic Court so as to reach the Court not later than the day and time indicated in the notification for his attendance:

Provided that where an authorized officer considers that in all the circumstances a plea of guilty in writing should not be accepted he may; by notice in the prescribed form under his hand, served on the accused and on the Traffic Court concerned at least seven clear days before the date indicated in the notification, require the accused to attend the Traffic Court in person on the day and at the time indicated in the notification.

[Ch6901s174]174. Notification to be placed before the Traffic Court

A copy of the notification shall be placed before the Traffic Court concerned at the time fixed for the attendance of the accused to answer the charge or charges and unless that Court otherwise directs, such copy shall be used as a charge sheet.

[Ch6901s175]175. Procedure after a plea of guilty

A Traffic Court may, on receipt of a plea of guilty, either in writing, or by the accused in person, proceed to conviction and may, after considering any mitigating circumstances stated in writing or personally by the accused, pass sentence, which in the case of a written plea of guilty shall be the statutory maximum penalty unless the Traffic Court for special reasons decides to remit the penalty in whole or in part, in which case it shall direct that the penalty or part thereof be refunded to the accused.

[Ch6901s176]176. Where a Traffic Court is not satisfied that a written plea of guilty is unequivocal

Where a Traffic Court is not satisfied that a written plea of guilty is unequivocal or where, for good reason shown, the Court decides not to accept a written plea of guilty, it shall issue a summons

requiring the accused to attend before it or any other court to answer the charge or charges indicated in the notification, on such date and at such time as shall be specified in the summons.

[Ch6901s177]177. Where accused pleads not guilty

Where an accused appears before a Traffic Court and pleads not guilty to the charge or charges indicated on the notification, the Traffic Court may hear and determine the charge or charges forthwith or may adjourn the proceedings to another date either before itself or any other court.

[Ch6901s178]178. Where a person fails to attend Traffic Court after notification

Where any person, having been served with a notification issued in accordance with this section, fails to attend the Traffic Court concerned on the day and at the time specified in such notification and has not pleaded guilty in writing and paid the statutory maximum penalty in the prescribed manner indicated before such day and time (and a person on whom has been served a notice in the prescribed form under the proviso to section 173 shall be deemed not to have pleaded guilty in writing for the purposes of this subsection) he may be brought before the Traffic Court, either by summons or by warrant of arrest, and, unless he shows good cause why he has failed to attend in accordance with such notification he shall be guilty of an offence and shall be liable forthwith, by order of the court, to a fine of K5,000 and to imprisonment for three months, and the court may thereupon proceed to deal with the charge or charges indicated in the notification, or may adjourn the hearing of such charge or charges to another date before itself or any other court.

[Ch6901s179]179. Registered owner of vehicle to be liable where there is failure to comply with notification

Where any person served with a notification under this section fails to comply with such notification then the registered owner of the vehicle concerned shall be liable for the offence:

Provided that such owner shall not be liable for the offence if he satisfies the court that he was not driving or in charge or control of the vehicle at the relevant time, and that he has, upon being so requested by an authorized officer or the court, given to the authorized officer or to the court all the information at his disposal, or which should reasonably be at his disposal, to enable the person who was driving or in charge or control, of the vehicle at the relevant time to be brought before the court.

[Ch6901s180]180. Unauthorized person not to remove notification affixed to a vehicle

No person other than the person to whom it is addressed, or a person authorized by such person in that behalf, shall remove from a vehicle a notification which has been affixed thereto by an authorized officer under this section, or any portion of such notification, or willfully tear, deface or destroy any such notification.

## PART XVII

## REGULATIONS AND BY-LAWS

[Ch6901s181]181. Power of Minister to make regulations

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

(a) the safety of traffic on a public road, including the restriction of the use of any such road or part thereof by such traffic and the duties of the users of any such road;

(b) the identification of vehicles and, in relation to a motor vehicle, the size, shape, colour and character of the registration mark to be displayed under this Act and the means to be applied to render any such mark easily distinguishable, whether by night or day, when any such vehicle is operated on a public road;

(c) the width, height and length of any vehicle, and the diameter of the wheels and the width, nature and condition of the tyres of any vehicle when operated on a public road;

(d) the maximum mass, laden or unladen, of any vehicle, the height and the width of any load which may be carried by any vehicle, the manner in which any vehicle may be loaded, the extent to which any load may project in any direction and the maximum mass of any vehicle or any part thereof supported by the road or by any specified area thereof, when any vehicle referred to in this paragraph is operated on a public road;

(e) the emission of exhaust gas, smoke, fuel, oil, visible vapours, sparks, ash or grit from any vehicle operated on a public road;

(f) excessive noise owing to the design or condition of any vehicle or the loading thereof, or to the design, condition or misuse of a silencer, or of a hooter, bell or other audible warning device, when any such vehicle is operated on a public road;

(g) the particulars to be marked on any vehicle;

(h) the towing, pushing or drawing of any vehicle by another vehicle on a public road;

(i) the conditions under which any motor vehicle fitted with steering apparatus on the left side may be operated on a public road;

(j) the number, nature and kind of lamps, including retro-reflectors, to be carried by any vehicle operated on a public road, the position in which they shall be carried, the manner, conditions and times of their use and the use of any lamp or lighting device which may endanger public safety and, for the purposes of this paragraph, a retro-reflector may be defined as meaning a reflector which bears a standardization mark or which bears such other identification mark as may be prescribed;

(k) the number and nature of brakes and for ensuring that brakes, silencers and steering gear shall be efficient and in proper working order, in respect of any vehicle operated on a public road;

(l) the regulation of the use and control of any vehicle on a public road, its construction, equipment; width of tracks, dimensions, mass and use in respect of either chassis and body or chassis, body and load and the conditions under which it may be used;

(m) in relation to a vehicle operated on a public road, the devices to be fitted for signalling the approach thereof, for enabling the driver thereof to become aware of the approach of another vehicle from the rear, and for intimating any intended movement thereof and the use of any such devices and for securing that they shall be efficient and kept in proper working order;

(n) the protection of any public road, the mass, tyres and load of any vehicle in relation to any specified bridge or ferry, the time when and speed at which any vehicle of a specified mass may be allowed to cross any bridge or ferry, and furnishing of security by any person against damage to any public road by reason of heavy traffic, and making good the cost of repairing such damage;

(o) the stopping with and parking of vehicles on public roads or parking places;

(p) the furnishing of accident reports and statistics of any nature whatsoever;

(q) the determination of the number of passengers for the transport of which a certain class of motor vehicle is adapted and the number which may be transported, the general safety, comfort and convenience of passengers carried on or by such a motor vehicle and the conduct of the driver, conductor and passengers on such a vehicle;

(r) the specification for the examination of any vehicle;

(s) any light which, in the opinion of the Minister, is likely to interfere with the proper view of any road traffic sign or be confused with any such sign;

(t) the method of determining any fact which is required for the purposes of this Act;

(u) any form, process or token which the Minister may deem expedient for the purposes of this Act and the nature and extent of any information to be furnished for the purpose of any such form;

(v) the uniform to be used by officers appointed under this Act;

(w) the fees to be charged for any purpose under this Act, including administrative fees for overload offences;

(x) notwithstanding the provisions of the General Interpretation Act, the maximum penalty and fine for different offences for the violations of regulations; Cap. 1:01

(y) the application of fines as spot fines according to fixed rates;

(z) the carriage of persons as passengers on any vehicle which has been constructed or designed solely or chiefly for the carriage of goods and not for the carriage of passengers and their effects;

(aa) the additional duties for operators of specific classes of motor vehicles or operators engaged in activities which require additional safety measures for the protection of the public;

(bb) the preparation of a Code to be known as the Highway Code containing such directions as appear to the Minister to be proper for the guidance of persons using public roads;

(cc) devices and procedures to be used in detecting and measuring the speed of a vehicle moving on a public road;

(dd) devices and procedures to be used in administering a breath test; and

(ee) to do all such things as may be necessary for the proper carrying out of this Act.

(2) Regulations made by the Minister under subsection (1) with regard to—

(a) specific categories:

(i) of road transport undertakings;

(ii) of industries or trades or occupants concerned with road transport;

(iii) of persons by whom any undertaking or occupation referred to in subparagraphs (i) and (ii) is carried on or exercised; or

(iv) of operators of vehicles concerned with, or new entrants to, any undertaking or occupation referred to in subparagraph (iii);

(b) specific circumstances in which any undertaking or occupation referred to in paragraph (a) (iii) is carried on or exercised;

(c) specific areas in which any undertaking or occupation referred to in paragraph (a) (iii) is carried on or exercised,

shall be so made by the Minister with due regard to the specific requirements of the category, circumstance or area concerned.

(3) The power to make regulations for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose either absolutely or conditionally.

(4) Any regulation under this section may be made to apply generally throughout Malawi or within any specified part thereof or to any specified category of vehicles or persons.



(5) A regulation made under subsection (1) may provide for penalties for a contravention thereof and also for different penalties in the case of successive or continuous contraventions.

[Ch6901s182]182. Power of local authority to make by-laws

(1) Subject to the provisions of any law in relation to the procedure to be followed in the making, approval and promulgation of any by-law by a local authority, a local authority may, in consultation with the Director, make by-laws not inconsistent with the provisions of this Act in respect of—

(a) the safety of traffic on any public road, the duty of any user of such road and the use of any such road by any vehicle;

(b) subject to the provisions of any law and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, peddler or hawker, the stopping with and parking of any vehicle on any public road or portion thereof, including by-laws relating to the installation, regulation, supervision, maintenance and control of parking meters and parking places;

(c) the appointment and licensing of private parking attendants and the withdrawal of any such licence;

(d) the appointment of traffic wardens;

(e) subject to the provisions of any law and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, peddler or hawker, any public road which is not to be used by any vehicle, either generally or at specific times;

(f) the relative position on a public road of traffic of differing speeds and classes;

(g) the place where and time when a vehicle may not turn so as to face in the opposite direction to that in which it was proceeding or where it may only so turn under specified conditions;

(h) the loading and off-loading of any vehicle on a public road;

(i) the rules as to priority of entry of certain motor vehicles into a main thoroughfare;

(j) the use of hooter, bell or other audible warning device and the conditions under which any such audible warning device may be used within any specified area, whether at all times or during specified periods;

(k) the appointment of an advisory traffic control board consisting of not fewer than three members to advise the local authority on all questions of traffic control;

(l) the use of any public road by traffic in general;

- (m) the limitation of the age of drivers of vehicles drawn by animals;
- (n) any form or token which a local authority may deem expedient for the purposes of any by-law, and the nature and extent of any information to be furnished for the purpose of any such form;
- (o) the mass of any goods which or the number of passengers who or animals which may be conveyed on a pedal cycle;
- (p) the regulation, restriction, prohibition or control of the parking upon public roads of vehicles owned, kept or used by motor traders or which have been placed in their custody or under their control in the course of any motor trader's business carried on by them; and
- (q) any other matter in regard to which a local authority may make by-laws under this Act.

(2) The power to make by-laws for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose, either absolutely or conditionally.

(3) Any by-law under subsection (1), may be made to apply generally throughout the area of the local authority or within any specified part thereof or to any specified category of vehicles or persons.

(4) Any by-law made under this section may provide for penalties for a contravention thereof, and may also provide for different penalties in case of successive or continuous breaches, but no penalty shall exceed a fine of K7,500 or imprisonment for a period of six months or both such fine and imprisonment.

[Ch6901s183]183. Local authority may determine fees

A local authority may determine the fees to be charged for any purpose contemplated in section 182.

## PART XVIII

### REPEAL AND SAVINGS

[Ch6901s184]184. Repeal and savings

- (1) The Road Traffic Act is hereby repealed.
- (2) Any subsidiary legislation made under the Act repealed by subsection (1), in force immediately before the commencement of this Act—
  - (a) shall remain in force unless inconsistent with this Act and be deemed to be subsidiary legislation made under this Act; and
  - (b) may be replaced, amended or repealed by subsidiary legislation made under this Act.

### SUBSIDIARY LEGISLATION

## ROAD TRAFFIC (MISCELLANEOUS FEES) REGULATIONS

under s. 81

G.N. 26/1998

28/1999

### 1. Citation

These Regulations may be cited as the Road Traffic (Miscellaneous Fees) Regulations.

### 2. Fees

The fees specified in the Second Column of the Schedule are hereby prescribed and shall be charged in respect of the matters set out in the First Column of the Schedule.

SCHEDULE G.N. 26/1995, 28/1999, 3/2002, 10/2003

#### A. ROAD SERVICE PERMITS (APPLICATION AND ISSUE)

First Column	Second Column	K t
1. Road Service Permit A or B, per year of validity or part thereof—		
(a) operator registration fee (only for new entrants)	1,00000	(b) permit for passenger service vehicles
or goods vehicles of 3.5 tonnes or more	4,00000	(c) trailer for carriage of
goods for hire or reward	2,00000	(d) permit for
public service vehicles or goods vehicles of less than 3 tonnes net weight	2,00000	2. Duplicate of Road Service Permit listed in 1 above—
	2,00000	(a) under paragraph
	4,20000	(b) under
	2,00000	(c) under
	2,00000	(d)
	2,00000	3. Endorsement
of Road Service Permit A or B or variations of terms thereof	2,00000	4. Short-term Road Service Permit issued in respect of
vehicles registered in Malawi—	40000	(a) one month or less
	60000	(b) more than one
month but less than three months	80000	(c) more
than three months but not exceeding five months	10000	5. Short-term Service Permit issued in respect of
	USD1006	foreign registered vehicles, per month or part thereof
	USD1007	Application for a Road
	8,500	Service Permit by foreign operators from countries which are not members of COMESA
	10,00000	International Crossborder Road Service Permit, per annum or part thereof
	4,00000	Special Exemption Permit—
		(a) awkward, abnormal load
		(b) other requirement
		9. Malawi

registered vehicles holding valid International Road Service Permit at 7 above shall automatically be entitled to a local permit or part thereof

#### B. VALUATION OF MOTOR VEHICLES

1. Commercial valuation 3,000002. Valuation for purposes of acquiring a Government loan 1,50000

#### C. DRIVING SCHOOLS AND INSTRUCTORS LICENSING

1. Instructor's registration 4,000002. Instructor's licence, per annum 2,000003. Driving school registration, per annum 15,000004. Driving school licensing, per annum 10,000005. Amendment/endorsement fees2,000006. Appeal to the Minister 2,00000

#### D. DRIVING LICENCES

1. Issue of driving licence for five years 5,000002. Duplicate driving licence 5,000003. Learner's licence 1,000004. Learner's aptitude test300005. Photos 300006. Extension of driving licence by endorsement2,000007. Professional driving permit for two years2,000008. Driving test2,000009. Renewal of driving licence for five years5,0000010. Appeal to the Minister2,00000

#### E. INTERNATIONAL CIRCULATION

1. International driving permit, per year validity 4,000002. Short-term permit for foreign registered vehicles 5,00000

#### F. PASSENGER SERVICE VEHICLE DRIVER INDENTITY

1. Passenger service vehicle driver or crew identity card 500002. Duplicate passenger service vehicle driver or crew identity card50000

#### G. VEHICLE REGISTRATION

1. First registration of motor vehicles5,000002. Duplicate registration certificate 5,000003. Duplicate of any licence or token2,000004. Temporary registration card or special permit 5,000005. Registration of change of title holder or ownership for all motor vehicles5,000006. Vanity (personalized) registration for motor vehicle60,000007. Appeal to the Director of Road Traffic 3,000008. Appeal to the Minister 4,000009. Change of address of owner for any registration certificate or licence2,0000010. Special selection of registration number 10,0000011. Re-registration of motor vehicles after de-registration—(a)re-institution after recovery by Police5,00000(b)rebuild after being written off 5,00000(c)state authorized 5,0000012. De-registration of motor vehicles—(a)export purposes/permanent destruction/breaking-up 50000(b)for modification/re-registration purposes 1,00000

#### H. ANNUAL LICENSING OF VEHICLES

1. For every motorcycle having less than 3 wheels800002. For every motorcycle with a sidecar or similar attachment and for a motorcycle with 3 wheels1,000003. For a licence for a motor vehicle allocated a

vanity registration number 6,000004. For a licence for a motor vehicle used for carrying passengers other than a public vehicle or a private passenger vehicle for each 50 kg of gross weight or part thereof 100005. For a licence for a public service or a private passenger vehicle for each 50 kg of gross weight or part thereof 100006. For a licence for a goods vehicle for each 50 kg of gross vehicle weight or part thereof 80007. For a licence of a trailer for each 50 kg of gross weight or part thereof 80008. For a licence in respect of a motor vehicle and a trailer without pneumatic tyres on all wheels and for track-laying vehicles 100009. For a licence for any motor vehicle not otherwise specified for each 50 kg of gross weight or part thereof 800010. For a licence in respect of an agricultural tractor or agricultural trailer 2000011. For each motor trade number 10,0000012. For copies of any entry in a register or any extract thereof 4000013. Duplicate of any licence or token (only applicable for valid licence) 1,5000014. The following vehicles are exempted from licence fees—(a) a Government vehicle which is allocated for use by the State President; (b) any vehicle used solely for charitable purposes; (c) any ambulance which is the property of the Government; (d) any road construction machinery and plant; (e) any vehicle designed or adopted solely or primarily for fire-fighting; and (f) diplomatic vehicle bearing diplomatic number.

#### I. EXAMINATION OF MOTOR VEHICLES

1. Examination of a motor vehicle of—(a) less than 3.5 tonnes net weight 1,00000 (b) more than 3.5 tonnes net weight 1,000002. Examination of a motorcycle 400003. Examination of a trailer—(a) less than 3.5 tonnes net weight 1,00000 (b) more than 3.5 tonnes net weight 2,000004. Re-examination of a motor vehicle of—(a) less than 3.5 tonnes net weight 1,00000 (b) more than 3 tonnes net weight 2,000005. Re-examination of a motorcycle 400006. Re-examination of a trailer of—(a) less than 3.5 tonnes GVM 1,00000 (b) more than 3.5 tonnes net weight 1,000007. Examination of every motorcycle with a side car or similar attachment and for a motorcycle with 3 wheels 800008. Registration of motor vehicle inspection stations and inspectors—(a) inspection station 15,00000 (b) inspector 6,000009. Licensing fee, per annum, per—(a) inspection station 5,00000 (b) inspector 3,0000010. Vehicle inspection manual, per copy 2,5000011. A private passenger vehicle shall be eligible for Certificate of Fitness Inspection upon reaching five years old.

#### J. TRAFFIC INFORMATION

1. Searching fees for any lost documentation 500002. Release of any traffic data information, per page 200003. Highway Code, per copy 20000

#### K. CAR HIRE OPERATION'S LICENCE

Car hire registration/licence, per annum 15,00000

#### L. TAXI OPERATOR'S LICENCE

Taxi operator's registration/licence, per annum 2,50000

#### M. VEHICLE MANUFACTURERS, BUILDERS, IMPORTERS REGISTRATION FEE PER YEAR

Certification of registration or approval10,00000

## ROAD TRAFFIC (PRESCRIBED OFFENCES AND PENALTIES) REGULATIONS

under s. 170

G.N. 22/1999

### 1. Citation

These Regulations may be cited as the Road Traffic (Prescribed Offences and Penalties) Regulations.

### 2. Prescribed offences and penalties

The penalty for the offences specified in the First Column of the Schedule shall be as specified in the Second Column of the Schedule.

## SCHEDULE

First Column Prescribed Offences	Second Column Prescribed Fines
1. Failing to produce vehicle for inspection contrary to section 7 (1) (a) of the Act	1,500
2. Failing to furnish documents in respect of a motor vehicle concerned contrary to section 7 (1) (a) of the Act	500
3. Failing to furnish evidence of registration as instructor contrary to section 7 (1) (c) (i) of the Act	300
4. Failing to furnish evidence of registration as instructor within seven days contrary to section 7 (1) (c) (ii) of the Act	500
5. Failing to furnish name and address or professional driving permit contrary to section 7 (1) (f) of the Act	500
6. Failing to furnish licence or document contrary to section 7 (1) (g) of the Act	500
7. Failing to furnish name and address contrary to section 7 (1) (i) of the Act	300
8. Failing to furnish information regarding identification of driver contrary to section 7 (1) (i) of the Act	300
9. Failing to stop a vehicle as required by traffic police officer in uniform contrary to section 8 (b) of the Act	1,000
10. Driving a vehicle after being forbidden by a traffic police officer to do so contrary to section 8 (f) of the Act	1,500
11. Failing to comply with directions of a traffic police officer contrary to section 8 (g) of the Act	500
12. Failing to remove a motor vehicle from a road or to follow another route as directed by a traffic police officer contrary to section 8 (g) of the Act	500
13. Failing to furnish name and address contrary to section 8 (h) of the Act	500
14. Failing to take a motor vehicle to a police station contrary to section 8 (o) of the Act	1,000
15. Failing to comply with an instruction of an authorized officer contrary to section 9 (1) (a) of the Act	5,000
16. Threatening or suggesting the use of violence against an authorized officer contrary to section 9 (1) (b) of the Act	5,000
17. Failing to produce a document in seven days contrary to section 9 (2) of the Act	500
18. Using a motor vehicle which is not registered and licensed contrary to section 11 (2) of the Act	1,500
19. Failing to carry instructor's certificate while acting as instructor contrary to section 18 (1) of the Act	500
20. Failing to carry a driver's licence while driving a motor vehicle contrary to section 18 (1) of the Act	500
21. Driving a motor vehicle without a licence (class A1) contrary to section 18 (1) of the Act	1,500
22. Driving a motor vehicle without a licence (class A or B) contrary to section 18 (1) of the Act	1,500
23. Driving a motor vehicle without a licence (class C, C1, EB, EC or EC1) contrary to section 18 (1) of the Act	1,500
24. Wilfully failing to	

disclose a disqualification contrary to section 22 (1) of the Act1,5000025.Failing upon disqualification to submit a driver's licence to the Director within seven days contrary to section 22 (2) of the Act5000026.Wilfully or negligently issuing an unlawful learner's licence contrary to section 23 (5) of the Act5,0000027.Failing to give notice of change of address to the Director within fourteen days contrary to section 26 of the Act3000028.Failing to forthwith submit a learner's or driver's licence to the Director contrary to section 29 (7) of the Act5000029.Acting as an instructor while not registered contrary to section 32 (1) of the Act1,5000030.Employing unregistered person as instructor contrary to section 32 (2) of the Act2,0000031.Acting as a driving school while not registered contrary to section 37 of the Act5,0000032.Failing to submit void learner's or driver's licence contrary to section 42 of the Act5000033.Allowing another person to use learner's or driver's licence contrary to section 43 of the Act1,5000034.Permitting an unlicensed person to drive a motor vehicle contrary to section 44 of the Act1,5000035.Failing to carry a professional driving permit when driving a motor vehicle contrary to section 45 (1) of the Act5000036.Driving a motor vehicle without a professional driving permit contrary to section 45 (1) of the Act1,5000037.Failing to forthwith surrender a professional driving permit to the Director contrary to section 50 (2) of the Act5000038.Employing a driver without, or permitting a person to drive a motor vehicle without a professional driving permit contrary to section 52 (a) of the Act1,5000039.Allowing another person to use professional driving permit contrary to section 52 (b) of the Act1,5000040.Failing to deliver a void professional driving permit contrary to section 53 of the Act5000041.Driving a motor vehicle for a period exceeding the prescribed period contrary to section 54 (1) of the Act1,0000042.Allowing a professional driver to drive for a period in excess of the limits contrary to section 54 (2) of the Act2,0000043.Using a motor vehicle without the prescribed recording device contrary to section 55 (1) of the Act1,0000044.Failing to use a recording device in the prescribed manner contrary to section 55 (2) of the Act1,0000045.Failing to produce a driving licence to the court at hearing contrary to section 58 (3) of the Act5000046.Operating an unroadworthy motor vehicle contrary to section 69 (1) of the Act1,5000047.Using a motor vehicle contrary to the roadworthiness requirements contrary to section 69 (2) of the Act1,5000048.Licensing a motor vehicle that was not roadworthy contrary to section 72 of the Act2,0000049.Holding more than one certificate of fitness for same vehicle contrary to section 73 of the Act1,5000050.Using a motor vehicle without a certificate of fitness contrary to section 74 (1) (a) of the Act1,5000051.Using an expired certificate of fitness contrary to section 74 (1) (b) (i) of the Act1,5000052.Using a certificate of fitness not relating to the vehicle contrary to section 74 (1) (b) (ii) of the Act1,5000053.Failing to have a roadworthy document in or on a motor vehicle contrary to section 74 (4) of the Act1,5000054.Failing to present a motor vehicle for inspection within seven days after certificate of fitness becomes void contrary to section 76 (2) of the Act5000055.Failing to deliver a false certificate of fitness to a motor vehicle inspection station or authorized officer at the request of such inspection station or authorized officer contrary to section 78 of the Act5000056.Failing to deliver a certificate of fitness to the Director after suspension or cancellation contrary to section 79 (2) of the Act5000057.Illegally obtaining a new certificate of fitness after the first one was suspended contrary to section 79 (5) of the Act2,0000058.Illegally obtaining a new certificate of fitness after the first one was cancelled contrary to section 79 (5) of the Act2,0000059.Owner failing to register as operator contrary to section 81 (1) of the Act1,5000060.Owner failing to notify the Director as to which person should be registered as operator contrary to section 81 (2) of the Act5000061.Using a motor vehicle without a road service permit

contrary to section 83 of the Act2,0000062.Failing to notify the Director and return a road service permit when circumstances change contrary to section 85 (a) of the Act5000063.Failing to report loss of a road service permit contrary to section 85 (b) of the Act3000064.As operator failing to exercise control of a driver regarding driving hours contrary to section 85 (c) (i) of the Act1,5000065.As operator failing to exercise control of a driver regarding the professional driving permit contrary to section 85 (c) (ii) of the Act1,5000066.As operator failing to exercise control of a driver regarding the loading of a vehicle contrary to section 85 (c) (iii) of the Act2,5000067.As operator failing to ensure that motor vehicle complies with fitness requirements contrary to section 85 (d) of the Act2,5000068.As operator failing to care for the safety of the public contrary to section 85 (e) of the Act2,5000069.As operator not complying with the requirements for conveyance of hazardous substances contrary to section 85 (f) of the Act2,0000070.As operator failing to take steps to ensure road worthiness of a motor vehicle contrary to section 86 (1) (a) of the Act1,5000071.As operator failing to indicate the precautions taken to ensure road worthiness of motor vehicle contrary to section 86 (1) (b) of the Act1,5000072.As operator failing to indicate to the Director what precautions he had taken to control drivers under his authority contrary to section 86 (2) (b) of the Act1,5000073.As operator failing to produce records relating to drivers contrary to section 86 (2) (c) of the Act1,5000074.As operator failing to appear before the Director or other authorized officer contrary to section 86 (3) (c) of the Act1,5000075.As operator failing to make discovery of documents as demanded contrary to section 86 (4) (a) of the Act1,5000076.As operator failing to allow inspection of records contrary to section 86 (4) (b) of the Act1,5000077.Displaying a road traffic sign on a road without authorization contrary to section 90 (10) of the Act1,5000078.Driving a motor vehicle without instrument to record the speed contrary to section 94 (1) of the Act1,5000079.Failing to use speed-recording device contrary to section 94 (2) of the Act1,0000080.Failing to drive on left side of the roadway contrary to section 96 (1) of the Act1,0000081.Failing to drive on left-hand roadway of divided road contrary to section 97 (1) of the Act5000082.Driving a vehicle on, over, across, or within a dividing space contrary to section 97 (2) of the Act5000083.Failing to pass a vehicle on the right thereof contrary to section 98 (1) of the Act5000084.Passing a vehicle on the shoulder or verge of road contrary to section 98 (1) of the Act1,0000085.Failing to travel as near as possible to the left edge of the roadway contrary to section 98 (3) of the Act5000086.Accelerating speed of a vehicle when another vehicle passes his contrary to section 98 (3) of the Act1,0000087.Endangering on coming traffic contrary to section 98 (4) of the Act1,0000088.Passing a stationary bus without regard for safety contrary to section 98 (5) of the Act1,0000089.Crossing a road unsafely contrary to section 99 (1) of the Act1,0000090Entering a public road unsafely contrary to section 99 (2) of the Act1,0000091.Driving unsafely from one lane to another contrary to section 99 (3) of the Act1,0000092.Failing to give a signal to move to left or right contrary to section 100 of the Act5000093.Failing to signal an intention to reduce speed or stop contrary to section 100 of the Act5000094.Failing to yield right of way to traffic on right contrary to section 101 of the Act1,0000095.Failing to indicate intention to turn to left or turning unsafely contrary to section 102 (1) of the Act5000096.Failing to indicate intention to turn to right or turning unsafely contrary to section 102 (2) of the Act5000097.Failing to drive on immediate left of middle line before right turn contrary to section 102 (2) (a) (i) of the Act1,0000098.Driving on right half of roadway before entering intersection contrary to section 102 (2) (a) (ii) of the Act1,0000099.Failing to pass on left of traffic island or to comply with traffic sign contrary to section 102 (2) (a) (ii) of the Act1,00000100.Failing to drive on right side of



roadway when desiring to turn right from one way roadway contrary to section 102 (2) (b) (i) of the Act1,00000101.Driving on right half of roadway before entering intersection when turning right from one way roadway contrary to section 102 (2) (b) (ii) of the Act1,00000102.Failing to pass on left of traffic island or to comply with traffic sign when turning right from one way roadway contrary to section 102 (2) (b) (ii) of the Act1,00000103.Towing another vehicle not in the prescribed manner contrary to section 103 of the Act1,50000104.Stopping a vehicle at excavation or obstruction contrary to section 104 (a) of the Act50000105.Stopping a vehicle with tunnel or subway or on a bridge contrary to section 104 (b) of the Act50000106.Stopping a vehicle where width has been restricted contrary to section 104 (c) of the Act50000107.Stopping a vehicle in contravention of road traffic sign contrary to section 104 (d) of the Act50000108.Stopping a vehicle on right-hand side of roadway contrary to section 104 (e) of the Act50000109.Stopping a vehicle alongside another vehicle contrary to section 104 (f) of the Act50000110.Stopping a vehicle within railway reserve contrary to section 104 (g) of the Act50000111.Stopping a vehicle within 9 metres of a pedestrian crossing contrary to section 104 (h) of the Act50000112.Stopping a vehicle where it constitutes a danger to other traffic contrary to section 104 (i) of the Act1,50000113.Parking a vehicle in contravention of a road traffic sign contrary to section 105 (1) (a) of the Act50000114.Parking a vehicle alongside or opposite another vehicle contrary to section 105 (i) (b) of the Act50000115.Parking a vehicle where it constitutes a danger or obstruction to other traffic contrary to section 105 (1) (b) of the Act1,50000116.Parking a vehicle at excavation or obstruction contrary to section 105 (1) (b) of the Act50000117.Parking a vehicle within railway reserve contrary to section 105 (1) (b) of the Act50000118.Parking a vehicle on right-hand side of roadway contrary to section 105 (1) (b) of the Act50000119.Parking a vehicle where width of road has been restricted contrary to section 105 (1) (b) of the Act50000120.Parking a vehicle within tunnel or subway or on a bridge contrary to section 105 (1) (b) of the Act50000121.Parking a vehicle on the same side as fire hydrant contrary to section 105 (1) (c) of the Act50000122.Parking a vehicle obscuring a road traffic sign contrary to section 105 (1) (d) of the Act50000123.Parking a vehicle on sidewalk contrary to section 105 (1) (e) of the Act50000124.Parking a vehicle obstructing an entrance contrary to section 105 (1) (f) of the Act50000125.Parking on a roadway outside an urban area contrary to section 105 (2) of the Act1,00000126.Parking a vehicle within nine metres of a pedestrian crossing contrary to section 105 (3) (a) of the Act50000127.Parking within five metres of an intersection in urban area contrary to section 105 (3) (b) of the Act50000128.Parking upon actuating mechanism of traffic light contrary to section 105 (3) (c) of the Act50000129.Parking more than 450 mm within roadway in urban area contrary to section 105 (3) (d) (i) of the Act50000130.Parking with right hand wheel more than 450 mm within roadway on a one way street contrary to section 105 (3) (d) (ii) of the Act50000131.Parking on roadway where road is less than five and a half metres wide contrary to section 105 (3) (e) of the Act50000132.Parking on traffic island or mall contrary to section 105 (4) of the Act1,50000133.Failing to stop vehicle at traffic sign or when asked to stop by a Police Officer contrary to section 107 of the Act1,00000134.Causing a vehicle to travel backwards unsafely contrary to section 108 (1) (a) of the Act50000135.Causing a vehicle to run backwards longer than necessary for safety contrary to section 108 (1) (a) of the Act50000136.Following a vehicle too closely contrary to section 108 (1) (b) of the Act50000137.As driver allowing to be disturbed contrary to section 108 (1) (c) of the Act50000138.Allowing someone to interfere with the steering or operating mechanism contrary to section 108 (1) (d) of the Act50000139.Failing to have complete control over a vehicle contrary to section 108 (1) (e) of the

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## ROAD TRAFFIC (REGISTRATION AND LICENSING) REGULATIONS

G.N. 12/2000

### PART I

#### PRELIMINARY

##### 1. Citation

These Regulations may be cited as the Road Traffic (Regulation and Licensing) Regulations.

##### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“acceptable identification” means—

- (a) a Malawi driver’s licence or passport;
- (b) in the case of a person not permanently resident in Malawi, an identity document issued by a foreign country; or
- (c) in the case of a person or body of persons carrying on a business, a certified copy of the business licence;

“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 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.

“convention” means the International Convention relative to Motor Traffic (Paris, 1926), the United Nations Convention on Road Traffic (Geneva, 1949) or the United Nations Convention on Road Traffic (Vienna, 1968), and any subsequent related Convention ratified by the Republic of Malawi, whichever Convention is applicable to Malawi, and any amendment thereof;

“goods vehicle” means a motor vehicle constructed or adapted for use primarily for the carriage or haulage of goods;

“motor trade number” means a motor trade number referred to in regulation 33;

“motor trade number registration certificate” means the certificate referred to in regulation 35;

“motor trade number licence” means the licence referred to in regulation 39;

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

“motor vehicle licence” means a licence referred to in regulation 27;

“registration certificate” means a certificate issued to the title holder of a motor vehicle under regulation 16;

“registration number” means a number or a combination of a letter or letter and a number referred to in regulation 17 and includes a vanity registration number;

“special permit” means a permit referred to in regulation 47 (1) (b);

“temporary permit” means a permit referred to in regulation 47 (1) (a); and

“vanity registration number” means a particular combination of letters or letters and numbers requested by the title holder referred to in regulation 17 (b).

## PART II

### FORMS

#### 3. Forms

The forms set forth in the First Schedule shall be used in all cases to which they are respectively applicable in carrying out the Act and these Regulations.

#### 4. Particulars in application, etc.

The particulars to be entered on or contained in any application, registration certificate, vehicle licence and any other licences and certificates to which these Regulations apply shall, unless otherwise

set forth in these Regulations, be such as are necessary from the respective form of such application, registration certificate, vehicle licence and other licences and certificates as approved by the Minister.

### PART III

#### REGISTRATION OF MOTOR VEHICLES

##### 5. Motor vehicle to be registered

(1) Subject to the provisions of regulations 6 and 7, every motor vehicle in Malawi shall, whether or not it is operated on a public road, be registered by the title holder thereof, in accordance with the provisions of this Part.

(2) No person shall operate on a public road any motor vehicle which is not registered by the title holder thereof, in accordance with the provisions of this Part.

##### 6. Motor vehicle deemed to be registered

(1) Subject to the provisions of subregulation (3), a motor vehicle which is registered and licensed in terms of any law of a prescribed territory and which was not permanently or ordinarily kept in Malawi when it was registered and licensed in terms of such law, shall be deemed to be registered in terms of this Part while being operated in Malawi by or on behalf of the person in whose name such vehicle is registered and licensed.

(2) Subject to the provisions of 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 Malawi—

(a) during a continuous period of twelve months calculated from the date on which such motor vehicle is brought into Malawi; or

(b) until the registration ceases to be of force and effect in terms of the Convention:

Provided whichever event is the earlier, and which such 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—

(a) if such vehicle does not comply with the provisions of subregulation (1) or (2) while in Malawi;

(b) in the case of a motor vehicle brought into Malawi by a person resident in Malawi, after a period of thirty days from the date of entry of such motor vehicle into Malawi; or

(c) in the case of a motor vehicle brought into Malawi by a person who obtains permission in terms of any law for residence in Malawi for a total consecutive period longer than one hundred eighty days after thirty days from the date of receiving such permission.

7. Motor vehicle exempt from registration

(1) A motor vehicle—

- (a) which has crawler tracks;
- (b) which is not operated on a public road;
- (c) 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 Act; and which is not so operated; and
- (d) which is designed exclusively for racing, if such motor vehicle is not operated on a public road,

shall not be required to be registered in accordance with the provisions of this Part.

(2) For the purpose of subregulation (1) (b), the words “operated on a public road” shall not be so construed to include the presence of such motor vehicle on a public road for the purpose of—

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

(3) If a motor vehicle exempted in terms of subregulation (1) (b) 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 9 (a) (vii).

8. Date on which registration of motor vehicle becomes null and void

The registration of a motor vehicle becomes null and void on the date—

- (a) of change of title holder or of owner of such motor vehicle to 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 Director may, upon written application to him 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 and such determination shall be final;

(b) on which a deregistration certificate in respect of the motor vehicle concerned is issued in terms of regulation 29 (6) (b);

(c) on which a deregistration certificate in respect of the motor vehicle concerned is issued in terms of regulation 63 (3) (d);

(d) if the motor vehicle is subject to an instalment sale transaction, or leasing transaction, twenty-eight days from the date of repossession of the motor vehicle concerned by the title holder;

(e) on which a deregistration certificate in respect of the motor vehicle concerned is issued in terms of regulation 62 (4) (c);

(f) on which the motor vehicle is acquired or the estate is settled, whichever date is the earlier, if the motor vehicle is acquired from the estate of a deceased person; or

(g) determined by the Director in any circumstances not contemplated in this regulation.

9. Date and conditions on which motor vehicle is to be registered

(1) Subject to the provisions of subregulation (2), liability for the regulation of a motor vehicle shall arise—

(a) in the case of a motor vehicle to be registered for the first time in Malawi—

(i) if the motor vehicle was manufactured in Malawi, on the date of completion of manufacture of such motor vehicle;

(ii) if the motor vehicle was built by a builder in Malawi, 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 the date of arrival of such vehicle in Malawi or on the date on which a customs clearance certificate for such motor vehicle is issued by or on behalf of the Controller of Customs, if applicable;

(v) subject to the provisions of regulation 6, if the motor vehicle was acquired outside Malawi, on the date such motor vehicle is brought into Malawi or on the date on which a customs clearance certificate for such motor vehicle is issued by or on behalf of the Controller of Customs, if applicable;

(vi) if it is a motor vehicle which is deemed to be registered in terms of regulation 6, on the date it ceases to be so deemed; or

(vii) if it is a motor vehicle which is exempt from registration in terms of regulation 7, 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 previously registered in Malawi—

(i) on the date the registration of such vehicle becomes null and void, in terms of regulation 8 (a), (b), (d) or (f) or, if applicable, 8 (g); or

(ii) which was stolen and deregistered in terms of regulation 62 (4) and is recovered, on the date of release of such motor vehicle by the Malawi Police Service; or

(c) in the circumstances not contemplated in the forgoing provisions of this subregulation, on the date determined by the Director.

(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 fourteen days after the date of liability referred to in this regulation in order to register such vehicle while the registration number allocated thereto is displayed in the manner contemplated in regulation 19.

(3) 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 alleged to be the date referred to in subregulation (1) shall, until the contrary is proved, be deemed to be the date referred to in the said subregulation.

#### 10. Application for registration of motor vehicle

(1) An application for the registration of a motor vehicle shall be made by the title holder, within fourteen days after the date of liability referred to in regulation 9, to the Director on Form MVRA in the First Schedule.

(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 his 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 his proxy and representative and a letter of proxy;

(c) the appropriate prescribed registration fees;

(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) a completed Form MVRA;

(ii) if it is a new motor vehicle, a certificate from the manufacturer, builder or importer of such motor vehicle containing—

(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) other than in the case of a motorcycle, 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) other than in the case of a motorcycle, the gross vehicle mass in kilograms expressed in not more than six figures;

(hh) if applicable, the net engine power to the nearest kilowatt expressed in not more than three figures; and

(ii) the main colour of the motor vehicle concerned.

(f) if the tare has changed due to any reason, a certificate referred to in regulation 73;

(g) if applicable, a Malawi Police Service clearance of the motor vehicle; and

(h) if required by the Director—

(i) proof of the right to be registered as the title holder of the motor vehicle concerned;

(ii) a customs clearance certificate for the motor vehicle concerned or other proof of compliance with the provisions of the customs and excise legislation;

(iii) where doubt exists regarding the tare of the motor vehicle concerned, a certificate referred to in regulation 74; or

(iv) any other documentation required by the Director.

(3) If liability for the registration of a motor vehicle arises due to the sale of such motor vehicle by a motor dealer, the motor dealer concerned shall submit the application referred to in subregulation (1) to the Director.

(4) An application for the vanity registration of a motor vehicle shall be made—

(a) in the case of a motor vehicle subject to regulations 8 and 9 in accordance with regulations 10 (1) to (3) inclusive;

(b) in the case of a motor vehicle currently registered in Malawi and not subject to regulation 9 for which the title holder seeks a new registration number on Form MVRA and shall be accompanied by—

(i) the current registration certificate; and

(ii) the prescribed re-registration fee;

(c) on the condition that any application referred to in paragraph (b) shall be subject to an investigation of the current vehicle registration followed by a mandatory waiting period of twenty-eight days.

#### 11. Requirements for registration of a motor vehicle of Malawi origin

(1) An application for the registration of a motor vehicle of Malawi origin shall, in addition to the requirements and documents referred to in regulation 10, be accompanied by—

(a) in the case of a motor vehicle contemplated in regulation 9 (1) (a) (i), (ii) and (iii) a customs clearance certificate for such motor vehicle issued by or on behalf of the Controller of Customs indicating that the origin of such motor vehicle is Malawi; and

(b) in the case of a motor vehicle contemplated in regulation 9 (1) (a) (iii)—

(i) an affidavit 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;

(ii) 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 63 (3), the deregistration certificate in respect of such motor vehicle; and

(iii) if required by the Director, a Malawi Police Service clearance of the motor vehicle concerned.

#### 12. Requirement for deregistered motor vehicle

An application for the registration of a motor vehicle referred to in regulation 8 (b) shall, in addition to the requirements and documents referred to in regulation 10, be accompanied by the deregistration certificate issued in respect of such vehicle.

13. Requirements for registration of motor vehicle acquired from the estate of deceased person

An application for the registration of a motor vehicle referred to in regulation 8 (f) shall, in addition to the requirements and documents referred to in regulation 10, be accompanied by a document substantiating the acquisition of such motor vehicle.

14. Requirements for registration of motor vehicle acquired as a result of repossession by title holder

An application for the registration of a motor vehicle referred to in regulation 8 (d) shall, in addition to the requirements and documents referred to in regulation 10, be accompanied by a certified copy of—

- (a) the court order; or
- (b) the voluntary surrender documentation:

Provided that an affidavit made by the title holder of that motor vehicle explaining the circumstances under which the vehicle was repossessed may be submitted in the case where the voluntary surrender documentation cannot be obtained, as proof as the right of the title holder to repossess such motor vehicle.

15. Requirements for registration of motor vehicle which has previously been registered outside Malawi

An application for the registration of a motor vehicle referred to in regulation 9 (1) (a), (v) or (vi) shall, in addition to the requirements and documents referred to in regulation 10, be accompanied by—

- (a) a customs clearance certificate for such motor vehicle issued by or on behalf of the Controller of Customs;
- (b) if such motor vehicle is registered outside Malawi, 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 Malawi Police Service clearance of the motor vehicle.

16. Manner of registration

(1) On the receipt of the application referred to in regulation 10, the Director may, and if the applicant so requires, shall issue an assessment showing the penalties and fees referred to in regulation 10 (2) (c), for the registration of the motor vehicle concerned.



(2) The Director shall, subject to the provisions of subregulation (3) and regulation 67 (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) if applicable, allocate a registration number to the motor vehicle concerned in the form referred to in regulation 17;
  - (c) record the particulars in relation to the—
    - (i) motor vehicle concerned; and
    - (ii) title holder and owner of such motor vehicle, in the register of motor vehicles;
- and
- (d) issue a motor vehicle registration certificate.

(3) The Director shall not issue a vanity registration number for any motor vehicle currently registered unless the title holder of such motor vehicle—

- (a) surrenders to the Director in respect of such motor vehicle—
  - (i) the current valid registration certificate;
  - (ii) the current valid motor vehicle licence; and
  - (iii) the registration plates bearing the current registration number; and
- (b) produces in respect of such vehicle an official receipt for payment of—
  - (i) the vanity registration fee;
  - (ii) the vanity motor vehicle licence fee in terms of regulation 26 (2) (b).

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

17. Registration number of motor vehicle

Every motor vehicle registered shall be allocated a registration number in the form of—

- (a) those set forth in the Second Schedule; or
- (b) a particular combination of letters or letters and numbers requested by the title holder to be referred to as a vanity registration number:

Provided that such vanity registration number is not already allocated or otherwise prohibited.

18. Director may change allocated registration number

The Director may, upon such conditions as he determines, change the registration number allocated to a motor vehicle.

19. Display of registration number

(1) The registration number of a motor vehicle shall be displayed on a plate bearing directional positive identification images “MW” and “MBS 639” to be referred to as a registration plate.

(2) The registration plate referred to in subregulation (1) shall be rectangular in shape and subject to subregulations (3), (4), (5), (6) and (7), the ground of each registration plate shall have a yellow retro-reflective surface with black letters and figures thereon.

(3) The ground of each registration plate bearing a registration number of a public service vehicle shall have a white retro-reflective surface with red letters and figures thereon.

(4) The ground of each registration plate bearing a registration number on a motor vehicle used under the authority of a motor trade number licence shall be red and the letters and figures thereon shall be black.

(5) The ground of each registration plate bearing a registration number on a motor vehicle belonging to or registered in the name of a statutory corporation shall have a white retro-reflective surface and the letters and figures thereon shall be blue.

(6) The ground of each registration plate bearing a registration number on a motor vehicle belonging to or registered in the name of a diplomatic mission in Malawi, or a member of such a mission, with the status, of diplomatic agent, shall have a white retro-reflective surface and the letters and figures thereon shall be black.

(7) The ground of each registration plate bearing a registration number on a motor vehicle belonging to or registered in the name of a consulate established in Malawi, or of a consular representative, shall be green and the letter or letters and numbers thereon shall be white.

(8) The letters and figures on a registration plate shall be arranged—

(a) with all the letters and figures in one line; or

(b) with the letters preceding the figures in one line and immediately thereunder, the figures in one line.

(9) All letters and figures on every registration plate shall be in a straight block form and not less than 75 millimetres high. All letters shall be in upper case and every part of every letter and figure shall be at least 11 millimetres wide and the total width of the space taken by every letter or figure except in the case of the figure “1” shall be at least 35 millimetres:

Provided that in the case of a motorcycle, motor tricycle or motor quadrucycle the letters and figures shall not be less than half of the above dimensions.

(10) The space between adjoining letters and adjoining figures on the registration plate shall be 12 millimetres and there shall be a margin between the nearest part of any letter or figure and the top and bottom of the registration plate at least 12 millimetres and a margin between the nearest part of any letter or figures and the sides of the registration plate of at least 25 millimetres. The space between the letter or letters and the figure shall be 40 millimetres and if applicable the space between an upper and lower line shall be 19 millimetres.

(11) 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 (13), whether or not such motor vehicle is operated on a public road:

Provided that the provisions of this subregulation shall not apply in respect of a registration plate which is removed from such motor vehicle for the purpose of effecting repairs to such motor vehicle or registration plate, and while such motor vehicle is not operated on a public road.

(12) No person shall operate on a public road a motor vehicle—

(a) on which a registration number or anything purporting to be a registration number, which is not applicable to such vehicle, is displayed;

(b) on which the registration number is in any way obscured or has become illegible, except, if such registration number is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle;

(c) on which any design appears on the registration plate or if such plate is fitted to a registration plate holder, on such holder; and

(d) on which 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;

(e) which, if such a motor vehicle is deemed to be registered and licensed by reason of it being registered or licensed in a prescribed territory, does not comply with the legislation of that prescribed territory relating to the registration and licensing of motor vehicles and matters in connexion therewith;

(f) which is registered in a prescribed territory, without displaying the distinguishing sign of the country of registration allocated in terms of the Convention;

(g) if such vehicle is registered in Malawi and displays thereon a distinguishing sign other than the distinguishing sign allocated to Malawi in terms of the Convention; or

(h) in which a plate is carried on which a registration number appears which is not applicable to such motor vehicle or anything purporting to be a registration number, unless he can prove that such plate was not carried with criminal intent.

(13) A registration plate shall be affixed—

- (a) in such a manner that it is not easily detached;
- (b) to both the front and rear of a motor vehicle:

Provided that a motorcycle, motor tricycle, motor quadrucycle or trailer may be equipped with only one registration plate on the back of such motorcycle, motor tricycle, motor quadrucycle or trailer;

- (c) in an upright position or within 15 degrees of such position;
- (d) in such a manner that each letter and figure thereon is clearly legible; and
- (e) in such a manner that the whole registration late is clearly visible.

(14) A registration plate shall, in the case of—

- (a) a double-deck bus of which the engine is at the rear, be affixed not higher than 1,900 millimetres from ground level; or
- (b) any other motor vehicle, be affixed not higher than 1,500 millimetres from ground level.

(15) The provisions of subregulation (13) 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.

(16) No person shall, fourteen days after the entry into force of these Regulations, operate on a public road a motor vehicle whose registration number is not displayed on a registration plate in accordance with subregulation (1).

(17) Any person who contravenes this regulation shall be guilty of an offence.

20. Deregistration of registered motor vehicle which becomes exempt from registration

(1) If a registered motor vehicle becomes exempt from registration under regulation 8, the title holder of such motor vehicle shall apply to the Director for the deregistration of such motor vehicle on Form MVRA.

(2) The 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 his proxy and representative and a letter of proxy; and
- (b) the registration certificate of the motor vehicle concerned.

(3) On receipt of the application referred to in subregulation (1), the Director shall—

- (a) satisfy himself that the application is in order; and
- (b) update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles.

#### PART IV

#### LICENSING OF MOTOR VEHICLES

##### 21. Motor vehicle to be licensed

(1) Subject to the provisions of regulations 22 and 23, every motor vehicle in Malawi 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.

(2) No person shall operate on a public road any motor vehicle which is not licensed by the owner thereof, in accordance with the provisions of this Part.

##### 22. Motor vehicle deemed to be licensed

(1) A motor vehicle which is deemed to be registered under regulation 6 shall be deemed, notwithstanding anything to the contrary contained in this Part 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 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 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 6 (3), and the owner of such motor vehicle shall be liable to licence such motor vehicle in terms of this Part.

##### 23. Motor vehicle exempt from licensing

(1) A motor vehicle which is exempt from registration in terms of regulation 7 shall not be required to be licensed in terms of this Part.

(2) A motor vehicle—

- (a) which is a Government vehicle allocated for use by the President;
- (b) which is an ambulance owned by the Government of Malawi;
- (c) which is used solely for charitable purposes;
- (d) which is designed or adapted solely or primarily for fighting fires;

(e) which is self-propelled and is a tractor, water boring machine, threshing machine, harvester, harrow, mower, baler, scraper, leveler, spraying machine, crane plough or a similar vehicle;

(f) 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 purpose 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 Director;

(g) which is commonly known as a racing car or a racing motorcycle, which is used solely for racing purposes and such motor vehicle is not operated on a public road; or

(h) which may only be operated on a public road under an exemption in terms of the Act, shall not be required to be licensed under this Part.

(2) For the purposes of this regulation, the words “operated on a public road” shall not be construed to include the presence of such motor vehicle on a public road for the purpose of—

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

24. Date on which motor vehicle licence becomes null and void

The motor vehicle licence shall become null and void on the date—

- (a) referred to in regulation 30 (1);
- (b) on which a new registration number is allocated as referred to in regulation 18;
- (c) of issue of an acknowledgment of receipt in terms of regulation 62 (4) (d) or 63 (3) (c) in respect of the motor vehicle concerned.
- (d) of deregistration in terms of this Chapter;
- (e) referred to in regulation 8 (a);
- (f) on which the motor vehicle is acquired or the estate is settled, whichever date is the earlier, if the motor vehicle concerned is acquired from the estate of a deceased person;
- (g) if the motor vehicle is subject to an instalment sale transaction or leasing transaction, twenty-eight days from the date of repossession by the title holder; or
- (h) determined by the Director in any circumstances not contemplated in this regulation.

25. Date on which motor vehicle is to be licensed

(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 9;
- (b) on which a vanity registration number is allocated in terms of regulation 16;
- (c) on which a new registration number is allocated in terms of regulation 18;
- (d) referred to in regulation 30 (1);
- (e) of expiry of the licence of such motor vehicle in terms of regulation 28;
- (f) of release by the Malawi Police Service, if it is a motor vehicle which has been stolen and has not been deregistered under regulation 62 (4), and has been recovered; or
- (g) determined by the Director in any circumstances not contemplated in the forgoing provisions.

(2) The date of liability referred to in subregulation (1) (e) 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 seven days after the date referred to in that subregulation,

be operated on a public road while the registration number allocated to such motor vehicle prior to the date on which the motor vehicle licence became null and void is displayed in the manner contemplated in regulation 20.

(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 alleged to be the date referred to in subregulation (1) shall, until the contrary is proven, be deemed to be the date referred to in the said subregulation.

#### 26. Application for licensing of motor vehicle

(1) An application for the licensing of a motor vehicle, shall be made by the owner of such motor vehicle to the Director, in such manner as approved by the Minister, within seven days after the date of liability referred to in regulation 25:

Provided that the seven day grace period contained in this subregulation shall not apply to any motor vehicle contemplated in regulation 25 (1) (b).

(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 his proxy and representative and a letter of proxy;

(b) the appropriate motor vehicle licence fees referred to in the First Schedule;

(c) if applicable, for penalties and arrear licence fees referred to in regulations 65 and 67;

(d) a certificate of insurance valid for twelve months;

(e) a valid registration certificate; and

(f) if applicable, proof of a valid certificate of fitness.

(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-twelfth 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 20, 62 (1) (c) and 63 (1) (b), shall not be so reduced.

#### 27. Manner of licensing of motor vehicle

(1) On receipt of the application referred to in regulation 26, the Director may, and if the application so requires, shall issue an assessment showing the fees and penalties referred to in regulation 26 (2) (b) and (c), for the licensing of the motor vehicle concerned.



(2) The Director shall, subject to the provisions of regulation 67 (2), on submission of the amount referred to in subregulation (1), and if satisfied that the application is in order—

- (a) licence the motor vehicle concerned;
- (b) update the particulars pertaining to such motor vehicle in the register of motor vehicles;
- (c) issue a motor vehicle licence of the type approved by the Minister to the owner of such motor vehicle.

28. Period of validity of motor vehicle licence

(1) A motor vehicle licence shall be valid for a period of twelve months from the first day of the month in which such licence was issued and the date of expiry of such licence shall be shown on the motor vehicle licence:

Provided that if the owner applies for the renewal of the current licence under regulation 29 (2) before the expiry date of such licence, the period of validity of the new licence shall be calculated from the first day of the month which follows on the expiry date of the current licence.

(2) A motor vehicle licence shall not be transferred to the new title holder or owner of the motor vehicle upon transfer of title or change of ownership of such motor vehicle.

29. Annual renewal of motor vehicle licence

(1) The Director may, if he deems it expedient, forward a motor vehicle licence renewal to the postal address of the owner of the motor vehicle, on such form as approved by the Minister, 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 Director, and such submission shall serve as 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;
  - (b) if applicable, the penalties and arrear licence fees referred to in regulations 65 and 67;
- or
- (c) if applicable, proof of a valid certificate of fitness.

(4) If the owner did not receive a motor vehicle licence assessment referred to in subregulation (1), such owner shall apply for the licensing of the motor vehicle in the manner referred to in regulation 26.

(5) On receipt of an application referred to in subregulation (2), the Director shall licence the motor vehicle as contemplated in regulation 27 (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—

(a) the Director may, within three months from the date of liability referred to in regulation 25, forward a notice of the failure to apply for the licensing of such motor vehicle, on such form as 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; or

(b) the Director shall, within twelve months from the date of liability referred to in regulation 25—

(i) deregister the motor vehicle concerned; and

(ii) notify the title holder of such action on Form MVRA.

(7) The deregistration of a motor vehicle in terms of subregulation (6) (b) shall not exempt the owner of such motor vehicle from liability for the renewal of the motor vehicle licence in terms of this Part or from penalties and arrear licence fees in terms of regulations 66 and 68.

30. Requirements for application for licensing in the case of alteration or reconstruction of registered motor vehicle

(1) When a motor vehicle is altered or reconstructed in such a manner and to such an extent that the motor vehicle licence issued in respect of such motor vehicle no longer correctly describes such vehicle, such licence shall become null and void 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 26, and in addition to the requirements and documents referred to in that regulation, be accompanied by—

(a) a certificate referred to in regulation 73; and

(b) if applicable, proof of a valid certificate of fitness.

(3) The provisions of subregulation (1) shall not apply in respect of a motor vehicle where only the colour is changed or the engine is replaced, on condition that the owner of such motor vehicle shall notify the Director of such change or replacement within fourteen days after such change or replacement on Form MVRA:

Provided that the Director may require a Malawi Police Service clearance of the motor vehicle concerned.

(4) On receipt of a notice referred to in subregulation (3), the Director shall update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles.

(5) For the purposes of this regulation, “colour” means the main colour of the body of a motor vehicle, viewed from the outside.

(6) In any prosecution in terms of subregulation (3) the onus of proving that the Director was notified, shall be on the accused.

### 31. Display of motor vehicle licence

(1) The owner of a motor vehicle shall display a motor vehicle licence issued in respect of such motor vehicle, in the manner referred to in subregulation (2)—

(a) if the motor vehicle is fitted with a transparent windscreen, be displayed by affixing it by means of the adhesive thereon, in an upright position on the outside of the windscreen in such manner that the print on the face of the licence is clearly legible from the outside to a person standing in front or to the left front of such 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 licence is clearly legible from that side; or

(c) if such licence is required to be displayed on a motor vehicle in a position where it is exposed to the weather, be protected by affixing such licence by means of the adhesive thereon 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 a motor vehicle licence—

(a) or anything purporting to be a motor vehicle licence which is not applicable to such motor vehicle; or

(b) which is in any way obscured or has become illegible, except if such licence is temporarily obscured or illegible by reasons of a cause beyond the control of the driver of such motor vehicle,

is displayed.

### 32. Procedure for refund of motor vehicle licence fees

(1) The title holder or owner of a motor vehicle which has—

(a) had the title of such motor vehicle transferred to a new title holder;

(b) been reported stolen as referred to in regulation 62 (1) (c);

(c) reported permanently unfit for use as a motor vehicle as referred to in regulation 63 (1) (b); or

(d) been deregistered in terms of regulation 20,

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 27 (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 20, 62 (5) or 63 (4).

(2) The owner of the motor vehicle referred to in subregulation (1) may, within a period not exceeding sixty days apply to the Director for a refund of the motor vehicle licence fees in such manner as approved by the Minister.

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

Provided that—

(a) an amount of less than two hundred kwacha; or

(b) any amount in respect of a vanity motor vehicle licence,

shall not be refunded.

## PART V

### MOTOR TRADE NUMBER

#### 33. Operation of motor vehicle under motor trade number

(1) Notwithstanding any provisions to the contrary contained in these Regulations, a manufacturer, builder, importer, motor transport contractor or motor trader may operate a motor vehicle which may not otherwise be operated on a public road, under a motor trade number issued in terms of this Part for the purposes of—

(a) delivery of such motor vehicle by a motor transport contractor, in the course of his business;

(b) delivery, sale, exchange, demonstration, repair or building of a permanent structure on such motor vehicle by a motor dealer;

(c) delivery or testing by the manufacturer or building of such motor vehicle; or

(d) delivery of such motor vehicle by an importer.

(2) A person who is a deposit taking institution as defined in the Banking Act, and who is a credit grantor in respect of a motor vehicle which— Cap. 44:01

(a) is subject to an instalment sale transaction, or a leasing transaction; and

(b) he desires to operate on a public road for a 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 referred to in this regulation.

34. Application for motor trade number

(1) An application for a motor trade number shall be made to the Director on Form MTNL in the First Schedule and shall be accompanied by—

(a) acceptable identification of the applicant and, if the applicant is a body of persons, that of his proxy and representative and a letter of proxy; and

(b) the prescribed fees and if applicable, the penalties and arrear fees referred to in regulations 65 and 67.

(2) The applicant referred to in subregulation (1), shall indicate the quantity of motor trade numbers he desires to be issued with, and the purpose for which he desires to be issued with such numbers.

35. Issue of motor trade number

(1) On receipt of the application referred to in regulation 34, the Director—

(a) shall satisfy himself 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 34(1) (b), for the issue of a motor trade number.

(2) On submission of the amount referred to in subregulation (1), the Director shall, subject to the provisions of regulation 67 (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;

(b) issue a motor trade number and authorize, on such conditions and in such quantities as the Director may deem expedient, the use;

- (c) issue a motor trade number registration certificate; or
- (d) if the application is refused, notify the applicant accordingly.

36. Motor trade number to be licensed

Every motor trade number issued in terms of regulation 35, shall be licensed by the holder of such motor trade number in accordance with the provisions of this Part.

37. Date on motor trade number to be licensed

(1) Liability for the licensing of a motor trade number referred to in regulation 36, shall arise on—

(a) the date of issue of the motor trade number registration certificate referred to in regulation 35; 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 40.

(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 alleged to be the date referred to in subregulation (1) shall, until the contrary is proved, be deemed to be the date referred to in the said subregulation.

38. Application for licensing of motor trade number

(1) An application for the licensing of a motor trade number shall be made by the holder of such motor trade number, simultaneously with and on the same form referred to in regulation 34 (1).

(2) The application referred to in subregulation (1) shall be accompanied by the appropriate fees and, if applicable, the penalties and arrear fees referred to in regulations 65 and 67.

39. Period of validity of a motor trade number licence

(1) On receipt of the application referred to in regulation 38, the Director may, and if the applicant so requires, shall, issue an assessment showing the penalties and fees referred to in regulation 38 (2) for the licensing of the motor trade number concerned.

(2) The Director shall, subject to the provisions of regulation 67 (2), on submission of the amount referred to in subregulation (1), and if satisfied that the application is in order—

- (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 a motor trade number licence, for each authorized motor trade number plate, on Form MTNL; and

(d) record each such licence issued for a motor trade number plate.

40. Annual renewal of motor trade number licence

A motor trade number licence shall be valid for a period of twelve months from the first day of the month in which such licence was issued and the date of expiry of such motor trade number licence shall be shown on the motor trade number licence:

Provided that if the holder of such motor trade number applies for the renewal of the current motor trade number licence in terms of regulation 41 (2) before the expiry date of such licence, the period of validity of the new licence shall be calculated from the first day of the month which follows on the expiry date of the current licence.

41. Procedure of change of particulars of holder of motor trade number

(1) The Director may, if he deems it expedient, forward a motor trade number licence renewal to the postal address of the holder of a motor trade number, on such form as approved by the Minister, for the renewal of the licence of such motor trade number.

(2) For the purpose of the renewal referred to in subregulation (1), the holder shall submit such form together with the penalties and fees referred to in regulation 39 (2), to the Director and such submission shall serve as an application for the renewal of the motor trade number licence.

(3) The Director shall, on submission of the fees referred to in subregulation (2), if the application is in order, licence the motor trade number as contemplated in regulation 39 (2).

(4) If the holder did not receive the motor trade number licence renewal referred to in subregulation (1), such holder shall apply for the licensing of the motor trade number in the manner referred to in regulation 38.

(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 40, the Director 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 number from the liability for the payment of the penalties and arrear licence fees referred to in regulations 65 and 67.

42. Procedure of change of particulars of holder of motor trade number

(1) If the postal or physical address, the proxy or the representative of the holder of a motor trade number changes, such holder shall, within a period of fourteen days after such change, notify the Director of such change.

(2) If the name as reflected in the acceptable identification of the holder of a motor trade number changes, such holder shall within fourteen days from such change—

- (a) notify the Director of such change on Form MTNA;
- (b) submit the new acceptable identification; and
- (c) submit to the Director every motor trade number registration certificate issued to him.

(3) Where the proxy or representative of the holder of a motor trade number changes, the notice referred to in subregulation (1), shall be accompanied by the acceptable identification of the new proxy or representative and a new letter of proxy.

(4) On receipt of the notification referred to in subregulation (1) or (2), the Director shall—

- (a) ensure that such notification is in order;
- (b) update the particulars in relation to the persons or body of persons concerned in the register of motor trade numbers; and
- (c) in the case of a notification under 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.

(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 the business of a—

- (a) motor transport contractor;
- (b) manufacturer;
- (c) builder;
- (d) importer;
- (e) motor dealer; or
- (f) deposit taking institution referred to in regulation 33 (2),

from the estate of a deceased spouse 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, in respect of such business and the new owner of the business shall be deemed to be the holder of the motor trade number.

#### 43. Cancellation of motor trade number



(1) Whenever the holder of a motor trade number has, in the opinion of the Director, contravened a provision of these Regulations in the course of carrying on the business of a motor transport contractor, manufacturer, builder, importer, motor trade or deposit taking institution referred to in regulation 33 (2), as the case may be, the Director may cancel such motor trade number.

(2) If a motor trade number referred to in subregulation (1) has been cancelled, the holder of such number shall forthwith surrender the motor trade number registration certificate, all motor trade number licences and all the motor trade number plates referred to in regulation 45 to the Director.

(3) If—

(a) the holder of a motor trade number no longer requires such number; or

(b) the holder of a motor trade number ceases to carry on the business referred to in subregulation (1), such holder shall forthwith apply to the Director for the cancellation of such motor trade number and such application shall be accompanied by the relevant motor trade number registration certificate, all motor trade number licences and all the motor trade number plates, referred to in regulation 45.

(4) On receipt of the application referred to in subregulation (3), the Director shall—

(a) cancel the motor trade number;

(b) destroy the motor trade number registration certificate, all motor trade number licences and all the motor trade number plates; and

(c) update the particulars pertaining to the motor trade number in the register of motor trade numbers accordingly.

#### 44. Number issued in prescribed territory

A number which has a similar purpose to that of a motor trade number, and which is issued in a prescribed territory in accordance with the laws of such territory, 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 Malawi.

#### 45. Display of motor trade number and motor trade number licence

(1) A motor trade number shall be displayed on a plate referred to in regulation 19 and in accordance with the provisions of that regulation:

Provided that in the case of a motor vehicle other than a motorcycle, motor tricycle, motor quadrucycle or trailer, such plate shall, if such motor vehicle has a rear window, be displayed inside such vehicle in an upright position and in such a manner 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 licence issued in terms of regulation 40 shall be affixed by means of the adhesive thereon, 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 licence is clearly legible as contemplated in subregulation (1).

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

46. Right of appeal to the Minister

(1) Any person who is aggrieved at the refusal of the Director to issue a motor trade number to him, under regulation 35, may, within twenty-one days after the date of such refusal, appeal against such refusal to the Minister in accordance with the Road Traffic (Appeals) Regulations.

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

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

PART VI

TEMPORARY AND SPECIAL PERMITS

47. Motor vehicle may be operated on a public road under a temporary or special permit

(1) A person who desires to operate on a public road a motor vehicle which has not been registered and licensed, and may not otherwise be so operate, may—

(a) if he is the owner of such motor vehicle, obtain a temporary permit in respect of such motor vehicle in order to operate such motor vehicle if such motor vehicle is to be registered and licensed in terms of these Regulations, 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 such motor vehicle on a public road as if it is registered and licensed for the purpose of—

(i) testing such motor vehicle;

(ii) proceeding to or returning from a place where repairs are to be or have been effected to such motor vehicle;

(iii) reaching a motor vehicle inspection station or mass measuring apparatus; or

(iv) repossessing such motor vehicle, as contemplated in regulation 33 (2).

(2) A temporary permit—

(a) shall not be issued 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 26; or

(b) shall not be issued in respect of a motor vehicle unless a certificate of insurance in respect of such motor vehicle valid for the period referred to in regulation 50 is submitted.

(3) The owner of a motor vehicle which is licensed and who cannot comply forthwith with the provisions of regulation 19 or 31, may obtain a temporary permit in order to operate the motor vehicle on a public road.

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

48. Application for temporary or special permit

(1) If a temporary or special permit is required for a motor vehicle, the application for such permit shall be made to the Director on Form MVRA.

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

(a) the acceptable identification of the applicant, and, if the applicant is a body of persons, that of his proxy and representative and a letter of proxy;

(b) the appropriate fees;

(c) subject to regulation 47 (2) (b), a valid certificate of insurance; and

(d) subject to regulation 47 (2) (c), proof of a valid certificate of fitness.

49. Issue of temporary or special permit

(1) On receipt of the application referred to in regulation 48 (1) or (2), the Director may, and if the applicant so requires, shall issue an assessment showing the penalties and fees referred to in regulation 48 (3).

(2) On submission of the assessment and amounts referred to in subregulation (1), the Director shall, subject to the provisions of regulation 67 (2), and if satisfied that the application is in order—

(a) record the particulars pertaining to—

(i) the applicant; and

(ii) the issuing company, expiry date and certificate number of the certificate of insurance,

in the register of motor vehicles; and

(b) issue a duly completed temporary or special permit, as the case may be.

(3) A permit issued in respect of a motor vehicle in a prescribed territory in terms of any law relating to motor vehicles in force in that territory and serving the same purpose as a temporary or special permit shall, if the provisions of the law of such prescribed territory relating to the operation of a motor vehicle on a public road under such permit, is complied with, for the purposes of this Part, be deemed to be such temporary or special permit.

#### 50. Period of validity of temporary and special permit

(1) The date of commencement and the date of expiry of a permit issued in terms of regulation 49 (2) (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 twenty-eight days, calculated—

(i) in respect of a motor vehicle referred to in regulation 47 (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 seven days calculated from the date specified by the applicant in the application form including the day of issue, provided that such date shall not be more than fourteen days after the date on which the application is made.

#### 51. Display of temporary or special permit

(1) A permit issued in respect of a motor vehicle in terms of regulation 49 (2) (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 when viewed from the rear of the motor vehicle, so that the inscription thereon is legible through the glass; or

(c) 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 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.

(3) No person shall operate on a public road a motor vehicle on which a temporary or special permit is displaced 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.

#### PART VII

## REGISTRATION OF MANUFACTURERS, BUILDERS AND IMPORTERS

### 52. Appointment of inspectorate of manufacturers, builders and importers

Pursuant to section 17 of the Act, the Road Traffic Department is hereby appointed to act as the Inspectorate of Manufacturers, Builders and Importers.

### 53. Application for registration

(1) An application under section 13 (1) of the Act shall be made on Form MBIRA in the First Schedule.

(2) An application referred to in subregulation (1) shall be made and accompanied by—

(a) the acceptable identification of the applicant and, if such applicant is a body of persons or corporation, that of his proxy and representative and a letter of proxy;

(b) the appropriate fees, if any;

(c) any other additional information or documents as may be required by the Director.

### 54. Registration of manufacturer, builder or importer

(1) On receipt of an application referred to in regulation 53, the Director shall—

(a) ensure that such application is in order;

(b) require the inspectorate of manufacturers, builders and importers to—

(i) evaluate the applicant in respect of the compliance of the vehicles manufactured, built or imported by such applicant, with the relevant legislation, standards and specifications of motor vehicles in force in Malawi; and

(ii) submit a recommendation in respect of the registration of the applicant;

(c) require the responsible officer-in-charge at the Malawi Police Service to submit a report, in respect of the applicant, and such report may contain any prior convictions recorded against the applicant and the nature of such convictions, and any such official is hereby authorized to report accordingly; and

(d) with due regard to the evaluation and recommendations of the inspectorate of manufacturers, builders and importers and the Malawi Police Service, satisfy himself that the applicant is suitable to be registered.

(2) If the Director is satisfied in terms of subregulation (1) (d), he shall—

(a) register the applicant on the conditions referred to in regulation 55;

(b) record the particulars pertaining to such applicant on the register of manufacturers, builders and importers; and

(c) issue to such applicant a certificate of registration which shall reflect the conditions referred to in paragraph (a).

(3) If the Director is not satisfied in terms of subregulation (1) (d), he shall notify such applicant accordingly.

(4) A registered manufacturer, builder or importer of motor vehicle shall, at any time, be subject to an evaluation by the inspectorate referred to in subregulation (1) (b).

#### 55. Conditions of registration

The Director to which a manufacturer, builder or importer applies for registration—

(a) shall require as a condition of registration that notice be given by the manufacturer, builder or importer concerned on Form MBIRA to the inspectorate of manufacturers, builders and importers of any motor vehicle being manufactured, built or imported; and

(b) may require as a condition of registration—

(i) that a motor vehicle manufactured, built or imported by a manufacturer, builder or importer, shall be presented to the Director for clearance of such motor vehicle;

(ii) that a motor vehicle of any model shall be deemed not to be roadworthy until a certificate of fitness has been issued in respect of such motor vehicle; or

(iii) that both the conditions referred to in subparagraphs (i) and (ii) be complied with.

#### 56. Suspension or cancellation of registration

(1) If the Director suspends or cancels the registration of a manufacturer, builder or importer in terms of section 14 of the Act, he shall notify such manufacturer, builder or importer of such suspension or cancellation and, the reason therefore and, in the case of suspension, the period thereof.

(2) The manufacturer, builder or importer referred to in subregulation (1), may, within twenty-one days after receipt of the notification referred to in that subregulation, appeal against such suspension or cancellation to the Minister in accordance with the Road Traffic (Appeals) Regulations.

(3) The Minister shall consider any appeal made in terms of subregulation (2), if any.

(4) The manufacturer, builder or importer, of which the registration has been cancelled, shall within fourteen days after having been notified of such cancellation, submit to the Director, the certificate of registration.

57. Powers and duties of the inspectorate

(1) The inspectorate of manufacturers, builders and importers—

(a) shall, in terms of regulation 54 (1) (b), evaluate a manufacturer, builder or importer and make a recommendation to the Director regarding—

(i) the suitability of such manufacturer, builder or importer to be registered; and

(ii) the conditions upon which such manufacturer, builder or importer should be registered;

(b) shall, in respect of every manufacturer, builder or importer, conduct at least one inspection one year to monitor the standards applied by every manufacturer, builder or importer;

(c) may advise any manufacturer, builder or importer in writing on the improvement and maintenance of standards applied by the manufacturer, builder or importer concerned and submit a copy of such written advice to the Director; and

(d) shall, when necessary, recommend to the Director the suspension, cancellation or charge in conditions of the registration of a manufacturer, builder or importer.

(2) A person employed by, or who acts on behalf of, the inspectorate or manufacturers, builders or importers may at any reasonable time—

(a) for the purposes of regulation 54 (1) (b) (i) inspect, examine or test any motor vehicle which is being manufactured, built or imported by a manufacturer, builder or importer; and

(b) without prior notice—

(i) enter the premises of any manufacturer, builder or importer;

(ii) inspect any records of the manufacturer, builder or importer referred to in subparagraph (i); and

(iii) question any person with regard to any matter relating to the operation of the manufacturer, builder or importer referred to in subparagraph (i).

58. Change of particulars of manufacturer, builder or importer

(1) If there is any change of name, street or postal address, proxy, representative or acceptable identification of the manufacturer, builder or importer referred to in regulation 55 (2), such manufacturer, builder or importer shall, within twenty-one days after the date of such change, notify the Director of such change, on Form MBIRA.

(2) On receipt of the notification referred to in subregulation (1), the Director shall update the particulars pertaining to such manufacturer, builder or importer in the register of manufacturers, builders and importers.

59. Change of conditions of registration

(1) The Director shall notify a manufacturer, builder or importer of any intention to change the conditions on which such manufacturer, builder or importer is registered, and of the extent of such change.

(2) The manufacturer, builder or importer referred to in subregulation (1), may, within twenty-one days after receipt of the notification referred to in that subregulation, appeal against any change of conditions to the Minister in accordance with the Road Traffic (Appeals) Regulations.

(3) The Minister shall consider any appeal made in terms of subregulation (2), if any.

(4) When the conditions referred to in regulation 55, change—

(a) the Director shall notify the manufacturer, builder or importer concerned of such change; and

(b) the manufacturer, builder or importer concerned shall within fourteen days after such change submit to the Director the certificate of registration referred to in regulation 54 (2) (c).

(5) On receipt of the certificate referred to in subregulation (4), the Director shall issue to the manufacturer, builder or importer concerned a new certificate of registration which shall reflect the new conditions.

60. Procedure for change of particulars of title holder or owner of registered motor vehicle

(1) If the postal or street address, 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 fourteen days after such change, notify the Director of such change on Form MVRA.

(2) If the name 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 fourteen days after such change—

(a) notify the Director of such change on Form MVRA; and

(b) submit 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, together with the notification referred to in that subregulation, to the Director.



(4) In the case of a change referred to in subregulation (1) in respect of the proxy or representative of a body of persons, the notification referred to in that subregulation 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 the notification referred to in subregulation (1) or (2), the Director shall—

- (a) ensure that such notification is in order;
- (b) update the particulars pertaining to the person or body of persons concerned in the register of motor vehicles; and
- (c) in the case of a notification referred to in subregulation (2), issue to the title holder concerned, a new motor vehicle registration certificate upon payment of the prescribed fees.

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

61. Duty of title holder and owner of motor vehicle where such title holder or owner changes

(1) No person shall, either for himself or on behalf of another person—

(a) voluntarily 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 Part III and IV of these Regulations, is so registered and licensed; and

(b) voluntarily 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—

(a) the current title holder of such motor vehicle shall—

- (i) complete the relevant portion of Form MVRA as approved by the Minister;
- (ii) ensure that the new title holder completes the relevant portion of Form MVRA;
- (iii) sign and hand over the registration certificate concerned to the new title holder.

(3) If there is a change of ownership of a motor vehicle, the current title holder of such motor vehicle shall notify the Director of such change, on Form MVRA.

(4) On receipt of a notification referred to in subregulation (2) or (3), the Director—

- (a) shall ensure that such notification is in order;
- (b) if applicable, issue a motor vehicle registration certificate; and

(c) shall update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles.

62. Procedure if motor vehicle is stolen

(1) If a motor vehicle is stolen, the owner of such motor vehicle shall—

(a) report the theft to the Malawi Police Service, within twenty hours after he has become aware of such theft;

(b) notify the title holder forthwith of the theft; and

(c) within seven days after the date he has become aware of the theft, if the motor vehicle concerned has not been recovered during such period, notify the Director of such theft by forwarding Form MVRA.

(2) No change of title holder or ownership 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; and

(b) an agreement between the ownership and the title holder of such motor vehicle.

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

(a) within ninety days after the date on which he was notified of the theft, notify the Director of such theft on Form MVRA; and

(b) submit the registration certificate of such motor vehicle and the notification referred to in paragraph (a), to the Director.

(4) On receipt of the notification referred to in subregulation (1) (c) or (3) (a), the Director shall—

(a) ensure that such notification is in order; and

(b) update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles.

(5) 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 theft was reported:

Provided that a period during which the title holder of such motor vehicle was unable to notify the Director due to circumstances beyond his control, shall be disregarded.

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

- (a) within twenty hours after such recovery, notify the Malawi Police Force thereof;
- (b) notify the title holder and the Director forthwith of such recovery; and
- (c) apply for the licensing of such motor vehicle as referred to in regulation 26, and such application shall be accompanied by a Malawi Police Service clearance of the motor vehicle.

63. Procedure if motor vehicle becomes permanently unfit for use

(1) If a motor vehicle becomes permanently unfit for use as a motor vehicle, the title holder of such motor vehicle shall—

- (a) within ninety days after the date on which such motor vehicle has become permanently unfit, notify the Director, on Form MVRA, that such motor vehicle is permanently unfit; and
- (b) submit the registration certificate and registration number plates of such motor vehicle with the notification referred to in paragraph (a) to the Director.

(2) On receipt of a notification referred to in subregulation (1) (a) the Director shall—

- (a) ensure that the notification is in order; and
- (b) update the particulars pertaining to the motor vehicle in the register of motor vehicles.

(3) 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 notification was made:

Provided that a period during which the title holder of such motor vehicle was unable to notify the Director due to the circumstances beyond his control, shall be disregarded.

64. Number to be affixed to motor vehicle

(1) Every motor vehicle shall have a chassis number of not more than seventeen alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to such motor vehicle and, if applicable, an engine number of not more than twenty alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to the engine of such vehicle.

(2) The title holder of a motor vehicle—

- (a) which does not bear a chassis number;
- (b) which, if it is self-propelled, 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 number referred to in paragraph (a) or (b) is altered, defaced or obliterated,

shall tender such motor vehicle to the Director.

(3) The Director shall, upon payment of the prescribed fees, issue a new number referred to in subregulation (2) (a) or (b) in respect of the motor vehicle referred to in that subregulation.

(4) The title holder of a motor vehicle referred to in subregulation (2) shall cause the number issued by the Director as contemplated in subregulation (3) to be cut, stamped, embossed on or permanently affixed to such motor vehicle.

(5) The number referred to in subregulation (4) shall be the chassis or engine number, as the case may be, of the motor vehicle concerned.

65. Penalties for late registration or licensing

(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 these Regulations, the title holder, owner or holder, as the case may be, shall pay penalty to the Director calculated at one tenth of the appropriate fees for every month or part of a month during which the fees remain unpaid:

Provided that 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 title holder, owner or holder from prosecution for his failure to register or license such motor vehicle or motor trade number as required nor shall such a prosecution of such title holder, owner or holder for his failure to register or licence the motor vehicle or motor trade number concerned as required, as the case may be, relieve him 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 Director 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 Director, shall, notwithstanding anything to the contrary contained in this regulation, not be liable for any penalty if the Director is satisfied that such failure was due to circumstances beyond the control of such title holder, owner or holder.

(4) If the Director is satisfied that payment of registration or licence fees or motor trade number licence fees was delayed by a cause beyond the control of 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, he may direct that a

penalty paid in respect of the registration or licensing, or so much thereof as the circumstances appear to him to justify, shall be refunded as the case may be.

66. Vehicles excluded from payment of registration and licence fees

A motor vehicle 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 and International Cooperation may determine, is excluded from the payment of registration and licence fees.

67. Arrear fees for licensing a motor vehicle or motor trade number

(1) If an 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 for 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 these Regulations to the Director, applies for any transaction, the Director may refuse to effect the transaction applied for, until such penalties and fees have been paid, and may apply any amount tendered in settlement of such penalties and fees due.

68. Period of grace

Where, in terms of these Regulations, 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 may make such application without being liable for a penalty referred to in regulation 65 or prosecution for not making such application as required.

69. Duty to furnish information

(1) Any person requested by the Director, an authorized officer or a traffic police officer to furnish information regarding a motor vehicle or a motor vehicle body which is or may have been at any time in his possession, shall furnish such information.

(2) A person shall furnish such information as may be required by the Director, an authorized officer or a traffic police officer regarding any matter in respect of which such person has responsibility in terms of the Act.

70. Duty of Director in respect of records

(1) The Director shall keep a file for every motor vehicle he registers or licences, and for every motor trade number he issues and licences.

(2) The Director shall record all transactions processed in the applicable register and keep a record of such transactions.

71. Furnishing of information in respect of motor vehicle

(1) Any person may apply to the Director for information in respect of a motor vehicle.

(2) The application referred to in subregulation (1) shall be accompanied by—

(a) the acceptable identification of the applicant and, in the case of a body of persons, that of his proxy and representative and a letter of proxy; and

(b) the appropriate fees, if any.

(3) On receipt of the application referred to in subregulation (1), the Director shall, if satisfied that the application is in order, issue the information to the applicant in such form as is required.

72. Exporting of motor vehicle

(1) If the title holder of a motor vehicle, other than a manufacturer or a builder of a new motor vehicle, intends to export such motor vehicle, such title holder shall notify the Director thereof on Form MVRA.

(2) On receipt of a notification referred to in subregulation (1), the Director shall update the particulars pertaining to such vehicle in the register of motor vehicles

73. Manner in which mass measuring certificate to be obtained

(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 own expense from a person in charge of a mass measuring apparatus approved by the Director.

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

74. Procedure when cheque is dishonoured

(1) If any penalties and fees for a transaction in terms of these Regulations, are paid by cheque and such cheque is dishonoured on presentation, the Director may notify the person concerned thereof in writing and, unless the person concerned honours such cheque within the period allowed by the Director, such transaction shall be null and void and the Director shall—

(a) notify the person concerned thereof, by certified post;

(b) cancel all documents issued in respect of that transaction; and

(c) update the particulars pertaining to the person concerned and, if applicable, the motor vehicle concerned in the registers.

(2) On receipt of the notice referred to in subregulation (1), the person concerned shall, within fourteen days after the date of issue of such notice—

(a) if applicable, return any documents, licences or certificates issued in respect of the transaction referred to in subregulation (1) and

(b) reapply for the transaction concerned.

(3) If the payment of any penalties and fees due in terms of these Regulations is late by reason of a cheque tendered for such payment being dishonoured, penalties and arrear fees referred to in regulations 66 and 68 may be levied.

(4) No person shall pay for any penalty, fee or any transaction by any cheque which is dishonoured upon presentation for payment.

#### FIRST SCHEDULE

#### MALAWI GOVERNMENT

#### FORM MVRA

#### ROAD TRAFFIC ACT

#### THE ROAD TRAFFIC (REGISTRATION AND LICENSING) REGULATIONS

#### (REGULATION 3)

#### APPLICATION FOR REGISTRATION OF A MOTOR VEHICLE OR TRAILER

(1) To be completed by applicant in block capitals (see notes below)

(a) Full Name of Owner: .....

(b) Postal Address: .....

(c) Residential Address: .....

(d) Type of Motor Vehicle or Trailer (Note 1): .....

(e) Make: .....

(f) Year of Make: .....

(g) Colour: .....

(h) Type of Body (Note 2) .....

(i) Seating Capacity (including driver) .....

- (j) Chassis No. (Note 3) .....
- (k) Engine No. ....
- (l) CC .....
- (m) Propelled By: .....
- (n) Tare (Kg) .....
- (o) Manufacturer's permitted gross vehicle mass (Note 4) ..... Pay Load  
.....
- (p) Country of Origin: .....
- (q) Previous Registration Mark (if any): .....
- (r) Number of Axles: .....
- (s) Identity of Applicant: .....
- Date: .....

.....

Signature of Applicant

2. To be completed by Licensing Officer

- (a) Registration Mark Assigned: .....
- (b) Number of Registration Certificate Issued: .....
- (c) Number of Customs Clearance Certificate: .....
- (d) Name and Address of Absolute Owner (to be inserted at request of absolute owner)  
.....
- .....

Authorized Licensing Officer

Date: .....

Station: .....

NOTES

1. For example: "autocycle", "bus", "caravan", "excavator", "grader", "independent trailer", "low bed", "mechanical horse", "motor car", "motorcycle (two wheeled)", "motorcycle (three



wheeled)", "panel van", "pole trailer", "road roller", "semi-trailer", "straight frame", "tanker", "tipper", "trailer", "truck", "vanette", "works truck".

2. For example: "drop side", "flat", "sedan", "stake sided", "station wagon", "tourer", "van".

3. In the case of trailer that has no chassis number, insert some other distinguished mark.

4. Manufacturer's permitted gross vehicle mass is required in respect of all "heavy vehicles" and "heavy trailers", i.e. those motor vehicles whatever their weight. It is the weight that the manufacturer or his representative of a motor vehicle or trailer certifies that such vehicle or trailer has been built to carry, including its own weight.

MALAWI GOVERNMENT

FORM MBIRA

ROAD TRAFFIC ACT

ROAD TRAFFIC (REGISTRATION AND LICENSING) REGULATIONS

(REGULATION 3)

APPLICATION FOR REGISTRATION AS A MANUFACTUER, BUILDER OR IMPORTER OF MOTOR VEHICLES

Applicant information:

The applicant is a: Corporation ..... Partnership ..... Single  
Owner

..... Other (explain) .....

Name of Applicant: .....

Postal Address: .....

Physical address and telephone number of each business location.

1. ....Tel. No. ....2. ....Tel. No.  
.....3. ....Tel. No. ....4.  
.....Tel. No. ....

Applicant's Business Licence No. .... Previous MBI

Registration No. (if any) .....

If the applicant is a body of persons please provide the following for his proxy or representative.

Name of Representative: .....

Registration category requested:

Please put an X in all boxes for which registration is requested.

Registration category:

Manufacturer Builder Importer (new) Importer (used)

For Manufacturer and Importer (new) category indicate vehicle makes represented.

Indicate vehicle makes for which you, a franchise or otherwise represent.

Make of vehicle 1. .... 2. ....  
..... 3. .... 4. ....  
..... 5. .... 6. .... 7. ....  
..... 8. ....

Applicant's certification:

I hereby apply for registration as a manufacturer, builder or importer of motor vehicles. I certify that the particulars given above are true.

Date: .....

.....

Signature of Applicant's Representative

MALAWI GOVERNMENT

FORM MTNL

ROAD TRAFFIC ACT

ROAD TRAFFIC (REGISTRATION AND LICENSING) REGULATIONS

(REGULATION 3)

MOTOR TRADE NUMBER LICENCE

No. ....

Fee Paid: .....

Number of motor trade number plate:

.....

Name of holder of motor trade number: .....

Date of expiry of this licence: .....

.....  
Signature and date stamp of Issuing Officer

Original: The dealer.

Duplicate: Remains in book.

NOTE: The above licence token should be printed in the form of a disk.

## SECOND SCHEDULE reg. 17

### PART I

Name of AreaRegistration Letters1.Regional Registration Letters— (a)Southern Region B series (b)Central RegionCA (c)Northern Region NA2.District Registration Letters—(a)Chitipa CP(b)Karonga KA(c)RumphiRU(d)Mzimba MZ(e)Nkhata BayNB(f)Likoma LA(g)KasunguKU(h)Nkhotakota KK(i)NtchisiNS(j)DowaDA(k)MchinjiMC(l)LilongweLL(m)SalimaSA(n)DedzaDZ(o)NtcheuNU(p)Mangochi MH(q)MachingaMHG(r)Zomba ZA(s)Mwanza MN(t)Blantyre BT(u)Chiradzulu CZ(v)MulanjeMJ(w)ChikhwawaCK(x)Thyolo TO(y)NsanjeNE(z)PhalombePE(aa)BalakaBLK3.Vanity registration: a particular combination of letters or letters and numbers requested by the title holder.

### PART II

Vehicles and Trailers Registration Letters or Insignia1.Owned by the Government, and—(a)allocated for use by the Defence Force of Malawi MA(b)allocated for the official use of the President in connexion with his duties Malawi Coat of Arms (c)allocated for use by the Malawi Police ServiceMP(d)allocated for use by the Judiciary JUD(e)allocated for use by Parliament PAR(f)not otherwise allocated MG2.Owned by the President and used in connexion with his official duties Malawi Coat of Arms3.Owned by Statutory Bodies . . SC

### PART III

1.Owned by a diplomatic mission or a member thereof CD2.Owned by a consular representative CC

### PART IV

Trade number platesMT (proceeded by a unique number identifying the motor trade number holder)

### PART V

Temporary registration numberTR

## ROAD TRAFFIC (APPEALS) REGULATIONS

## ARRANGEMENT OF REGULATIONS

### REGULATION

1. Citation and application
2. Interpretation
3. Appeals Secretary
4. Serial identification number
5. Size and format
6. Language
7. Commencement of appeal
8. Date of hearing
9. Contents of notice of appeal
10. Requests for persons to attend an appeal and notice of hearing
11. Contents and service of notice of hearing
12. Failure of a person to attend after service of notice of hearing
13. Failure of appellant or respondent to appear at hearing
14. Record of hearing
15. Adjournment
16. Appeal to be called on date of hearing
17. Procedure at hearing
18. Affidavits
19. Legal practitioners
20. Rules of evidence not to apply
21. Decisions
22. Fees

Schedule

## ROAD TRAFFIC (APPEALS) REGULATIONS

G.N. 13/2000

### 1. Citation and application

(1) These Regulations may be cited as the Road Traffic (Appeals) Regulations.

(2) These Regulations shall apply in all appeals to the Minister under the Act and under any regulations made under the Act.

### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“Appeals Secretary” means the person designated by the Minister as the Appeals Secretary;

“party” means any appellant or respondent.

### 3. Appeals Secretary

(1) The Minister shall designate a person as Appeals Secretary. Notice of such designation shall be published in the Gazette.

(2) The Appeals Secretary shall keep a register of all appeals under the Act or under any regulations made thereunder.

(3) All documents required under these Regulations shall be filed with the Appeals Secretary at the location referred to in the Schedule.

### 4. Serial identification number

(1) Every appeal shall be given a serial number by the Appeals Secretary.

(2) All documents in an appeal and any correspondence relating thereto shall bear the serial number of that appeal on the first page of any such document or correspondence.

### 5. Size and format

Every document used in an appeal other than original documents produced for the inspection and consideration of the Minister shall, unless the nature of the document renders it impracticable, be written, typewritten or printed, or partly written, typewritten or printed on A4 size paper of good quality and shall have adequate margins.

### 6. Language

Except where the minister otherwise directs, every document shall, if not in the English language, be accompanied by a certified translation thereof and shall not otherwise be received, filed or used in any appeal.

7. Commencement of appeal

(1) An appeal shall be commenced by filing a preliminary notice of appeal with and paying the required fee to the Appeals Secretary within the prescribed period or in the absence of a prescribed period within thirty days of the decision against which the appeal is taken; and a preliminary notice of appeal shall contain the information required in a notice of appeal by regulation 9, save only that it shall have neither the serial number nor the date of hearing included therein.

(2) The Secretary shall complete the preliminary notice of appeal by entering both the appropriate serial number and, after consultation with the Minister as contemplated in regulation 8 if so required by the Minister, the date fixed for the hearing; and a preliminary notice of appeal, when so completed, shall then be a notice of appeal and shall be deemed to have been filed with the Appeals Secretary on the date on which he first received it.

(3) The Appeals Secretary shall return two copies of a notice of appeal to the appellant, who shall be responsible for serving one of those copies on the respondent

(4) Where any preliminary notice of appeal is incomplete or otherwise prima facie ineffective, it shall be immediately returned by the Appeals Secretary to the appellant:

Provided that where a returned notice is corrected by the appellant within seven days of the date of which it is returned, it shall be deemed for all purposes to have been filed effectively on the date of its first submission.

8. Date of hearing

(1) As soon as possible after an appeal has been entered in the appeals register, the Appeals Secretary shall apply to the Minister to fix the date of hearing if the Minister considers that a hearing is required.

(2) In fixing a date of hearing, the Minister shall bear in mind the necessity for service of the notice of appeal to be effected on the respondent not less than fourteen days before the date of hearing and of the places of residence of any persons required to give information of which the Minister is informed.

9. Contents of notice of appeal

(1) Every notice of appeal shall be prepared in triplicate and shall be signed and sworn to by the applicant before a magistrate or commissioner for oaths; and every notice of appeal shall be served on the respondent not less than fourteen days before the date of the hearing.

(2) Every notice of appeal shall state briefly and clearly the substance of the appellant's claim and shall specify the relief request.

10. Requests for persons to attend an appeal and notice of hearing

(1) If either the appellant or respondent wishes to request the attendance of any person to give information at the appeal he shall apply to the Appeals Secretary for a notice of hearing to be served on such person.

(2) Every such notice of hearing shall be served not less than seven days before the date of the hearing:

Provided that the Appeals Secretary may in any case where in his opinion seven days are not sufficient to permit the person notified to attend the hearing, require the notice of hearing to be served further in advance of the date of the hearing than the said seven days.

11. Contents and service of notice of hearing

(1) A notice of hearing served on any person shall contain the serial number of the appeal, the names of the parties thereto, a brief description of the information that is desired from the person on whom the notice of hearing is served and a list of all documents to be produced at the hearing by the person so served.

(2) Every notice of hearing issued under these Regulations shall require the person named in it to appear before the Minister on the date of hearing and shall if reasonably practicable be served personally on him by an authorized officer by delivering one copy to him.

(3) If the person named in the notice of hearing cannot be found after a reasonable search the notice of hearing may be served by delivering one copy to the husband or wife of the person named therein living with him or by leaving a copy with a person of suitable age and discretion at the place where the person named in the notice of hearing is employed.

(4) The person serving the notice of hearing shall write on the back of the other copy the place, date and time when he served it and the name of the person on whom it was served and such notice shall be signed by the person receiving such notice.

12. Failure of a person to attend after service of notice of hearing

(1) Where any person not being an authorized officer fails to attend a hearing after having been served with a notice of such hearing, the Minister may, if satisfied that there is reasonable cause for such failure to attend, consider an affidavit submitted by such person.

(2) Where any authorized officer fails to attend a hearing after having been served with a notice of such hearing the Minister may, if the request was initially made by any person other than the Director and shall, where the request was initially made by the Director, allow the appeal.

13. Failure of appellant or respondent to appear at hearing

Where either party without reasonable excuse—

- (a) fails to attend before the Minister at the time and place fixed for the hearing;
- (b) having attended, leaves without first having obtained the permission of the Minister; or
- (c) fails to attend after an adjournment of any hearing after having been told to do so,

the Minister may summarily dismiss or allow the appeal.

14. Record of hearing

In every hearing, the information shall be recorded in writing by the Appeals Secretary under the directions of the Minister.

15. Adjournment

(1) The Minister may from time to time adjourn the hearing of any appeal for a suitable period—

- (a) if the appellant or respondent or any person essential to the hearing is absent or is otherwise unable or unfit to take part in the proceedings;
- (b) if the hearing continues for more than one day;
- (c) if the appeal cannot be reached due to lack of time; or
- (d) for any other sufficient reason to be recorded on the record of the appeal.

(2) Before adjourning any appeal the Minister shall inform all the parties and other persons present of the date to which the appeal is to be adjourned.

16. Appeal to be called on date of hearing

Every appeal shall be called for mention or hearing on the date fixed for the hearing and shall be either disposed of or adjourned.

17. Procedure at hearing

(1) The Minister may regulate the procedure at a hearing in such manner as seems to him just and proper.

(2) Without prejudice to subregulation (1), the Minister shall generally provide that the party required to satisfy him as to any proposition shall be called first to substantiate that proposition.

(3) Where a person has been called by a party to give information the other party shall have the right to question that person with regard to any matter arising out of or reasonably related to the information given.



(4) The Minister may, at any time, question any person or party.

18. Affidavits

(1) An affidavit to be used in any appeal may be sworn—

- (a) if in Malawi, before any magistrate or commissioner for oaths; and
- (b) in any other place, in such manner as may be prescribed in the Subordinate Court Rules.

(2) An affidavit shall—

(a) bear the serial number of the appeal in which it is sworn, shall be expressed in the first person and shall be drawn up in paragraphs numbered consecutively;

(b) state the full name or names of the deponent, his age, his description or occupation, his place of residence and, if any facts therein are deposed to otherwise than of his personal knowledge, the sources of his information; and

(c) be signed by the deponent,

and the jural shall show the place and date of swearing and shall be signed by the person administering the oath who shall add the title of the office by virtue of which he acts.

(3) The Minister may in his discretion permit an affidavit to be used although not in proper form if otherwise satisfied that the deponent understood its contents and effect.

(4) Every exhibit to an affidavit shall be marked clearly by the person administering the oath, and the serial number of every appeal shall be included in any such marking.

(5) The Minister may in his discretion reject any affidavit which by reason of its form or content cannot be easily read and understood, or in which there is any interlineation, alteration or erasure or other defect of form.

(6) Any party desiring to contest the truth of facts deposed to in an affidavit may serve on the party who filed the same notice of intention to question the deponent and thereupon if the deponent is not produced for questioning the Minister shall, except in special circumstances, reject or disregard the affidavit; and the Minister may at any time require the attendance of any deponent for examination on his affidavit and, in default of such attendance, may reject or disregard the affidavit.

(7) Where any party intends to submit for the consideration of the Minister any affidavit or other document, such affidavit or other document and a copy of the notice required by subregulation (8) shall be filed with the Appeals Secretary not less than seven days before the day on which the appeal is scheduled to be heard:

Provided that the Minister may waive this subregulation where he is satisfied that failure to comply with its provisions has not prejudiced the interests of any party to the appeal.

(8) The notice referred to in regulation (7) shall be a notice by the party filing the affidavit or other document to every other party to the appeal advising that an affidavit or other document is being filed and briefly describing it.

19. Legal practitioner

When a legal practitioner appears before the Minister on behalf of any party he shall appear robed.

20. Rules of evidence not to apply

The Minister in hearing an appeal—

- (a) shall not be bound by the formal rules of evidence;
- (b) may consider any information from any source that he deems necessary or relevant to come to his decision; and
- (c) shall decide all appeals according to substantial justice and without undue regard to technicalities.

21. Decisions

- (1) Every decision on an appeal shall be in writing and signed by the Minister.
- (2) A Signed copy of every decision shall be sent by registered post to every party to the appeal.
- (3) The Minister may from time to time and for the benefit of the public cause his decision to be published in such manner as he shall deem fit.

22. Fees

(1) Fees shall be payable at the time a notice of appeal is filed with the Appeals Secretary, and the Appeals Secretary shall not accept the filing of any preliminary notice of appeal unless the fee for such appeal accompanies the notice of appeal.

(2) The fee to be paid to the Appeals Secretary on filing the preliminary notice of appeal shall be the fee specified in the Road Traffic (Miscellaneous Fees) Regulations,

SCHEDULE reg. 3

PLACE FOR FILING DOCUMENTS

It is notified that all documents required to be filed shall be lodged with—

The Appeals Secretary

Ministry of Transport and Public Works

Private Bag 322

Lilongwe 3.

## ROAD TRAFFIC (CARRIAGE OF HAZARDOUS CARGO) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

#### PART I

##### PRELIMINARY

1. Short title and application
2. Interpretation
3. Precautions against fire, etc.
4. Escape of acid and motor spirit not to be followed
5. Attendant and no protrusion
6. Restrictions on trailers
7. Fuel tank to be kept secure

#### PART II

##### MOTOR SPIRIT

8. No smoking or carrying of matches, etc,
9. No fire, etc., and no explosive
10. Fire extinguishers to be carried
11. Fuel tank of vehicle not to be filled direct from cargo

#### PART III

##### TANKERS AND TANK TRUCKS

12. Construction and maintenance
13. Filling
14. Draw off
15. Dipping pipe
16. Attendant and precautions while filling and emptying
17. Space to be kept clear
18. Limit to trailer
19. Where motor spirit may be carried

#### PART IV

##### MOTOR SPIRIT LOADED ON VEHICLES OTHER THAN TANKERS AND TANK TRUCKS

20. Interpretation
21. Construction
22. Containers for motor spirit

#### PART V

##### ACID

23. How acid may be loaded or carried

#### PART VI

##### CARRIAGE OF EXPLOSIVES

24. Detonator not to be carried with other explosives
25. Fire precautions
26. Separate conveyance
27. Warning flag to be affixed

- 28. Metal portions of vehicle
- 29. Maximum load
- 30. No fire within 30 metres while loading or unloading
- 31. Engine to be stopped
- 32. Permit required for carriage on trailer

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### GENERAL

- 33. Responsibilities of owner of vehicle
- 34. Offences
- 35. Exemption
- 36. Penalties

### Schedule

## ROAD TRAFFIC (CARRIAGE OF HAZARDOUS CARGO) REGULATIONS

G.N. 14/2000

## PART I

### PRELIMINARY

#### 1. Short title and application

(1) These Regulations may be cited as the Road Traffic (Carriage of Hazardous Cargo) Regulations.

(2) These Regulations shall apply to the carriage or conveyance of hazardous cargo in or on a vehicle on or along a public road and to the loading and unloading of hazardous cargo on or from a vehicle.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“acid” means concentrated sulphuric acid, concentrated hydrochloric acid and concentrated nitric acid;

“hazardous cargo” means—

- (a) explosive;
- (b) motor spirit;
- (c) acid;
- (d) any gas which is—
  - (i) under pressure in cylinders and liable to explode if exposed to heat; or
  - (ii) poisonous,

carried in quantities greater than those reasonably required for ordinary domestic use or for the propulsion of the vehicle on which they are carried;

“explosive” means dynamic, nitro-glycerine, gun-cotton, gun-powder, detonators, cartridges, other ammunition and every other explosive substances;

“motor spirit” includes alcohol, benzene, benzoline, naphtha, gasoline, petrol, aviation spirit and mixture of those substances intended for use in an internal combustion engine but does not include solvent naphtha;

“tanker” means a motor vehicle constructed for the bulk carriage of motor spirit or a similar constructed trailer or semi-trailer;

“tank truck” means a goods vehicle fitted with a detachable container for the carriage of motor spirit in bulk and includes any similar trailer drawn thereby.

### 3. Precautions against fire, etc.

Every person engaged in the conveyance, loading and unloading of a hazardous cargo on to or from a vehicle shall observe every reasonable precaution necessary for preventing fire, explosion or other damage to persons or property.

### 4. Escape of acid and motor spirit not to be allowed

Every person engaged in the conveyance and the loading and unloading of acid or motor spirit from a goods vehicle shall ensure in so far as it is possible that no part of such cargo be allowed to escape into any sewer or drain.

### 5. Attendant and no protrusion

(1) Every vehicle upon which is loaded a hazardous cargo shall be constantly attended by the driver thereof or by some other competent person, being not less than 18 years of age, authorized in that behalf by the owner of such vehicle.

(2) Subregulation (1) shall apply to every tanker and tank truck used for the conveyance of motor spirit irrespective of whether such a cargo be actually loaded on such vehicle or not.

(3) Subregulation (1) shall not apply to any vehicle whilst it is kept in securely locked premises.

(4) No part of any load of hazardous cargo shall be allowed to project beyond the side or back of the vehicle on which it is carried.

(5) For the purpose of this Regulation—

(a) a person shall be regarded as being in attendance on the vehicle if he is in close proximity thereto;

(b) a trailer or semi-trailer whilst attached to a goods vehicle shall be regarded as forming a part of the vehicle to which it is attached.

#### 6. Restrictions on trailers

A trailer or semi-trailer upon which is loaded a hazardous cargo, consisting of motor spirit or explosives, shall not be attached to any vehicle other than a goods vehicle used exclusively either for the conveyance of the same type of hazardous cargo or for drawing a trailer or semi-trailer upon which such cargo is loaded.

#### 7. Fuel tank to be kept secure

The fuel tank of every goods vehicle upon which hazardous cargo is loaded or which is used for the purpose of drawing a trailer or semi-trailer upon which such a cargo is loaded, shall at all times be kept securely locked or sealed except at such time as such a tank is actually being filled or replenished.

### PART II

#### MOTOR SPIRIT

#### 8. No smoking or carrying of matches, etc.

(1) No person traveling in or assisting in the loading or unloading of any vehicle conveying motor spirit shall smoke, etc., or carry any matches or cigarette lighters within a distance of 15 metres of such vehicle.

(2) There shall be prominently displayed in the cab of every vehicle used in the conveyance of motor spirit a notice sufficiently drawing the attention of the driver and any other person traveling in the vehicle to the dangers of the exposure of naked lights.

9. No fire, etc., and no explosive

No fire or artificial light capable of lighting motor spirit or any vapours thereby given off shall be ignited on any vehicle on which motor spirit is loaded, and no explosive or article capable of causing fire or explosion shall be carried on any such vehicle.

10. Fire-extinguishers to be carried

(1) Every vehicle used regularly or occasionally for the carriage of hazardous cargo shall be equipped with two fire-extinguishers.

(2) Each fire-extinguisher shall be of a size and type approved by the Director as suitable for the hazardous cargo carried and shall be maintained in proper order and condition and carried in a bracket or other suitable holder in a position on the vehicle as approved by the Director so as to be readily available for use at any time.

11. Fuel tank of vehicle not to be filled direct from cargo

The fuel tank of a motor vehicle shall not be filled or replenished with motor spirit direct from a vehicle conveying motor spirit as a cargo.

PART III

TANKERS AND TANK TRUCKS

12. Construction and maintainance

Every tanker and tank truck upon which is loaded motor spirit as a cargo shall comply with Parts I and II of the Schedule and, together with every connexion and fitting affixed thereto, be maintained in a serviceable condition.

13. Filling

(1) The filling pipe of every tanker and tank truck the carrying tank of which is designed to be filled through such pipe, shall at all times except when such tank is actually being filled, be kept securely closed so as to prevent leakage and, unless the filling pipe is provided with either a liquid seal or a device to form an efficient flame trap of a design approved by the Director, the filling pipe cover shall be kept closed and sealed.

(2) The cap of the filling opening on every tank truck or tank trailer, the carrying tank of which is designed to be filled through an opening in a manhole and without a filling pipe shall, at all times, except when the tank is actually being filled, be kept securely closed so as to prevent leakage and shall be sealed.

14. Draw-off



Where the draw-off taps fitted to the carrying tank of any tanker or tank truck are enclosed in a box, such box shall, at all times, except when cargo is being extracted from the tank, be kept closed and locked or sealed, and where a draw-off tap is not so enclosed, it shall at all times, except when motor spirit is being extracted through it, be kept closed and locked or sealed.

15. Dipping pipe

The dipping pipe of every tanker and tank truck shall at all times be kept securely closed except—

- (a) when the carrying tank is being filled or emptied; and
- (b) for the purpose of testing, on premises licensed under the Petroleum Act, the petroleum spirit contained in such tank by a person specially authorized in that behalf by the owner of the tanker or tank truck. Cap. 50:03

16. Attendant and precautions while filling and emptying

Whilst the carrying tank of a tanker or tank truck is being filled or emptied it shall be constantly attended by the driver or by some other competent person of not less than 18 years of age authorized in that behalf by the owner thereof, and the person so attending shall ensure that the following precautions are observed, that is to say—

- (a) the engine shall be stopped the whole time that the operation of filling or emptying the carrying tank, and any storage tank into which the cargo is being delivered or from which it is being taken shall have been securely closed:

Provided that this paragraph shall not apply to any tanker or tank truck the motive power of which is supplied by diesel fuel where the engine is used for the purpose of operating pumps for the purpose of loading or unloading its carrying tank;

- (b) adequate provision shall be made to prevent the accumulation of a dangerous static charge of electricity and, except where motor spirit is loaded by means of a loading arm which, together with a flexible hose connected thereto is electrically continuous, connected to the vehicle by screwing and effectively connected electrically to earth, the loading arm and the vehicle shall be earthed independently; and

- (c) motor spirit shall be delivered to or from the vehicle only through metal piping or sound and suitable hose, and in the case of a vehicle being loaded with motor spirit through a filling opening in a manhole and without a filling pipe, the drop pipe of the loading arm shall be so placed as to reach as nearly as is practicable to the bottom of the carrying tank without touching any part of such tank.

17. Space to be kept clear

No equipment or other article other than fire-extinguishing equipment, shall be placed in the space required by paragraph 6 of the Schedule to be between the carrying tank of a tanker and the rear of the driver's cab.

18. Limit to trailer

No trailer of a capacity exceeding 9,000 litres shall be attached to a tanker:

Provided that nothing in this regulation contained shall apply to a flat trailer used for the carriage of packed goods, oil and petroleum products having a flash point of more than 24 degrees Celsius.

19. Where motor spirit may be carried

No motor spirit shall be carried on any tanker or tank spirit wagon except in the fuel tank or carrying tank of the vehicle.

PART IV

MOTOR SPIRIT LOADED ON VEHICLES OTHER THAN TANKERS AND TANK TRUCKS

20. Interpretation

In this Part the expression "goods vehicle" does not include a tanker or a tank truck.

21. Construction

(1) Subject to this regulation a goods vehicle upon which is loaded motor spirit as a cargo shall comply with Part I of the Schedule and the sides and back thereof shall be of strong construction and maintained in good condition.

(2) If a goods vehicle breaks down whilst it is conveying motor spirit and a goods vehicle complying with subregulation (1) is not available within a reasonable time for the purpose of taking the cargo to its destination a goods vehicle may be used for that purpose notwithstanding that it does not comply with paragraph 1 of the Schedule.

(3) A goods vehicle may be used for the conveyance of motor spirit as a cargo notwithstanding that the vehicle does not comply with paragraph 1 or 2 of the Schedule if the cargo conveyed consists of not more than 4,500 litres and the following provisions are complied with—

(a) if any part of the load projects above the level of the back or sides of the vehicle, the load shall be securely fastened to the vehicle and every vessel containing motor spirit of a capacity of five litres or less shall be packed in outer packages or crates; and

(b) the vehicle shall proceed from the start of its journey to destination without delay except for such periods of rest as may from time to time be required by law in respect of the driver.

22. Containers for motor spirit

(1) No motor spirit shall be loaded on to or conveyed by a goods vehicle as a cargo unless it is contained in a vessel which is so closed as to prevent leakage through the opening and which is of metal and is in good condition and does not exceed 4,500 litres in capacity.

(2) No vessel other than the fuel tank of the goods vehicle shall be filled or replenished with motor spirit and no motor spirit shall be extracted from any vessel loaded on a goods vehicle during conveyance.

(3) Every empty vessel which shall have contained motor spirit shall be securely closed whilst being conveyed on a goods vehicle.

PART V

ACID

23. How acid may be loaded or carried

(1) No acid shall be loaded on to or carried or conveyed by a goods vehicle unless it is contained in a vessel which is so closed as to prevent leakage and which is of glass, earthenware or other material of such nature that it will not permit leakage and is otherwise suitable for the purpose, and, in such a case, each vessel shall—

(a) contain not more than twenty-five litres of acid; and

(b) be placed in sawdust, wood chippings or other suitable material, in such quality as to prevent movement or breakage, inside an outer container of metal, wood fibre or cardboard which is capable of withstanding the ordinary risks of handling and transport and is securely closed during conveyance.

(2) Any outer container in which any vessel containing acid is packed shall contain in the aggregate not more than twenty-five litres of acid.

PART VI

CARRIAGE OF EXPLOSIVES

24. Detonators not to be carried with other explosives

(1) No person shall convey or allow any subordinate to convey detonators in the same vehicle with other explosives:

Provided that this regulation shall not apply to the conveyance of detonators in the same vehicle with other explosives if the total number of detonators does not exceed 2,000 in all and the following conditions as to packing are complied with—

(a) the detonators shall be packed in inner packages with sawdust and felt in a strong case which shall be packed in a strong case with sawdust, straw or other similar material and so secured that a distance of not less than 25 millimetres is maintained between the outside of the inner case and the inside of the outer case:

Provided that if the detonators do not exceed 1,000 in number such distance may be not less than 13 millimetres.

(2) For the purposes of this regulation, the expression "explosive" shall not include any safety fuse, igniter cord or fuse igniter.

25. Fire precautions

(1) Explosives conveyed by road shall be completely covered with a tarpaulin or other suitable protective material securely roped or shall be placed in the interior of a vehicle which is enclosed on all sides with wood or metal, so as effectively to protect the explosives from accident by fire or from displacement while the vehicle is in motion.

(2) The provisions of regulation 10 relating to fire-extinguishers shall apply to a vehicle carrying explosives.

26. Separate conveyance

No explosive shall be conveyed on any public service vehicle or on the same vehicle with mails or any other goods except with the written permission of the Director.

27. Warning flag to be affixed

Every vehicle used for the transport of explosives shall have flag affixed to it at each side, so as to be distinctly visible from the front and rear, a red flag at least 455 millimetres square.

28. Metal portions of vehicle

All iron and steel portions of a vehicle which are liable to come in contact with the packages of explosives shall be covered with wood, leather, cloth or other suitable material.

29. Maximum load

In no case may a vehicle carry explosives which exceed nine tones in gross weight inclusive of packing material.

30. No fire within 30 metres while loading or unloading

No person shall load or unload explosives or cause or permit them to be loaded or unloaded within 30 metres of a fire, naked light or flame, nor shall any person light a fire or bring a naked light or flame within that distance of a vehicle which is loaded with explosives or from which explosives are being unloaded.

31. Engine to be stopped

No vehicle carrying explosives shall be loaded or unloaded while its engine is running.

32. Permit required for carriage on trailer

No person shall without the permission in writing of the Director carry or cause or permit to be carried any explosives on a trailer.

PART VII

GENERAL

33. Responsibilities of owner of vehicle

The owner of the goods vehicle used for the purpose of conveying any hazardous cargo who employs any person in such conveyance shall furnish a copy of these Regulations to or affix a copy thereof in some place where it can be conveniently read by that person, and shall take all other measures to ensure that that person is acquainted with and carries out these Regulations.

34. Offences

(1) No person shall—

- (a) contravene any of the provisions of these Regulations;
- (b) for the purpose of the carriage of any hazardous cargo, drive or operate a vehicle which does not comply with any of the provisions of these Regulations; or
- (c) drive or operate a vehicle carrying any hazardous cargo without ensuring that these Regulations are complied with.

(2) The owner and the operator of a vehicle which is used for the conveyance of any hazardous cargo shall ensure that these Regulations are complied with and if any failure in complying with these Regulations shall occur both the owner and the operator of the vehicle in relation to which the failure occurs shall be guilty of an offence unless he satisfies the court that he took all reasonable and proper steps to ensure compliance.

(3) In this regulation the word “operator” used in relation to a vehicle includes the holder of any permit relating to such vehicle and every person who takes part in the organization of or receives any pecuniary benefit from the carriage of the cargo.

35. Exemption

(1) Nothing in these Regulations contained shall apply to any vehicle used by the Defence Force of Malawi.

(2) Subject to such conditions as he may deem fit to impose for the safety of members of the public or for any other reasons, the Director may grant exemptions in writing either generally or particularly from any of the provisions of these Regulations.

(3) An application for exemption from these Regulations shall be made to the Director in writing and shall state—

- (a) the full name and address of the applicant;
- (b) a full description of the vehicle in respect of which exemption is requested;
- (c) the period for which exemptions from which exemption is requested; and
- (d) the specific regulations from which exemption is requested.

(4) Any written exemption provided for in this regulation shall at all times be carried on the vehicle concerned and shall be produced for inspection on demand being made by the Director or any authorized officer.

#### 36. Penalties

Any person guilty of an offence against these Regulations shall be liable to a fine of K15,000 and to imprisonment for three years.

SCHEDULE regs. 12, 17 and 21

#### CONSTRUCTION OF VEHICLES

##### PART I

##### GENERAL

1. In the case of a motor vehicle—

- (a) the engine shall be of an internal combustion type;
- (b) a quick action cut-off valve shall be fitted to the fuel feed pipe in an easily accessible and clearly marked position:

Provided that subparagraph (b) shall not apply to a vehicle in which no gravity fuel tank is incorporated in the fuel feed system and the fuel feed pump is driven directly from the engine of the vehicle or electrically with a cut-off switch, if the ignition switch or, as the case may be, the cut-off switch is in an easily accessible and clearly marked position;

(c) in any case where the fuel used to propel a vehicle gives off an inflammable vapour at a temperature of less than 150°F (66°C) the fuel tank shall not be behind the back of the cab unless the following requirements are complied with, that is to say—

- (i) the fuel tank is protected from blows by stout steel guards or by the frame of the vehicle;
- (ii) the cover of the filling hole of the fuel tank is provided with a lock; and
- (iii) the fuel feed apparatus placed in front of the cab is used to lift the contents of the fuel tank;
- (d) the exhaust silencer and outlet pipe shall be in front of the engine.

2. The following requirements shall be complied with in connexion with the lighting of any vehicle, that is to say that—

- (a) the voltage shall not exceed 24 volts;
- (b) the circuit shall be heavily insulated and be independent of the chassis;
- (c) the wiring shall be so fixed and protected as to reduce as far as possible any risk of damage;
- (d) the battery shall be in an easily accessible position; and
- (e) means of cutting off the current close to the battery by a double pole switch or other suitable method shall be provided in an easily accessible position.

3. A trailer with only one axle shall not carry a load in excess of 2,300 litres.

## PART II

### TANKERS AND TANK TRUCKS

4. The body of the vehicle and its fittings and the carrying tank shall be constructed strongly of fire resisting materials.

5.—The capacity of a tanker shall not exceed 6,800 litres unless—

- (a) in the case of an articulated vehicle the load unit and the tractor unit are constructed in accordance with a design approved by the Director as being suitable, when the said two units are used together for the conveyance of quantities of motor spirit exceeding 6,800 litres; and
- (b) in the case of any other tanker, the vehicle is constructed in accordance with the design approved by the Director as suitable for the conveyance of the said quantities of motor spirit.

(2) The capacity of a tank truck shall not exceed 9,100 litres.

6.—(1) In the case of a tanker there shall be a space of not less than 150 millimetres between the carrying tank and the rear of the driver's cab which shall be kept clear except for fire-extinguishers equipment and any part of the farm work or valances used to screen the sides of the carrying tank.

(2) Where any such valances are used as aforesaid, their ends shall be insulated from the cab by a layer of heat resisting material and the valances shall not be so constructed that, by reason of their being turned inwards, the aforesaid space is enclosed at the top or bottom.

7.—(1) The carrying tank shall either be a component part of the form of the vehicle or be securely attached thereto.

(2) A carrying tank of more than 3,600 litres capacity shall be divided into self-contained compartments none of which shall be of more than 3,600 litres capacity.

8.—(1) In the case of a vehicle provided with filling pipes either—

(a) each filling pipe shall—

(i) be carried down as nearly as possible to the bottom of the carrying tank and terminated so as to provide at all times a liquid seal at the bottom of the pipe which shall be of a depth, while the vehicle is on level ground, of not less than 125 millimetres; or

(ii) be fitted with a device forming an efficient flame trap of a design approved by the Director; or

(b) the covers over the filling pipes shall be provided with locks or seals.

(2) In the case of such a vehicle as aforesaid, any opening in the barrel of the filling pipes other than the orifices at the top or bottom thereof shall be constructed in such a manner as to form an efficient flame trap and shall be covered with a fine wire gauze of not less than twenty-eight meshes per 25 millimetres.

9. In the case of a vehicle designed to be filled through a filling opening in a manhole without the use of filling pipes—

(a) the cover of the manhole shall be of a design approved by the Director and shall be securely attached to the tank and if eye-bolts are used for this purpose there shall be not less than six fitted with self-locking nuts; and

(b) between the cover of the manhole and the body of the carrying tank, if it is not welded thereto, and between the cap of the filling opening and the said cover there shall be a gasket of such material and so designed as effectively to prevent the escape of motor spirit.

10.—(1) Every dipping pipe shall reach as nearly as is practicable to the bottom of the carrying tank, and any opening in a dipping pipe, other than the upper orifice thereof, shall be constructed in such a manner as to form an efficient flame trap and shall be covered with a fine wire gauze of not less than 28 meshes per 25 millimetres.



(2) In the case of a vehicle the carrying tank of which is designed to be filled through a filling opening in a manhole without the use of filling pipes any dipping pipes shall be separate from and outside of, the cover over the filling opening.

11. Ventilation openings if separate from the dipping pipe, shall be constructed in such a manner as to form an efficient flame trap and shall be covered with fine wire gauze of not less than twenty-eight meshes per 25 millimetres and shall be 25 millimetres and shall be protected by covers when not in use.

12.—(1) Draw-off pipes shall be fitted with strong and secure taps, screwcaps and internal valves.

(2) Draw-off taps situated at the side of a vehicle shall be either—

(a) enclosed in a strong box of hard wood or other suitable durable material and shall be provided with a lock or seal; or

(b) provided with locks or seals and protected against blows by a stout steel guard or by the frame of the vehicle.

(3) Draw-off taps situated at the rear of a vehicle shall be protected against blows by the rear cross member of the frame of the vehicle and shall be either enclosed in such a box as aforesaid or be provided with locks or seals.

13. The lower part of the rear of a carrying tank shall be protected against blows by stout steel guards or by the frame of the vehicle.

## ROAD TRAFFIC (CERTIFICATE OF FITNESS) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

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#### Schedule

#### ROAD TRAFFIC (CERTIFICATE OF FITNESS) REGULATIONS

G.N. 15/2000

#### PART I

##### PRELIMINARY

1. Citation

These Regulations may be cited as the Road Traffic (Certificate of Fitness) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Inspectorate of Motor Vehicle Inspection Stations” means the Inspectorate of Motor Vehicle Inspection Stations referred to in regulation 5;

“Motor Vehicle Inspector” means a motor vehicle inspector certified under regulation 32;

“Manual of Motor Vehicle Inspection Standards” means the Manual of Motor Vehicle Inspection Standards provided to a motor vehicle inspection station and motor vehicle inspector by the Inspectorate of Motor Vehicle Inspection Stations.

## PART II

### FORMS

#### 3. Forms

The forms set forth in the Schedule shall be used in all cases to which they are respectively applicable in carrying out the Act and these Regulations, subject to such variations as may be necessary.

#### 4. Particulars in applications, etc.

The particulars to be entered on or contained in any application, permit and certificate to which these Regulations apply shall, unless otherwise set forth in these Regulations, be such as are necessary from the respective form of such application, permit and certificate as approved by the Minister.

## PART III

### MOTOR VEHICLE INSPECTION STATIONS AND CERTIFICATES OF FITNESS

#### 5. Appointment of inspectorate of motor vehicle inspection stations

The Minister hereby appoints the Road Traffic Department as the Inspectorate of Motor Vehicle Inspection Stations.

#### 6. Powers and duties of the inspectorate of motor vehicle inspection stations

(1) The inspectorate of motor vehicle inspection stations—

(a) shall, under regulation 10, evaluate all applicants for registration as a motor vehicle inspection station in accordance with the requirements referred to in regulation 8, and recommend to the Director—

(i) the suitability of any applicant for registration as a motor vehicle inspection station; and

(ii) the classification of such applicant as a motor vehicle inspection station;

(b) shall, in respect of every motor vehicle inspection station, conduct at least one inspection per year to monitor the standards applied at every motor vehicle inspection station;

(c) may advise any motor vehicle inspection station on the improvement and maintenance of motor vehicle inspection station facilities and procedures;

(d) shall, when necessary, recommend to the Director the suspension or cancellation of the registration of a motor vehicle inspection station; and

(e) shall, under regulation 32, evaluate all applicants for certification as a motor vehicle inspector in accordance with regulation 30 and recommend to the Director—

(i) the suitability of any applicant for certification as a motor vehicle inspector; and

(ii) the classification of such applicant as a motor vehicle inspector.

(2) A person employed by, or who acts on behalf of, the inspectorate of motor vehicle inspection stations, may at any reasonable time, having regard to the provisions of regulation 8—

(a) inspect, examine or test any motor vehicle; and

(b) without prior notice—

(i) enter the premises of any motor vehicle inspection station;

(ii) inspect any records of the motor vehicle inspection station referred to in subparagraph (i); and

(iii) question any person with regard to any matter relating to the operation of the motor vehicle inspection station referred to in subparagraph (i).

#### 7. Fee to defray administrative expenses of the inspectorate of motor vehicle inspection stations

(1) A motor vehicle inspection station referred to in regulation 11 (6) (a) shall pay to the inspectorate of motor vehicle inspection stations a fee for every examination and test carried out for a certificate of fitness in terms of the Act by such motor vehicle inspection station.

(2) The fee collected under subregulation (1) shall be retained at such motor vehicle inspection station and paid to the inspectorate of motor vehicle inspection stations on 1 July and 1 January of each year in respect of the examinations and tests performed during the preceding six months.

#### 8. Requirements for the registration of a motor vehicle inspection station

The requirements to be met to register a motor vehicle inspection station, are—

(a) the management and all personnel who will be associated with and carry out motor vehicle inspections, at each business establishment, must be of good reputation;

(b) the character, attitude, knowledge of safety inspection requirements, mechanical ability and experience of each individual who will perform or supervise safety inspections must be satisfactory;

(c) the applicant and all staff supervising or performing motor vehicle inspections shall be certified under regulation 32 and be familiar with and agree to comply with all rules and regulations of the Inspectorate of Motor Vehicle Inspection Stations;

(d) the business establishment must be financially stable and its future existence should not be dependent upon appointment as a motor vehicle inspection station;

(e) regular mechanical work must have been performed at the applicant's premises for at least two years prior to application:

Provided that this stipulation will not apply to—

(i) a change in location of a previously appointed applicant or a change in ownership which will not affect the routine motor vehicle inspections carried out by the motor vehicle inspection station;

(ii) a repair garage which is an established business and is expanding its mechanical convenience to the general public by the addition of other repair locations; or

(iii) a business licensed as a franchised dealer on new vehicles;

(f) one inspection lane, meeting approved requirements, must be available for motor vehicle inspections at all times during a normal business day;

(g) each premises, to be approved, shall meet the standards concerning facilities and equipment set forth by the Director relative to one of the classifications for motor vehicle inspection stations as referred to in regulation 11;

(h) each premises shall have at least one full time certified motor vehicle inspector who must be available to perform motor vehicle inspections and repair work relative to motor vehicle inspections during each normal business day;

(i) every motor vehicle presented for inspection must be examined and tested by a certified motor vehicle inspector in strict compliance with the statutory requirements of the Act and the Manual of Motor Vehicle Inspection Standards.

#### 9. Application for registration of motor vehicle inspection station

(1) An application in terms of section 63 of the Act shall be made on Form MVI. 100 set out in the Schedule and a management representative shall be identified in respect of the motor vehicle inspection station concerned.

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

(a) acceptable identification of the applicant and, if the applicant is a body of persons, that of his proxy and representative and a letter of proxy;

(b) a certified copy of the applicant's business licence; and

(c) the appropriate prescribed fee.

10. Registration of motor vehicle inspection station

(1) The Director upon receipt of an application made under regulation 9 to—

(a) register as a motor vehicle inspection station, shall submit such application; or

(b) renew the registration of a motor vehicle inspection station, may submit such application,

to the Malawi Police Service for a report as to whether any conviction has been recorded against the applicant, owners, stockholders or directors as the case may be as well as in respect of any other matter which, in the opinion of the Malawi Police Service, is relevant to the application, and the Malawi Police Service is hereby authorized to report accordingly.

(2) A member of the Malawi Police Service may take the finger and palm prints of the applicant to enable him to report in terms of subregulation (1).

(3) If the Director, having regard to the report referred to in subregulation (1) and any relevant facts known to him or ascertained by him, is satisfied that the applicant is not of good character he shall refuse the application and notify the applicant accordingly.

(4) Where the Director does not refuse the application under subregulation (3), the Director shall cause the applicant and his proposed premises for the motor vehicle inspection station to be examined by the Inspectorate of Motor Vehicle Inspection Stations, in order to obtain a report on the competence of the applicant to act as a motor vehicle inspection station and a recommendation of the appropriate class thereof under regulation 11:

Provided that if the applicant applies to renew a registration for a motor vehicle inspection station, the Director may dispense with such examination and report.

(5) The Director, with due regard to the evaluation and recommendations of the inspectorate of motor vehicle inspection stations, shall satisfy himself—

(a) that the applicant concerned complied with the requirements referred to in regulation 8; and

(b) that the registration of the applicant concerned has not been cancelled permanently or suspended for a reason that still pertains.

(6) If the Director is satisfied as to the suitability of the applicant under subregulation (5), he shall—

(a) register and, under regulation 11, classify such applicant as a motor vehicle inspection station;

(b) record the particulars of such motor vehicle inspection station on the register of motor vehicle inspection stations;

(c) issue a certificate of registration in Form MVI. 200 set but in the Schedule to such motor vehicle inspection station; and

(d) provide as many certificate of fitness forms as requested by a motor vehicle inspection station.

(7) If the Director is not satisfied as to the suitability of the applicant under subregulation (5), he shall refuse to register such applicant and notify the applicant accordingly.

(8) A certificate of registration issued under subregulation (6) shall be displayed in a conspicuous place where members of the public who make use of the motor vehicle inspection station can see such certificate.

(9) The management representative identified under regulation 10 shall, upon the change of any of the particulars submitted under that regulation notify the Director of such change within 14 days after such change on Form MVI. 100 set out in the Schedule.

(10) The Director shall, upon receipt of a notification referred to in subregulation (9), update the register of motor vehicle inspection stations accordingly.

(11) A certificate of registration issued under subregulation (6) shall be valid for 24 months from the date of issue subject to suspension or cancellation by the Director under regulation 12.

#### 11. Classification of motor vehicle inspection station

The Director shall, with due regard to the evaluation and recommendations of the inspectorate of motor vehicle inspection stations and if he is satisfied that the appropriate requirements have been met, classify a motor vehicle inspection station in one or more of the following classifications of motor vehicle inspection stations—

(a) class A which shall be authorized to examine and test any class of motor vehicle;

(b) class B which shall be authorized to examine and test any motor vehicle with a gross vehicle mass greater than or equal to 3,500 kilograms, except motorcycles, motor tricycles and motor quadrucycles;

(c) class C which shall be authorized to examine and test any motor vehicle with a gross vehicle mass less than 3,500 kilograms, except motorcycle, motor tricycles and motor quadrucycles;



(d) class D which shall be authorized to examine and test any motorcycle, motorcycle with sidecar, motor tricycle and motor quadrucycle with a tare not exceeding 550 kilograms; or

(e) class E which shall be authorized to examine and test any semi-trailer or trailer with a gross vehicle mass greater than or equal to 3,500 kilograms:

Provided that any motor vehicle inspection station may be restricted by the Director to examine and test only—

(i) vehicles owned and operated by certain persons;

(ii) vehicles of certain makes;

(iii) vehicles of certain models;

(iv) vehicles of certain classes; or

(v) vehicles with certain dimensions.

12. Manner of suspension or cancellation of registration of a motor vehicle inspection station

(1) The Director shall, in considering the suspension or cancellation of the registration of a motor vehicle inspection station—

(a) notify the management representative identified under regulation 9, of the failure of such motor vehicle inspection station to comply with the requirements of regulation 8; and

(b) demand from such management representative to indicate in writing—

(i) the reason for such failure; and

(ii) the details of the measures that have been taken to rectify and prevent such failure.

(2) If the Director is not satisfied with the reason or measures referred to in subregulation (1) (b), he may—

(a) suspend; or

(b) cancel,

the registration of such motor vehicle inspection station.

(3) If the Director suspends or cancels the registration of a motor vehicle inspection station, he shall—

(a) notify such motor vehicle inspection station of such suspension or cancellation and the reason therefor and, in the case of suspension, the period thereof; and

(b) give notice in the Gazette of the suspension or cancellation referred to in paragraph (a).

(4) The management representative of a motor vehicle inspection station, the registration of which has been suspended or cancelled, shall within 14 days after having been notified of such suspension or cancellation, submit to the Director—

(a) the certificate of registration referred to in regulation 11 (6) (c) issued in respect of such motor vehicle inspection station;

(b) any blank certificates of fitness, held but not issued by such motor vehicle inspection station; and

(c) a reconciliation of forms held and issued, and blank forms submitted to the Director.

(5) Subject to regulation 13, any cancellation of registration as a motor vehicle inspection station shall be permanent.

#### 13. Appeal to the Minister

(1) Any person or organization who is aggrieved at the refusal of the Director to register and classify him or it as a motor vehicle inspection station or at the suspension or cancellation of the registration of a motor vehicle inspection station may, within 21 days of any refusal, suspension or cancellation appeal against such refusal, suspension or cancellation to the Minister in accordance with the Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the Director.

(2) The Director shall forthwith after receipt of the copy of the appeal referred to in subregulation (1) furnish the Minister with his reasons for the decision to which such notice refers.

(3) For the purpose of deciding an appeal under subregulation (1), the Minister may require any party to such an appeal to furnish such information and evidence as he may deem expedient.

(4) The Minister after considering the appeal referred to in subregulation (1) may give such decision as he may deem fit.

#### 14. Certificate of fitness required in respect of motor vehicles

(1) Except as otherwise provided for in subregulation (2) or regulation 28, no person shall operate on a public road—

(a) a goods vehicle, the gross vehicle mass of which exceeds 3,500 kilograms;

(b) a breakdown vehicle;

(c) a bus—

(i) the gross vehicle mass of which exceeds 3,500 kilograms; or

(ii) which is designed or adapted for the conveyance of ten or more persons including the driver;

(d) any other motor vehicle used for the conveyance of persons for reward or for the teaching of driving motor vehicles for gain; or

(e) any other motor vehicle,

unless there is in force in respect of such vehicle a certificate of fitness and except in accordance with the terms and conditions of such certificate.

(2) The provisions of subregulation (1) shall not apply to a motor vehicle—

(a) which is self-propelled and is a water boring machine, threshing machine, harvester, harrow, mower, baler, scraper, leveler, spraying machine, crane, plough or similar vehicles;

(b) 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 Director;

(c) which is commonly known as a racing car or a racing motorcycle, which is used solely for racing purposes and which is not operated on a public road;

(d) which is designed or adapted solely or principally for fighting fires and which is registered as a fire-fighting vehicle;

- (e) which may only be operated on a public road under an exemption under the Act;
- (f) which is operated under the authority of a motor trade number or a temporary or a special permit; or
- (g) which is owned or allocated for use by the Defence Force of Malawi.

(3) Any document issued by a competent authority in a prescribed territory and serving a similar purpose to that of a certificate of fitness shall, in accordance with the terms and conditions thereof, but subject to the provisions of these Regulations, be deemed to be a certificate of fitness for the purpose of subregulation (1).

(3) No person shall operate on a public road a motor vehicle which is not in a roadworthy condition.

#### 15. Inspection of motor vehicle for certificate of fitness

A person who desires to obtain a certificate of fitness for a motor vehicle shall present such vehicle during normal working hours to any appropriately classified motor vehicle inspection station, for an examination and test as referred to in regulation 16 and such motor vehicle shall be accompanied by the registration certificate of the motor vehicle concerned.

#### 16. Examination of motor vehicle

(1) The inspection procedure under these Regulations shall be done—

- (a) around the vehicle;
- (b) in the cab or driver's compartment;
- (c) by using a pit, ramp or overhead lift; and
- (d) for wheel alignment and braking, dimensions, lighting and safety design.

(2) Inspection of vehicles under these Regulations shall be carried out in facilities and with the use of appropriate equipment approved by the Director.

(3) The vehicle shall be presented for inspection in a clean state allowing clear examination of all the parts to be inspected, and failure to comply with this requirement may result in the rejection of the vehicle.

(4) The motor vehicle inspector shall satisfy himself that the vehicle presented to him for examination is the vehicle described in the accompanying registration certificate.

(5) Subject to these Regulations, every motor vehicle to which these Regulations apply submitted for inspection in accordance with these Regulations, shall be inspected for the purpose of ascertaining whether the prescribed statutory requirements are at the date of the inspection complied

with in relation to that vehicle as contained in the Manual of Motor Vehicle Inspection Standards and the motor vehicle inspector shall record his findings on an inspection record.

(6) The items that are to be recorded on the inspection record by the motor vehicle inspector are given on the prescribed form and where the vehicle does not comply with the relevant provisions such motor vehicle inspector shall state on the rejection notice which items require attention.

(7) For the purposes of this regulation “inspection” shall not include repairs and adjustments.

(8) Repairs and adjustments refer to those repairs and adjustments which are necessary to bring the motor vehicle into conformity with the provisions of the Act and such repairs and adjustments may be undertaken by either a motor vehicle inspection station or by any other means suitable to the owner or operator of the motor vehicle concerned.

(9) Where the repairs and adjustments referred to in subregulation (8) are made by any means other than the motor vehicle inspection station conducting the inspection, the motor vehicle concerned shall be subjected to reinspection by a motor vehicle inspection station.

17. Issue of certificate of fitness

(1) If the motor vehicle inspector, after the examination and testing of the motor vehicle concerned—

(a) is satisfied that such vehicle complies with all statutory requirements and is further satisfied in respect of such other matters as may be required for the purpose of the certificate of fitness, upon payment to the motor vehicle inspection station of the appropriate fee for the inspection undertaken, if any, is required, he shall—

(i) issue a certificate of fitness in such form as may be prescribed;

(ii) affix such certificate to the vehicle concerned in the manner referred to in regulation 20; and

(iii) hand to the owner or person presenting the vehicle for inspection a copy of the inspection record; or

(b) is not so satisfied, he shall—

(i) issue a rejection notice in such form as may be prescribed;

(ii) affix such notice to the motor vehicle concerned in the prescribed manner; and

(iii) hand to the owner or person presenting the vehicle for inspection a copy of the rejection notice.

(2) Upon issue of a rejection notice the motor vehicle inspection station shall notify the owner or person presenting the motor vehicle for inspection that—

(a) the validity of the rejection notice is thirty days and any reinspection of the motor vehicle concerned must be performed within such period of validity;

(b) any defects specified on the rejection notice shall be corrected before using the motor vehicle concerned on a public road; and

(c) any operation of the motor vehicle concerned whilst it is displaying a rejection notice is at the owner's or operator's risk.

(3) Any motor vehicle, for which a rejection notice was issued, which is presented for inspection within the period of validity of such rejection notice to the motor vehicle inspection station which issued the rejection notice for the motor vehicle concerned shall, upon payment of the appropriate reinspection fee be reinspected and—

(a) if a motor vehicle inspector is thereafter so satisfied, he shall act under subregulation (1) (a); or

(b) if a motor vehicle inspector is thereafter not so satisfied, he shall—

(i) not issue a certificate of fitness; and

(ii) not remove the existing rejection notice from the motor vehicle concerned.

(4) A rejection notice shall not be issued to any motor vehicle presented for inspection—

(a) already bearing such notice; or

(b) which does not bear a valid or expired certificate of fitness unless such motor vehicle is being presented for inspection for the first time under regulation 30.

(5) Notwithstanding the provisions of subregulation (1), a motor vehicle inspector authorized thereto in writing by the Director may, at any time before the motor vehicle which is being or has been examined and tested under that subregulation is issued a certificate of fitness, examine or re-examine that motor vehicle, and for that purpose—

(a) he shall be deemed to be the motor vehicle inspector contemplated in subregulation (1); and

(b) any prior action taken in respect of that motor vehicle under subregulation (1), including the issue of a certificate of fitness shall be of no force and effect.

(6) No person shall willfully or negligently issue or authorize the issue of a certificate of fitness which is materially incorrect.

(7) No person shall remove or replace the components of a vehicle in respect of which a certificate of fitness was issued, except in the normal course of maintenance or use of such vehicle.

18. Period of validity of certificate of fitness

A certificate of fitness in respect of a motor vehicle shall be valid from the date of coming into force of such certificate—

(a) for six months in the case of any motor vehicle conveying persons for reward or used for the teaching of driving motor vehicles for gain; and

(b) for twelve months in the case of all other motor vehicles.

19. No person shall hold more than one certificate of fitness in respect of any particular motor vehicle

No person shall hold more than one certificate of fitness in respect of any particular motor vehicle where the periods of one validity of such certificates coincide or overlap.

20. Certificate of fitness to be affixed to motor vehicle

(1) Subject to the provisions of subregulations (2) and (3), no person shall operate on a public road a motor vehicle referred to in regulation 14 (1)—

(a) unless a certificate of fitness is affixed thereto in the manner referred to in subregulation (5); or

(b) if a certificate of fitness—

(i) the period of validity of which has expired; or

(ii) which does not relate to such motor vehicle,

is affixed thereto.

(2) A certificate of fitness issued by a competent authority in any prescribed territory serving a similar purpose to that of a certificate of fitness shall, for the purpose of subregulation (1), be deemed to be a certificate of fitness.

(3) Where a document serving a similar purpose to that of a certificate of fitness has been issued by a competent authority in any prescribed territory in respect of a motor vehicle referred to in regulation 14 (1), but a certificate serving similar purpose to that of a certificate of fitness is not required to be affixed to such vehicle under a law of the territory concerned, the provisions of subregulation (1) (a) shall not apply to such vehicle during the period of validity of such document.

(4) A document contemplated in subregulation (3) shall, during the period of validity thereof, at all times be in or on the vehicle concerned while the vehicle is operated on a public road.

(5) The certificates of fitness issued in respect of a motor vehicle referred to in regulation 14 (1) shall—

(a) if such vehicle is fitted with a transparent windscreen, be so affixed in an upright position on the inside lower left of the windscreen such that the particulars on the certificate of fitness are clearly legible to a person standing in front or to the left front of such vehicle; of

(b) if such vehicle is not fitted with a transparent windscreen, be so affixed in a conspicuous place on the left side of such vehicle such that the particulars on the certificate of fitness are clearly legible to a person standing on that side.

(6) If a certificate of fitness is affixed to a motor vehicle in a position where it is exposed to the weather it shall be protected by means of a waterproof holder with a durable transparent cover:

Provided that such certificate of fitness is not produced of a durable and waterproof material and not designed to be affixed without further protection.

(7) A motor vehicle inspector who performs the inspection of a motor vehicle and finds no cause for rejection shall himself affix the certificate of fitness to the motor vehicle concerned.

21. Authority conveyed by certificate of fitness subject to provisions of these Regulations

The terms and conditions of a certificate of fitness relating to a motor vehicle and the authority conveyed thereby shall not be construed as derogating from any provision of these Regulations to which such motor vehicle may be subject and, in the event of any conflict between the terms and conditions of such certificate and any such provision, the latter shall prevail.

22. Effect of alteration of motor vehicle on certificate of fitness

(1) Subject to the provisions of subregulation (3), a certificate of fitness in respect of a motor vehicle shall become null and void where such motor vehicle is altered in such manner that—

(a) the certificate of fitness no longer correctly describes such motor vehicle; or

(b) such alteration affects the terms and conditions of such certificate.

(2) Within seven days of a certificate of fitness becoming null and void under subregulation (1), the vehicle concerned shall be presented for the examination and testing referred to in regulation 15 (1).

(3) The provision of subregulations (1) and (2) shall not apply in respect of a motor vehicle of which the only engine is replaced.

23. Right of appeal to Director

(1) An owner or operator of a motor vehicle who is aggrieved at the refusal of a motor vehicle inspection station to issue a certificate of fitness for such motor vehicle may, within 21 days of any such refusal, appeal against such refusal to the Director in accordance with the Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the motor vehicle inspection station.



(2) The motor vehicle inspection station shall forthwith after receipt of the copy of the appeal referred to in subregulation (1) furnish the Director with its reasons for the decision to which such notice refers.

(3) For the purpose of deciding an appeal under subregulation (1), the Director may—

(a) where such appeal concerns a certificate of fitness, cause the motor vehicle concerned to be examined and tested by a motor vehicle inspector nominated by him; and

(b) require either party to such an appeal to furnish such information and evidence as he may deem expedient.

(4) The Director after considering the appeal referred to in subregulation (1) may give such decision as he may deem fit.

24. Register of certificates of fitness to be kept

The Director shall cause a suitable register or record of all certificates of fitness issued to be kept by all motor vehicle inspection stations in a form approved by him.

25. Certificate of fitness issued contrary to provisions of this Part to be void

Any certificate of fitness issued contrary to the provisions of the Part, shall be void and the holder thereof shall, on demand by the Director or the motor vehicle inspection station which issued such certificate, forthwith present the motor vehicle concerned to a place designated by the Director or to the motor vehicle inspection station which issued such certificate, as the case may be.

26. Conditions for operating vehicles

(1) A notice contemplated in section 80 of the Act shall be made on a form prescribed and may contain conditions to the effect that the vehicle may not be operated on a public road or may continue to be operated for a given period or under limitations with regard to speed, route or otherwise and state that the motor vehicle concerned shall be presented within seven days from the date of issue of such notice to a designated motor vehicle inspection station registered by the Director for examination and testing by a motor vehicle inspector.

(2) No person shall fail to comply with any notice contemplated in subregulation (1).

27. Manner and circumstances whereupon a certificate of fitness may be removed and re-issued

(1) A traffic police officer or a motor vehicle examiner who intends to serve a notice as contemplated in regulation 26, may where appropriate remove the certificate of fitness from the motor vehicle concerned.

(2) A copy of the notice contemplated in regulation 26 shall be forwarded by the traffic police officer or motor vehicle examiner concerned to the designated motor vehicle inspection station referred

to in regulation 26 and shall be accompanied by the certificate of fitness if removed under subregulation (1).

(3) Where a motor vehicle has been examined in accordance with a notice contemplated in regulation 26 and the motor vehicle inspector is satisfied that the defects reported on the notice contemplated in regulation 26 have been rectified and the motor vehicle concerned is found to comply with all statutory requirements concerning the issue of a certificate of fitness, the motor vehicle inspection station concerned shall—

(a) endorse the notice accordingly and forward it to the issuing traffic police officer or motor vehicle examiner as the case may be; and

(b) if the certificate of fitness has been removed under subregulation (1), issue a new certificate of fitness in respect of such motor vehicle in accordance with the provisions of these Regulations.

(4) The examination of a motor vehicle in accordance with a notice contemplated in regulation 26 shall be done at the expense of the owner of operator.

#### 28. Application of these regulations

These Regulations shall apply to all motor vehicles except those referred to in regulation 14 (2) and those subject to phased applications as specified in regulation 29.

#### 29. Date of coming into force

Regulation 14 (e) shall come into force with effect from the date these regulations will be published in the Gazette.

### PART IV

#### CERTIFIED MOTOR VEHICLE INSPECTORS

#### 30. Requirements for certification as motor vehicle inspector

(1) The requirements to be met to become a certified motor vehicle inspector are—

(a) the applicant must be of reasonable character and reputation;

(b) the applicant must demonstrate three years experience as an automotive mechanic or possess a certificate issued in his name from an approved automotive mechanic training program;

(c) the applicant must possess a certificate issued in his name from an approved training course for motor vehicle inspectors;

(d) the applicant must satisfactorily complete an examination to demonstrate adequate understanding of motor vehicle inspection requirements and the ability to perform motor vehicle inspections and operate required testing equipment.

(e) the applicant must possess a valid Malawi driver's licence;

(f) the applicant must be eighteen years of age or older;

(g) the applicant must be familiar with and agree to comply with the rules and regulations of the Inspectorate of Motor Vehicle Inspection Stations; and

(h) the applicant must examine and test every motor vehicle presented for inspection in strict compliance with the statutory requirements of the Act and the Manual of Motor Vehicle Inspection Standards.

(2) Subject to such conditions as he may deem fit to impose for the safety of members of the public or for any other reasons, the Director may grant to any applicant exemptions in writing either generally or specifically from any of the provisions of this regulation.

31. Application for certification at motor vehicle inspector

(1) An application to become a certified motor vehicle inspector shall be made on Form MVI. 100B in the Schedule.

(2) The application referred to in subregulation (1) shall be accompanied by—

(a) a photocopy of the applicant's driver's licence; and

(b) a photocopy of the certificate referred to in—

(i) regulation 30 (b) if applicable; and

(ii) regulation 30 (c).

32. Certification of motor vehicle inspector

(1) The Director, upon receipt of an application made under regulation 31 to—

(a) become certified as a motor vehicle inspector, shall submit such application; or

(b) renew a certification as a motor vehicle inspector, may submit such application,

to the Malawi Police Service for a report as to whether any conviction has been recorded against the applicant, as well as in respect of any other matter which, in the opinion of the Malawi Police Service, is relevant to the application, and the Malawi Police Service is hereby authorized to report accordingly.

(2) A member of the Malawi Police Service may take the finger and palm prints of the applicant to enable him to report under subregulation (1).

(3) If the Director, having regard to the report referred to in subregulation (1) and any relevant facts known to him or ascertained by him, is satisfied that the applicant is not of good character he shall refuse the application and notify the applicant accordingly.

(4) Where the Director does not refuse the application under subregulation (3), the Director shall cause the applicant to be examined by the Inspectorate of Motor Vehicle Inspection Stations, in order to obtain a report on the competence of the applicant to act as a certified motor vehicle inspector and a recommendation of the appropriate class thereof under regulation 33:

Provided that if the applicant applies to renew a certification as a motor vehicle inspector, the Director may dispense with such examination and report.

(5) The Director, with due regard to evaluation and recommendations of the Inspectorate of Motor Vehicle Inspection Stations, shall satisfy himself—

(a) that the applicant concerned complies with the requirements referred to in regulation 30; and

(b) that the certification of the applicant concerned has not been suspended or cancelled for a reason that still pertains.

(6) If the Director is satisfied as to the suitability of the applicant under subregulation (5), he shall—

(a) certify and, under regulation 33, classify such applicant as a motor vehicle inspector;

(b) record the particulars of such motor vehicle inspector in the register of certified motor vehicle inspectors; and

(c) issue a certificate in Form MVI. 200B in the Schedule, to such motor vehicle inspector.

(7) If the Director is not satisfied as to the suitability of the applicant to be certified as a motor vehicle inspector under subregulation (5), he shall refuse to certify such applicant and notify the applicant accordingly.

(8) A certified motor vehicle inspector shall, upon the change of any of the particulars submitted under regulation 31, notify the Director of such change within 14 days after such change on Form MVI. 100B in the Schedule.

(9) The Director shall, upon receipt of a notification referred to in subregulation (8), update the register for certified motor vehicle inspectors accordingly.

(10) A certification of a motor vehicle inspector issued under subregulation (6) shall be valid for 24 months from the date of issue subject to suspension or cancellation by the Director under regulation 34.

33. Classification of certified motor vehicle inspector

The Director shall, with due regard to the evaluation and recommendations of the inspectorate of motor vehicle inspection stations and if he is satisfied that the appropriate requirements have been met, classify a certified motor vehicle inspector in one or more of the following classifications—

- (a) class A which shall be authorized to examine and test any class of motor vehicle;
- (b) class B which shall be authorized to examine and test any motor vehicle with a gross vehicle mass greater than or equal to 3,500 kilograms, except motorcycles, motor tricycles and motor quadrucycles;
- (c) class C which shall be authorized to examine and test any motor vehicle with a gross vehicle mass less than 3,500 kilograms, except motorcycles, motor tricycles and motor quadrucycles; or
- (d) class D which shall be authorized to examine and test only a motorcycle, motorcycle with sidecar, motor tricycle and motor quadrucycle with a tare not exceeding 550 kilograms.

34. Manner of suspension or cancellation of certificate of a motor vehicle inspector

(1) The Director shall, in considering the suspension or cancellation of the certificate of a motor vehicle inspector—

- (a) notify the inspector of his failure to comply with the requirements of regulation 30; and
- (b) demand from such inspector to indicate in writing—
  - (i) the reason for such failure; and
  - (ii) the details of the measures that have been taken to rectify and prevent such failure.

(2) If the Director is not satisfied with the reason or measures referred to in subregulation (1) (b), he may—

- (a) suspend; or
- (b) cancel, the certificate of such motor vehicle inspector.

(3) If the Director suspends or cancels the certification of a motor vehicle inspector, he shall—

- (a) notify such motor vehicle inspector of such suspension or cancellation and the reason therefor and, in the case of suspension, the period thereof; and
- (b) give notice in the Gazette of the suspension or cancellation referred to in paragraph (a).

(4) A motor vehicle inspector who has had his certification suspended or cancelled, shall within 14 days after having been notified of such suspension or cancellation, submit to the Director the certificate of certification referred to in regulation 32 (6) issued in respect of such motor vehicle inspector.

(5) Subject to regulation 35, any cancellation of certification as a motor vehicle inspector shall be permanent.

35. Appeal to the Minister

(1) Any person who is aggrieved at the refusal of the Director to certify and classify him as a motor vehicle inspector or at the suspension or cancellation of such certification may, within 21 days of any refusal, suspension or cancellation appeal against such refusal, suspension or cancellation to the Minister in accordance with Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the Director.

(2) The Director shall forthwith after receipt of the copy of the appeal referred to in subregulation (1) furnish the Minister with his reasons for the decision to which such notice refers.

(3) For the purpose of deciding an appeal under subregulation (1), the Minister may require any party to such appeal to furnish such information and evidence as he may deem expedient.

(4) The Minister after considering the appeal referred to in subregulation (1) may give such decision as he may deem fit.

SCHEDULE

FORM MVL. 100

ROAD TRAFFIC ACT

ROAD TRAFFIC (CERTIFICATE OF FITNESS) REGULATIONS r. 9

APPLICATION FOR APPOINTMENT AS AN OFFICIAL INSPECTION STATION

Any business intending to make an application to represent the Road Traffic Department as a Motor Vehicle Inspection Station must complete the following application in duplicate and return it to the Motor Vehicle Inspection Division, Private Bag 257, Lilongwe.

Business name .....

Street address .....

Town/Village ..... Region .....

Mailing address .....

Business telephone number .....

A. General

1. Under which of the inspection station classifications are you applying for appointment?

2. Is this business a: Corporation?..... Partnership?.....

Single owner?..... Government Agency?.....

Other? (explain) .....

3. Who owns this business? (List all owners or corporate officers)

Owner/Officer	Owner/Officer	Owner/Officer	Name	Title	Address	Telephone	Driver's Licence Number
---------------	---------------	---------------	------	-------	---------	-----------	-------------------------

NOTE: If there are more than three owners or corporate officers submit the information in the same form on a separate sheet.

4. Have you ever had an Inspection Station Appointment?  
.....

5. Under what name?..... Town/Village .....

6. Have you ever been refused an appointment?.....  
When?.....

7. Have you ever been suspended as an Inspection Station? ..... When?  
.....

8. Under what name? ..... Town/Village .....

9. Has this location ever been an Inspection Station? .....

10. If so, what name? .....

#### B. Business

1. Type of business (check one or more if applicable):

..... Vehicle Repair Shop

..... Motor Dealer—Motorcycle

..... Motor Dealer—Automobiles

..... Motor Dealer—Trucks

..... Motor Dealer—Trailers

2. Length of time in business ..... years. At present location .....  
years.

3. Do you have personnel doing full-time automotive repair work? Yes ..... No .....

4. What per cent of your business income is derived from automotive repair work?  
.....%.

5. Are automotive repairs made in a location established for this purpose only? Yes ..... No  
.....

### C. Management

1. Who will manage this business? .....

2. Who will be legally responsible for compliance with Inspection Rules and Regulations as set forth by the Road Traffic Act and the Road Traffic Department at this business?  
.....

3. Has this business and/or anyone involved in ownership had any civil judgments rendered against them? Yes ..... No .....

4. If yes, who? ..... When? .....

In what town or village? .....

5. Has the business, owner(s) or management ever taken bankruptcy? Yes ..... No  
.....?

If yes, have the judgments been paid? .....

6. Has the owner(s) or management ever been evicted from a business location? Yes ..... No .....  
If yes, who? .....

When? ..... Where? .....

7. Has the owner(s) or manager(s) ever been convicted of a criminal offence? Yes ..... No ..... If  
yes, list for each owner and/or manager.

Who?.....	Where? .....	Charges? .....
.....		
.....		

8. Has the owner(s) or manager(s) ever been convicted of a traffic violation? Yes ..... No ..... If  
yes, list for each owner and or manager.

Who? .....	Where? .....	Charges? .....
.....		
.....		

### D. Inspection

1. Who will supervise inspection activities and inspectors?



2. Is the supervisor to be a certified inspector? Yes? ..... No .....

3. Will a certified inspector be available to perform inspections during normal business hours Monday through Friday, each week?

Yes ..... No .....

4. Mechanics ..... Total Number ..... Number to be qualified as inspectors .....

Mechanic's Experience.....	Name	Driver's Licence	Number	Year	of
.....					

(If any additional mechanics are to be certified, submit the additional information in the same form on a separate sheet.)

#### E. Facilities

1. What are the inside dimensions of your shop? Width ..... Length .....

2. What are the dimensions of the lane to be used for inspections? Width ..... Length .....

3. What type of floor surface do you have? .....

Is it level or on the same plane? Yes ..... No .....

Do you have an outside ramp? Yes ..... No .....

Is the outside a part of the inspection lane? Yes ..... No .....

What is the length of the ramp? .....

Is it on the same plane as the inspection lane? Yes ..... No .....

4. Is floor area for headlight testing on the same plane for its entire length? Yes ..... No .....

5. How many entrances do you have to your shop? Front ..... Rear .....

How high are the entrances? Front ..... Rear .....

How wide are the entrances? Front ..... Rear .....

6. Do you have adequate facilities to perform inspections full time in addition to your other business? Yes ..... No .....

7. Do you have sufficient parking space to accommodate vehicles awaiting inspection without normally using the public streets and roads for parking? Yes ..... No .....

#### F. Trailer Certification Only

1. Will all trailers be attached to a motor vehicle during inspection? Yes ..... No .....

2. If not, what equipment will be used to check the adequacy of the lights and brakes? .....

#### G. Equipment

1.(\*Not applicable for trailer.#Not applicable for motorcycle stations)

Please answer yes or no\*#Are you willing to secure a decelerometer for brake testing? .....

2.(\*Not applicable for trailer.#Not applicable for motorcycle stations)

Please answer yes or no\*#Are you willing to secure a floor jack with a rating of 4 tonnes? .....

3.(\*Not applicable for trailer.#Not applicable for motorcycle stations)

Please answer yes or no\*#Are you willing to secure a machine for headlight testing? .....

4.(\*Not applicable for trailer.#Not applicable for motorcycle stations)

Please answer yes or no\*#Are you willing to secure instruments for the measurement of brake related parts such as drums, rotors, disc pads and shoes? .....

5. Are you equipped with the proper tools and equipment necessary to making all repairs and adjustments required in making motor vehicle inspections? .....

#### H. Contract

I (We) do hereby agree to provide the necessary space equipment and personnel to conduct inspections as required by the Road Traffic Department. Facilities and equipment will be maintained in a manner satisfactory to the Road Traffic Department. All safety inspectors will read and be thoroughly familiar with the instructions furnished for Motor Vehicle Inspection Stations, and I (we) agree to abide by these instructions, and to carefully inspect every motor vehicle, motorcycle, trailer and semi-trailer presented for inspection as required by the Rules and Regulations contained in the Official Inspection Manual. I (We) also agree to operate this station in strict accord with the Road Traffic Department and the Rules and Regulations furnished by the Road Traffic Department. I (We) understand that the

appointment of our station, if made, may be cancelled at any time by the Road Traffic Department and will be automatically cancelled if any change in address, name or ownership is made.

This certifies that I have read and agree to abide by the requirements for appointment as a Motor Vehicle Inspection Station as set form above.

Signed: ..... Date: .....

Name: .....

Date of Birth: ..... Malawi driver's licence number .....

Title: .....

(Owner, Partner, Corporation Officer)

Address: .....

Telephone Number: .....

Signed: ..... Date: .....

Name: .....

Date of Birth: ..... Malawi driver's licence number .....

Title: .....

(Owner, Partner, Corporation Officer)

Address: .....

Telephone Number .....

MVI. 200

ROAD TRAFFIC ACT r.10

ROAD TRAFFIC (CERTIFICATE OF FITNESS) REGULATIONS

CERTIFICATE OF REGISTRATION

Motor Vehicle Inspection Station Registration NO. ....

Name: .....

Postal address: .....

.....

is hereby authorized to operate an official motor vehicle inspection station in accordance with the following conditions:

Physical address of station premises .....

.....

Classification of motor vehicle inspection station granted is indicated below by an X.

Classification

Class A

Class B

Class C

Class D

Class E

Expiry date: .....

Issue date: .....

.....

Director of Road Traffic

FORM MVI. 100B

ROAD TRAFFIC ACT

ROAD TRAFFIC (CERTIFICATE OF FITNESS) REGULATIONS

APPLICATION FOR CERTIFICATION AS MOTOR VEHICLE INSPECTOR

APPLICANT MUST COMPLETE SECTION I AND SECTION II (AUTHORIZATION FOR RELEASE OF INFORMATION)

SECTION I

Full name: .....

(last)(first)(middle)

Address: ..... City/Village: .....

Date of birth: ..... Work Tel. No. .... Home Tel. No. ....

Years of experience as automotive mechanic: .....

Malawi driver's licence number: .....

Presently employed by: ..... Station: .....

Employer's address: ..... City/Village: .....

Have you ever been certified as a vehicle inspector in Malawi: Yes ..... No  
.....

Have you ever been suspended as a motor vehicle inspector? Yes ..... No  
.....

Where were you employed when you were suspended?  
.....

Name and address of former garages where you were employed as a mechanic:  
.....

Have you ever been charged with any violations of the law or traffic infractions? Yes  
..... No .....

If yes, where, and what were the offences charged? .....

Has your driver's licence ever been revoked or suspended? Yes ..... No  
.....

If yes, for what charges? .....

Police files check .....

.....

(Name of investigator)

.....

(Results of investigation)

Character and reputation:satisfactory .....unsatisfactory .....Mechanical  
ability:satisfactory .....unsatisfactory .....Attitude toward inspection and  
supervision:satisfactory .....unsatisfactory .....Knowledge of inspection  
requirements:satisfactory .....unsatisfactory .....

Grade on written examination ..... grade on practical examination  
.....

Does applicant now understand the questions missed and proper inspection procedure?

.....

Type of headlight aimer used: optical.....  
makemodelmechanical..... makemodel

Remarks: (explain any item checked unsatisfactory and provide any other pertinent information).

## SECTION II

### AUTHORIZATION FOR RELEASE OF INFORMATION

Any past or present Employer, Credit Bureau, Bank, Financial Institution or any other Credit Extending Agency, or any other Government Agency.

.....(Applicant's name)(Address)

I requested that the Road Traffic Department appoint me as a Motor Vehicle Inspector. I am aware that a complete investigation will be conducted relative to this matter. I hereby authorize and request the release of any and all information you may have concerning me to the Road Traffic Department or its agent upon presentation of this release or copy hereof.

.....(Signature)(Date)

.....

Return to: Motor Vehicle Inspection Division

Road Traffic Department

P.O. Box 101

Lilongwe

Attention: Mechanic Files

.....

Do not write below this line—for Road Traffic Department use only

.....

Employed by: ..... Station: .....

Address: City/Village: ..... Certified: Yes ..... No .....

MVE/Name: ..... Inspector classification: .....

Signature: .....

Date: ..... Region: .....

Motor vehicle inspection division file check

Date: ..... Current Status: .....

.....

MVI. 200B

ROAD TRAFFIC DEPARTMENT

ROAD TRAFFIC (CERTIFICATE OF FITNESS) REGULATIONS

MOTOR VEHICLE INSPECTOR CERTIFICATION NO. ....

Name: .....

Postal address: .....

Residential address: .....

Holder of driver's licence No. ....

Is authorized as a motor vehicle inspector to examine and test the class of vehicle indicated below by an X.

PHOTOGRAPH

Class of vehicle

Class A

Class B

Class C

Class D

Signature of Motor Vehicle Inspector .....

Date of expiry: .....

Date of issue: .....

.....

Director of Road Traffic

AUTHORIZATION FOR RELEASE OF INFORMATION

To: Any past or present Employer, Credit Bureau, Bank, Financial Institution or any other Credit Extending Agency, or any other Government Agency.

I .....

(Applicant's name)

have requested that the Road Traffic Department appoint

.....(Name of facility)(Address of facility)

as a Motor Vehicle Inspection Station. I am aware that a complete investigation will be conducted relative to this matter. I hereby authorize and request the release of any and all information you may have concerning me or the above-mentioned business establishment to the Road Traffic Department or its agent upon presentation of this release or copy hereof.

Given under my hand this ..... day of ....., .....

.....

Signature

FORM MV1. 100R

ROAD TRAFFIC ACT

ROAD TRAFFIC (CERTIFICATE OF FITNESS) REGULATIONS

MOTOR VEHICLE INSPECTION STATION REPORT

Name: ..... Station Number: .....

Address: .....

S—Satisfactory      U—Unsatisfactory  
1.Certificate displayed.....2.Procedure sheet displayed.....3.Appearance outside.....4.Appearance inside.....5.Space for inspection.....6.Current inventory filed.....7.Shop tools.....8.Jack or lift.....9.Decelerometer or brake machine.....10.Head light machine.....11.Receipts to MVID.....12.2-meter straight edge and 8-meter tape.....13.Rule.....14.Tread depth gauge.....15.Receipts on file.....16.Ticket punch.....17.Protection of stickers.....18.Manual updated.....19.Posters displayed.....20.Other (explain below).....



Remarks: If the answer to any of the questions above were no or unsatisfactory, these deficiencies must be explained here in details. They must also be discussed with the owner or manager of the station, and the name and title of the person contacted must be included.

Recommendation: ..... Action ..... taken:  
.....  
..... Approved: MVE: ..... Name  
..... SUPR: Name ..... MVE: Signature ..... SUPR:  
Signature ..... Date ..... Date ..... Region:  
.....

## ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE) REGULATIONS

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### ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE) REGULATIONS

under s. 181

G.N. 16/2000

38/2004

#### PART I

#### PRELIMINARY

##### 1. Citation

These Regulations may be cited as the Road Traffic (Construction, Equipment and Use) Regulations.

##### 2. Interpretation

In these regulations, unless the context otherwise requires—

“adapter dolly” means a semi-trailer with one or more axles, designed or adapted—

- (a) to be attached between a truck-trailer and semi-trailer; and
- (b) not to carry any load other than that imposed by a semi-trailer;

“articulated bus” means a bus which—

- (a) consists of two sections connected to form a unit;
- (b) can swivel in a horizontal plan at the connexion between such sections;
- (c) is designated or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) has a continuous passageway over the length thereof;

“articulated passenger vehicle” means an articulated motor vehicle constructed or adapted for use primarily for the carriage of passengers;

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

“axle massload” means the sum of the wheel massload of all wheels on any axle;

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

(a) a set of two or more parallel axles of such vehicle which are so interconnected as to form a unit; or

(b) for the purpose of the definition of “wheelbase” and, in the case of a trailer, two or more axles, whether interconnected or not, where the distance between adjacent axles is less than 1.2 metres;

“bus” means a motor vehicle designed or adapted for the conveyance of ten or more persons including the driver and includes a minibus;

“centre-line of an axle unit”, or any like expression, means a line midway between centre-lines of the extreme axles of an axle unit;

“construction vehicle” means any vehicle which is—

(a) a drilling machine, mobile crane or a forklift or straddle truck;

(b) a roadmaking, earthmoving, excavation, construction or loading machine; or

(c) determined by the Director to be a construction vehicle;

“converter dolly”, means a trailer which has one more axles and, when used in combination with a semi-trailer, converts the semi-trailer into a trailer;

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

“double-deck bus” means a bus having two decks one of which is wholly or partly above the other and each deck of which is provided with a gang-way serving seats on that deck alone;

“emergency brake” means a brake, other than a service brake, which can stop a vehicle;

“farm implement” means any implement or machinery used in connexion with agriculture, grass cutting, forestry, land levelling, dredging or similar operations that is not constructed or adapted for the conveyance of goods or burden of any description;

“front end”, in relation to—



(a) a vehicle, other than a semi-trailer, means that the part of the vehicle which projects furthest forward; or

(b) a semi-trailer, means a line running parallel with the centre-line of the king-pin and connecting the sides of the semi-trailer at the widest and furthest point in front of the king-pin;

“front overhang”, in relation to a vehicle, means that portion of the vehicle, excluding any drawbar or coupling, which projects in front of the centre-line of the front axle or the foremost axle of the front axle unit or, if such vehicle has only one axle, which projects in front of the centre-line of that axle, or in the case of a semi-trailer, which projects in front of the centre-line of the king-pin:

Provided that any portion of a semi-trailer which projects in front of its front end of anything attached to a semi-trailer in front of its front end and which is within an area formed by drawing, with the king-pin as centre, an arc connecting the extreme points of the front end of the semi-trailer, shall not be deemed to be part of the front overhang of such semi-trailer;

“goods vehicle” means a motor vehicle other than a motorcycle, motor tricycle, motor quadrucycle, motor car, minibus or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, adaptor dolly, converter dolly and breakdown vehicle;

“gross axle massload”, in relation to a motor vehicle, means the maximum massload of a particular axle of such vehicle as specified by the manufacturer thereof or, in the absence of such specification, as determined by the Director;

“gross axle unit massload”, in relation to a motor vehicle, means a maximum massload of a particular axle unit of such vehicle as specified by the manufacturer thereof or, in the absence of such specification, as determined by the Director;

“hazardous cargo”, means any hazardous substance contemplated in the Road Traffic (Carriage of Hazardous Cargo) Regulations;

“longitudinal centre-line”, in relation to a vehicle, means a line midway between the center-lines of the extreme outer wheels fitted to the axles of such vehicle;

“minibus”, means a motor vehicle, designed or adapted solely or principally for the conveyance of more than ten, but not more than twenty-seven persons, including the driver;

“motor car” means a motor vehicle, other than motorcycle, motor tricycle, or motor quadrucycle designed or adapted solely or principally for the conveyance of not more than nine persons including a driver;

“motorcycle” means a motor vehicle which has two wheels and includes any such vehicle having a side-car attached;

“motor quadrucycle”, means a motor vehicle, other than a tractor, with four wheels, which is designed to be driven by the type of controls usually fitted to a motorcycle;

“motor tricycle” means a motor vehicle, other than a motorcycle or a tractor, which has three wheels and which is designed to be driven by the type of controls usually fitted to a motorcycle;

“overall length”, in relation to a vehicle, means the distance between the front end and the rear end of the vehicle and, in relation to a combination of vehicles, the distance between the front end of the leading vehicle and the rear end of the rearmost vehicle;

“overall height”, in relation to a vehicle, means the distance measured from ground level to the highest part of—

- (a) any part of such vehicle; or
- (b) any load thereon,

which part is the highest:

Provided that, in the case of a vehicle driven by electrical power, the overall height should not include any overhead electrical contacting gear or catwalk protruding above such vehicle;

“overall width”, in relation to a vehicle, means the width measured between two planes parallel to the longitudinal center-line of the vehicle and passing through the extreme project points on either side of such vehicle, exclusive of any side mirror or direction indicator;

“overrun brake”, in relation to a trailer means a braking system actuated by a device fitted to the drawbar of the trailer when a force is exerted on such device by reason of the inertia of the trailer;

“parking brake”, means a break, normally a hand brake, used in the ordinary course of events to keep a vehicle stationary;

“public service vehicle” means any vehicle carrying passengers for hire or reward;

“rear end”, in relation to a road, means a road which does not exceed a plus or minus one per cent grade;

“rear overhang”, in relation to a vehicle, means that portion of the vehicle which projects to the rear of the centre-line of the rear axle or the rear-most axle of the rear axle unit or, if such vehicle has only one axle, which projects to the rear of the centre-line of that axle;

“retro-reflector” means a reflector which bears—

- (a) the approval mark of—
  - (i) the European Union denoted by the mark E;
  - (ii) the European Economic Committee denoted by the mark E; or
  - (iii) the Society of Automotive Engineers denoted by the mark SAE;

(b) any other approval mark referred to in a specification, code of practice or any directive having standardization of vehicle retro-reflectors as its aim and issued by a national institution or organization outside Malawi for a purpose similar to that for which a standardization mark has been established;

“rescue vehicle” means a motor vehicle designed or adapted for the sole purpose of rescuing persons, and which is owned or controlled by a department of the Government of Malawi or by a body of persons approved by the Director;

“safety glass” means transparent glass or other transparent material so constructed or treated that, when fractured, the possibility of large flying fragments or sharp splinters is minimized;

“service brake” means a brake, normally a footbrake, ordinarily used to reduce the speed of a vehicle or to stop the vehicle, and which consists of—

(a) a single braking system which brakes the front and rear wheels of the vehicle simultaneously, or in the case of—

(i) a trailer, brakes the wheels thereof simultaneously; or

(ii) a trailer, which is not a semi-trailer, brakes the front or rear wheels or all wheels thereof simultaneously; or

(iii) a tractor, brakes the wheels of the rear axle or rear axle unit of the tractor simultaneously; or

(b) two braking systems which—

(i) jointly brake the front and rear wheels of the vehicle simultaneously; and

(ii) independently brake at least two wheels of the vehicle simultaneously;

“single-deck bus” means a bus upon which no part of a deck or gangway is vertically above another deck or gangway;

“stop lamp” means a device fitted to a vehicle for the purpose of signalling, by means of a light, the intention of the driver of such vehicle to stop or reduce the speed of such vehicle;

“tractor” means a farm tractor of the type commonly used for agricultural purposes;

“turning radius”, in relation to a vehicle, means the radius of the circle described by the outer steerable wheel of a vehicle when such wheel is deflected as far as possible from the straight, either to the left or to the right, and, where the radii so obtained are not the same, the larger of the two shall be taken as the turning radius of the vehicle, the radius being measured to the outer edge of the track described by such outer steerable wheel;

“wheelbase”—

(a) in relation to a semi-trailer, means the distance measured at ground level, between parallel planes at right-angles to the longitudinal centre-line of the vehicle passing through the centre-line of its king-pin and the centre-line of its axle or axle unit, as the case may be;

(b) in relation to a trailer with only one axle or one axle unit, other than a semi-trailer, means the distance, measured at ground level, between parallel planes at right angles to the longitudinal centre-line of the vehicle passing through the centre-line of the coupling pin or knuckle and the centre-line of such axle or axle unit, as the case may be; and

(c) in relation to any other vehicle, means the distance measured at ground level between parallel planes at right angles to the longitudinal centre-line of the vehicle passing through the centre-line of the front axle or front axle unit and the centre-line of the rear axle or rear axle unit, as the case may be; and

“wheel massload”, in relation to any wheel of a vehicle, means the total mass supported by the contact area between the tyre of such wheel and the road surface.

## PART II

### DIMENSION OF VEHICLES

#### 3. Overall length of vehicle

No person shall operate on a public road—

(a) a trailer which is coupled to a drawing vehicle in such a manner that the trailer and the drawing vehicle cannot swivel in a horizontal plane at the coupling, if the overall length including any drawbar or coupling exceeds 1.8 metres;

(b) a trailer with one axle or one axle unit, other than a semitrailer—

(i) the gross vehicle mass of which exceeds 12,000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 11.3 metres; or

(ii) the gross vehicle mass of which does not exceed 12,000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 8 metres;

(c) any articulated motor vehicle or any other combination of motor vehicles consisting of a drawing vehicle and a semi-trailer, if the overall length of such motor vehicle or combination of motor vehicles, including any drawbar or coupling, exceeds 17 metres;

(d) an articulated bus, if the overall length exceeds 20 metres;

(e) a trailer not referred to in paragraph (b), excluding a semi-trailer the gross vehicle mass of which exceeds 12,000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling exceeds 12.5 metres;

(f) any other motor vehicle, excluding a construction vehicle or a semi-trailer, if the overall length, including any drawbar or coupling, exceeds 12.5 metres; or

(g) any other combination of motor vehicles, if the overall length thereof, including any drawbar or coupling, exceeds 22 metres:

Provided that the provision of this paragraph shall not apply to a breakdown vehicle while towing any other motor vehicle.

#### 4. Restriction on combination of motor vehicles

(1) No person shall operate on a public road any combination of motor vehicles—

(a) other than a drawing vehicle and one or two trailers;

(b) other than a motor vehicle drawing one other motor vehicle which is not a trailer:

Provided that in the case of an emergency or a breakdown, a trailer and one other vehicle may be drawn;

(c) consisting of a trailer attached to a drawing vehicle in such a manner that the combination of trailer and drawing vehicle cannot bend in a horizontal plane, if the combined length of such trailer, including any drawbar or coupling and the rear overhand of the drawing vehicle exceeds 3.1 metres; or

(d) if the length of the drawbar of any trailer in such combination where such trailer has more than one axle, exceeds two metres:

Provided that in the case of an underslug coupling, the drawbar may exceed two metres, provided the distance between the two vehicles does not exceed 2.5 metres:

Provided further that any combination of vehicles may be towed by a breakdown vehicle if the brake system of the towed combination, excluding the drawing vehicle of such combination, is functional and coordinated with the working of the brakes of the breakdown vehicle.

(2) For the purpose of subregulation (1) (a), a converter dolly shall, when used in combination with a semi-trailer, be deemed not to be a trailer.

#### 5. Overall width of vehicle

No person shall operate on a public road—

(a) a bus if the overall width thereof exceeds 2.6 metres;

(b) a goods vehicle the gross vehicle mass of which is 12,000 kilograms or greater, if the overall width thereof exceeds 2.6 metres; or

(c) any other vehicle, excluding a construction vehicle or a farm implement, if the overall width thereof exceeds 2.5 metres.

6. Overall height of vehicle and load

No person shall operate on a public road a motor vehicle unless—

(a) in the case of a single-deck bus the height excluding any structure for carrying luggage does not exceed 3.2 metres; or

(b) in the case of any other vehicle together with any load thereon, on the overall height does not exceed 4.6 metres.

7. Turning radius and wheelbase

No person shall operate on a public road a vehicle—

(a) the turning radius of which exceeds 13.1 metres; and

(b) the wheelbase of which exceeds, in the case of—

(i) a semi-trailer, 9 metres;

(ii) an articulated bus, 15 metres; or

(iii) any other vehicle, 8.5 metres.

8. Overhang of vehicle

(1) No person shall operate on a public road—

(a) a semi-trailer, the front overhang of which exceeds 1.8 metres; or

(b) a vehicle, not being a semi-trailer or not being a trailer with one axle or one axle unit, the front overhang of which exceeds—

(i) 60 per cent of the wheelbase; or

(ii) 6.2 metres in the case of a vehicle having the front surface of the back rest of the driver's seat at seat level not more than 1.7 metres from the front end of the vehicle when such seat, if adjustable, is in the rearmost position, less half the wheelbase:

Provided that the wheelbase of an articulated bus shall be the distance measured from the centre of the front axle to the centre of the middle axle; or

(iii) 5.8 metres in the case of any other vehicle less half the wheelbase.

(2) No person shall operate on a public road—

(a) a vehicle designed or adapted for use in connexion with street cleaning or the disposal of refuse or sewage, or a construction vehicle, any bus or self-propelled caravan, the rear overhang of which exceeds 70 per cent of its wheelbase.

(b) a trailer other than a semi-trailer, which is equipped with—

(i) one axle;

(ii) one axle unit; or

(iii) two axles and the distance between the centre-lines of the axles is less than 1.2 metres,

if the rear overhang exceeds 50 per cent of the length of the body of such trailer; or

(c) any vehicle, not referred to in subregulation (2) (a) or (b) the rear overhang of which exceeds 50 per cent of its wheelbase.

9. Projections in case of vehicle other than pedal a motorcycle, motor tricycle, motor quadrucycle or pedal cycle

(1) No person shall operate on a public road a vehicle, other than a motorcycle, motor tricycle, motor quadrucycle or cycle—

(a) carrying any goods or fittings which project—

(i) either side of the longitudinal centre-line of the vehicle by more than—

(aa) in the case of a bus contemplated in regulation 5 (a) or a goods vehicle contemplated in regulation 5 (b), 1.3 metres; or

(bb) in the case of any other vehicle, 1.25 metres:

Provided that any side mirror or direction indicator on the vehicle shall not be taken into account;

(ii) more than 300 millimetres beyond the front end of the vehicle; or

(iii) more than 1.8 metres beyond the rear end of the vehicle; or

(b) of which—

(i) the front overhang, together with any projection, exceeds the front overhang as provided in regulation 8 (1) (b); or

(ii) any bracket projects more than 150 millimetres beyond the widest part of the vehicle.

(2) No person shall operate on a public road a motor vehicle or combination of motor vehicles where the combined length of such motor vehicle or combination of motor vehicles and any projection exceeds the overall length prescribed in regulation 3 for such motor vehicle or combination of motor vehicles.

10. Projections in case of motorcycle, motor tricycle, motor quadrucycle or pedal cycle

No person shall operate on a public road a motorcycle, motor tricycle, motor quadrucycle or pedal cycle if any goods carried thereon, or on any portion or side-car of such cycles, project more than 600 millimetres to the front of the axle centre of the front wheel or more than 900 millimetres on either side of the wheels of such cycles, or more than 300 millimetres to the outside of the wheel of any side-car:

Provided that the provisions of this regulation shall not apply to any side mirror or crashbar.

11. Warning in respect of projecting load

(1) No person shall operate a vehicle on a public if the load on such vehicle projects more than 150 millimetres beyond the side thereof, unless—

(a) during the period referred to in regulation 44 (1) (b), the extent of such projection is indicated—

(i) by means of either a white retro-reflector or a lamp emitting a white light, fitted at the outer edge of the front of such load; and

(ii) by means of either red retro-reflector or a lamp emitting a red light, fitted at the outer edge of the rear of such load; and

(b) during any other period, the extent of such projection is indicated by means of flags of red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction of travel of the vehicle from the front and rear of such projection.

(2) No person shall operate a vehicle on a public road if the load on such vehicle projects more than 300 millimetres beyond the rear thereof, unless—

(a) during the period referred to in regulation 44 (1) (b)—

(i) the width of such projection is indicated by means of red retro-reflectors or lamps emitting a red light fitted on the end of such projection:

Provided that where the width of any such projection is less than 600 millimetres it shall be sufficient for the purpose of indicating such width to fit one retro-reflector or lamp on the end thereof; and

(ii) the length of such projection is indicated by means of yellow retro-reflectors or lamps emitting a yellow light fitted on both sides of such projection at the end thereof; and



(b) during any other period, the length of such projection is indicated by means of a red flag or red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction of travel of the vehicle, from the end of such projection and the width of such projection is indicated by means of such flags suspended by two adjacent corners thereof parallel to the direction of travel of the vehicle, from both sides of such projection at the end thereof:

Provided that where the width of such projection is less than 600 millimetres it shall be sufficient for the purposes of indicating such projection to suspend one such flag from the end thereof.

(3) For the purposes of this regulation, the light of any lamp shall comply with the provisions of regulation 45 (2).

### PART III

#### LOADS ON VEHICLES

##### 12. Manner in which children are to be counted for the purpose of these Regulations

For the purposes of establishing the number of persons that may in terms of these Regulations, other than regulation 123, be carried on any vehicle, other than a motorcycle, motor tricycle, motor quadrucycle or pedal cycle—

- (a) any child under the age of three years shall not be counted;
- (b) two children of three years or over but under the age of six years shall be counted as one person; and
- (c) three children of six years or over but under the age of 13 years shall be counted as two persons and fractions shall be disregarded.

##### 13. Mass of person and luggage for determining mass of load

For the purpose of establishing the maximum mass of person and luggage which may be conveyed on a motor vehicle—

- (a) the mass of a person together with his personal effects shall, subject to the provisions of regulation 12 be taken as 80 kilograms; and
- (b) in the case of a motor vehicle which is fitted with—
  - (i) a luggage compartment the mass of luggage shall be calculated at the rate of 150 kilograms per cubic metre; or
  - (ii) a roof rack, the mass of luggage shall be calculated at the rate of 75 kilograms per square metre of area of the roof rack.

##### 14. Number of persons that may be carried on motor vehicle in relation to seating capacity

(1) Subject to the provisions of regulation 12, no person shall operate on a public road a motor vehicle, other than a minibuss or a bus which is used for hire or reward, motorcycle, motor tricycle, motor quadrucycle or pedal cycle if—

(a) the number of persons on any seat of such vehicle exceeds the number of persons for whom seating accommodation is provided on such seat at the rate of 380 millimetres per person measured at the widest part of the seat with the doors closed; and

(b) the total number of persons carried on such vehicle, excluding persons carried in the goods compartment of the vehicle, exceeds the number of persons for whom seating accommodation, determined in the manner referred to in paragraph (a), is available in such vehicle:

Provided that, one child over the age of three years but under the age of six years may be carried on each transverse seat in excess of the number of persons for whom seating accommodation determined in the manner referred to in paragraph (a) is available on such seat.

(2) Subject to the provisions of regulation 12, no person shall operate a minibuss or a bus on a public road if the number of persons on any seat exceeds the number of persons for whom seating accommodation is provided on such seat at the rate of 400 millimetres per person measured at the widest part of the seat with the doors closed.

(3) For the purposes of the proviso to subregulation (1) (b), a row of seats shall be regarded as one seat.

(4) Where in this regulation a reference is made to a maximum or minimum dimension, a tolerance of 10 millimetres above any such maximum and below any such minimum shall be permissible.

15. Permissible maximum axle massload of a motor vehicle

(1) No person shall operate on a public road a minibuss, tractor, construction vehicle or goods vehicle if the permissible maximum axle massload of such vehicle is exceeded.

(2) The permissible maximum axle massload of a motor vehicle shall be the least of the mass limits determined by—

(a) regulation 19 (1) in respect of a motor vehicle fitted with pneumatic tyres or regulations 19 (2) and 24 in respect of a motor vehicle fitted with tyres other than pneumatic tyres;

(b) regulation 20 (1) (a) (ii); and

(c) regulation 21 (b).

16. Permissible maximum axle unit massload of a motor vehicle

(1) No person shall operate on a public road a minibuss, tractor construction vehicle or goods vehicle if the massload permissible maximum axle unit massload of such motor vehicle is exceeded.

(2) The permissible maximum axle unit massload of a motor vehicle shall be the least of the mass limits determined by—

(a) regulation 19 (1) in respect of a motor vehicle fitted with pneumatic tyres or regulations 19 (2) and 24 in respect of a motor vehicle fitted with tyres other than pneumatic tyres;

(b) regulation 20 (1) (a) (iii); and

(c) regulation 21 (b).

17. Permissible maximum vehicle mass

(1) No person shall operate on a public road a minibuss, tractor, construction vehicle or goods vehicle if the permissible maximum vehicle mass of such motor vehicle is exceeded.

(2) The permissible maximum vehicle mass of a motor vehicle shall be the least of the mass limits determined by—

(a) the sum of all the permissible maximum axle massloads and axle unit massloads of the motor vehicle as contemplated in regulations 15 and 16;

(b) regulation 20 (1) (a) (i);

(c) regulation 20 (2); and

(d) regulation 22.

18. Permissible maximum combination mass

(1) No person shall operate on a public road a combination of vehicles where the drawing vehicle is a minibuss, bus, tractor, construction vehicle or goods vehicle, if the permissible maximum combination mass of such combination is exceeded.

(2) The permissible maximum combination mass of a combination of motor vehicles shall be the least of the mass limits determined by—

(a) the sum of all permissible maximum axle massloads and axle unit massloads of the combination of motor vehicles as contemplated in regulations 15 and 16;

(b) regulation 20 (1) (b);

(c) regulation 20 (2); and

(d) regulation 22.

19. Load on tyres

(1) No person shall operate on a public road a minibus, tractor, construction vehicle or goods vehicle which is fitted with pneumatic tyres, where any wheel massload is in excess of the wheel massload approved by the tyre manufacturer or that specified in regulation 21, whichever is the lesser.

(2) No person shall operate on a public road any vehicle fitted with tyres, other than pneumatic tyres, if the wheel massload exceeds eight kilograms per one millimetre width of any such tyre.

20. Gross mass limit in respect of motor vehicle not to be exceeded

(1) No person shall operate on a public road a minibus, tractor, construction vehicle or goods vehicle—

- (a) if—
  - (i) the gross vehicle mass;
  - (ii) any gross axle massload; or
  - (iii) any gross axle unit massload,

is exceeded; or

- (b) drawing any other motor vehicle if the gross combination mass is exceeded.

(2) No person shall operate on a public road a motor vehicle which is a minibus, bus, tractor or goods vehicle if the mass in kilograms of such motor vehicle or of a combination of motor vehicles of which such first-mentioned motor vehicle forms a part, whether laden or unladen, exceeds five times the total axle massload of the driving axle or axles of such vehicle.

21. Massload carrying capacity of the road

No person shall operate on a public road a motor vehicle or combination of motor vehicles, the wheels of which are fitted with pneumatic tyres, if—

- (a) (i) any wheel massload exceeds 4,000 kilograms; or
- (ii) any axle massload exceeds—
  - (aa) in the case of an axle fitted with two or three wheels, 8,000 kilograms;

or

- (bb) in the case of an axle fitted with four or more wheels, 10,000 kilograms;
- (b) the massload of an axle unit consisting of—
  - (i) two axles with two wheels on each axle, exceeds 16,000 kilograms;
  - (ii) two axles with four wheels on each axle exceeds 18,000 kilograms:

Provided that in the case of a vehicle designed to compact refuse and which is carrying such refuse or a breakdown vehicle, such axles shall not exceed 20,000 kilograms; or

- (iii) three axles with four wheels on each axle exceeds 24,000 kilograms:

Provided that a three axle unit, where adjacent axles are more than 2.5 metres apart, shall be deemed to be three single axles for the purposes of this regulation.

## 22. Massload carrying capacity of bridges

(1) No person shall subject to subregulation (4) operate on a public road a motor vehicle or combination of motor vehicles the wheels of which are fitted with pneumatic tyres, if the total axle massload of any group of axles of such motor vehicle or combination of motor vehicles exceeds the mass in kilograms determined by multiplying the dimension of such group measured as referred to in subregulation (3) by 2,100 and adding 18,000.

(2) A group of axles referred to in subregulation (1) may comprise any series of axles, but shall not consist of one axle unit referred to in regulation 21 (b) alone.

(3)(a) the dimension referred to in subregulation (1) shall be measured in metres and tenths of metres from the centre of the first axle of any group of axles to the centre of the last axle of such group.

(b) if the dimension so measured is not a definite figure in metres and tenths of a metre, the next highest number of tenths of a metre with which the dimension so measured is exceeded shall be used for the calculation referred to in subregulation (1); or

(c) where a group of axles of a combination of vehicles is measured, the vehicles of such combination shall be positioned in line and both sides of such combination of vehicles shall be measured, and if the dimensions of the two sides differ, the longer dimension shall be used for the calculation referred to in subregulation (1).

(4) No person shall operate on a public road a motor vehicle or combination of motor vehicles, the wheels of which are fitted with pneumatic tyres, if the total axle massload of such motor vehicle or combination of motor vehicles exceeds 56,000 kilograms.

## 23. Distribution of axle massload and wheel massload on vehicle fitted with pneumatic tyres

Notwithstanding the provisions of regulation 21 no person shall operate on a public road a motor vehicle which is fitted with pneumatic tyres if—

- (a) on any axle with—

- (i) two tyres, the wheel massload on one tyre exceeds the wheel massload on the other tyre by more than ten per cent; or

(ii) four tyres, the wheel massload on two tyres nearest to each other exceeds the wheel massload on the other two tyres by more than ten per cent;

(b) in the case of an articulated motor vehicle the axle massload of any steering axle or the sum of the axle massloads of any steering axle unit is less than eleven per cent of the sum of all axle massloads of such vehicle;

(c) in the case of a motor vehicle, not being an articulated motor vehicle, with a steering axle unit, the sum of the axle massloads of such steering axle unit is less than thirty per cent of the sum of all axle massloads of such vehicle; or

(d) in the case of any other vehicle the axle massload of a steering axle is less than twenty per cent of the sum of all axle massloads of such vehicle, except in the case of a tractor when the axle massload of the steering axle shall not be less than twelve per cent of the sum of all the axle massloads of such tractor.

24. Axle mass load of vehicles fitted with other than pneumatic tyre

No person shall operate on a public road a vehicle fitted—

(a) with metal tyres, if any axle massload of such vehicle exceeds 2,700 kilograms; or

(b) with tyres, other than pneumatic or metal tyres, if any axle massload or the sum of all axle massloads of such vehicle exceeds fifty per cent of that permitted for vehicles fitted with pneumatic tyres in terms of regulation 21 or, if the axle massload of any steering axle of such vehicle does not comply with the requirements of regulation 23 (b), (c) or (d).

25. Contravention of motor vehicle mass limits

(1) A vehicle shall be presumed overloaded when used on a public road in contravention of mass and permissible axle mass regulations made under the Act and by prohibitory signs and special notices.

(2) Any person who contravenes subregulation (1) shall be presumed to have damaged the public road by reason of such overloading.

(3) Subject to the provisions of the Act and any regulations made thereunder, a contravention of mass limits under these regulations shall not be deemed to constitute a criminal offence, but shall be dealt with as provided for in these regulations.

26. Calculation of overload

(1) For purposes of calculating an axle overload—

(a) for each axle five per cent of the legal limit specified in regulation 21 shall be subtracted from the recorded massload, and the result shall be rounded down to the nearest 100 kilograms to serve as the calculated massload;

(b) for each axle an additional five per cent of the limit specified in regulation 21 shall be allowed to be carried further:

Provided that where such overload is not off loaded, the surcharge for carrying it further will be four times the corresponding penalty for that overload;

(c) where a special exemption permit as contemplated in regulation 125 has been issued for the vehicle in question, overload shall be calculated accordingly.

(2) For the purposes of calculating a gross vehicle mass overload the total recorded axle massload of a motor vehicle or combination of motor vehicles shall be subtracted from the amount specified in regulation 17 or 18 as the case may be; and—

(a) an additional five per cent of the amount so specified in regulation 17 or 18 shall be allowed to be carried further with no penalty;

(b) an additional ten per cent of the amount so specified in regulation 17 or 18 shall be allowed to be carried further:

Provided that where such gross mass overload is not offloaded, the surcharge for carrying it further will be four times the corresponding penalty for such overload; and

(c) where a special exemption permit has been issued for such motor vehicle or combination of motor vehicles the gross mass overload shall be calculated accordingly.

(3) Subject to subregulations (1) and (2), all overload except hazardous cargo, indivisible cargo, perishable cargo and cargo for which a special exemption permit is produced shall be either redistributed or off-loaded on to another vehicle before the overloaded vehicle is permitted to continue using the public road.

(4) All cargo exempt from off loading under subregulation (3), except cargo for which a special exemption permit has been issued, shall be assessed a surcharge of four times the corresponding overload penalty for the further movement on the public road of any vehicle having such an overload.

## 27. Calculation of penalties

(1) For the mass of each axle deemed to be overload, of the penalty shall be calculated separately for each axle as specified in the First Schedule.

(2) The maximum penalty to be paid per each overloaded axle shall be as specified in the First Schedule.

(3) For the mass deemed to be gross vehicle mass overloaded, the penalty shall be calculated as specified in the Second Schedule.

## 28. Imposition of penalties and procedures

(1) The penalties for overloading shall be imposed by the Director or any authorized officer.

(2) Where a vehicle is found overloaded, in terms of both axle overload and gross vehicle mass overload the penalty for overloading shall be the larger of such penalties as contemplated in regulation 27 (1) and (3).

(3) Any penalty for overloading shall be paid by the owner or operator of the vehicle at such place as the Director may designate by notice published in the Gazette.

29. Weighing of vehicles

The Director and any authorized officer may require the person in charge of any vehicle to allow the vehicle to be weighed either laden or unladen and the weight transmitted to the surface of the road by any part of the vehicle in contact with the road to be tested and for that purpose to proceed to a weighbridge.

30. Weighing procedures

(1) Penalties shall be calculated as far as possible on the basis of weighing individual axles.

(2) The massloads of all the individual axles of—

(a) an axle unit may be added to obtain the total massload of such axle unit;

(b) a group of axles may be added to obtain the total massload of such group of axles;

(c) a vehicle may be added to obtain the total massload of such vehicle; or

(d) a combination of vehicles may be added to obtain the total massload of such combination of vehicles.

(3) When using single axle weighbridges the total mass of the vehicle shall be calculated on the basis of the combined recorded massload of the individual axles.

(4) Scales authorized by the Director shall be used in weighing vehicles.

(5) Any receipt issued by any authorized officer shall be signed by the driver of the vehicle.

(6) The driver of any motor vehicle attempting entry into Malawi, which is found not to be in compliance with these regulations shall at his option—

(a) elect to enter Malawi and accept the provisions of these regulations; or

(b) refuse to enter Malawi and upon payment of the weighbridge processing fee referred to in the Fourth Schedule return such motor vehicle to the country from which entry into Malawi was attempted thereby exempting such motor vehicle from any further application of these regulations.



(7) If, upon being weighed, a vehicle is found to be not overloaded there shall be given to the person in charge thereof a certificate of weight in such form as approved by the Director:

Provided that the holding of such a certificate of weight for the vehicle concerned shall not exempt the person in charge of such vehicle from the requirements of regulation 29.

31. Authority of certain officers

(1) The Director or any authorized officer shall have the power to control overload, and any driver of the vehicle found overloaded shall follow the instructions given to him for the proper overload control.

(2) Any authorized officer who, upon weighing a vehicle, determines that the weight does not conform to these regulations shall, subject to regulation 26, detain such vehicle and require the driver to stop the vehicle on a suitable place in order to either redistribute or to off-load on to another vehicle whatever portion of the load as may be required to reduce the gross mass or axle mass such that the vehicle complies with the provisions of these regulations and any load so redistributed or off-loaded shall be the sole responsibility of the owner, operator or driver of the vehicle concerned.

(3) Any authorized officer shall detain and prohibit any further use of any overload vehicle upon a public road until—

(a) such vehicle if required has been reweighed and complies with the provisions of these regulations; and

(b) proof of payment for any overload penalty imposed on such vehicle has been produced.

32. Appeals to the Minister

(1) Any person aggrieved at the action of any authorized officer in respect of the procedures of weighing motor vehicles and the decision of imposing overload penalties may within twenty-one days of the action of such authorized officer appeal against such action to the Minister in accordance with the Road Traffic (Appeals) Regulations.

(2) For the purpose of deciding an appeal in terms of subregulation (1), the Minister may require any party to such appeal to furnish such information and evidence as he may deem expedient.

(3) The Minister after considering the appeal referred to in subregulation (1) may give such decision as he may deem fit.

33. Information to be displayed on certain motor vehicles

No person shall operate on a public road a minibus, bus or goods vehicle of which the gross vehicle mass does not exceed 3,500 kilograms, unless there is displayed in a conspicuous position on the left side thereof in letters and figures of not less than 40 millimetres in height and which shall be clearly legible at all times—

- (a) the tare of such vehicle in kilograms (denoted as T);
- (b) the permissible maximum vehicle mass referred to in regulation 17 in kilograms (denoted as PVM);
- (c) if the vehicle is used to draw any other vehicle, the permissible maximum drawing vehicle mass which shall be the least of the masses determined in terms of regulation 20 (1) (b) or (2) in kilograms (denoted as PDVM);
- (d) in the case of a minibus or a bus subject to the provisions of regulation 14, the number of seated passengers that may be carried; and
- (e) in the case of a bus subject to the provisions of regulation 123, the number of standing passengers that may be carried.

34. Information plates on certain vehicles

(1) No person shall operate on a public road a minibus, bus or goods vehicle which, according to the registration certificate thereof was registered for the first time on or after 1st January, 1998, and of which the gross vehicle mass exceeds 3,500 kilograms unless the following particulars in respect of such minibus, bus or goods vehicle are clearly imprinted or stamped on a metal plate or plates affixed in an accessible place on a door post, under the bonnet or on the dash board of the vehicle concerned or, in the case of a trailer, on the left side thereof in any conspicuous place—

- (a) the tare in kilograms (denoted as T);
- (b) the gross vehicle mass in kilograms (denoted as GVM);
- (c) the gross axle massload or gross axle unit massload of each axle or axle unit in kilograms (denoted as GA or GAU, respectively);
- (d) in the case of a semi-trailer the gross king-pin massload as specified by the manufacturer (denoted as GKM);
- (e) the gross combination mass in kilograms where the vehicle is used to draw any other vehicle (denoted as GCM);
- (f) the permissible maximum vehicle mass referred to in regulation 17 in kilograms (denoted as PVM):

Provided that this subparagraph is not applicable to a semi-trailer;

- (g) the permissible maximum axle massload referred to in regulation 15 or axle unit massload referred to in regulation 16 of each axle or axle unit in kilograms (denoted as A or AU respectively; and

(h) the permissible maximum drawing vehicle mass referred to in regulation 33 (c) (denoted as PDVM).

(2) No person shall operate on a public road a tractor which according to the registration certificate thereof was registered for the first time on or after January, 1998, unless it is fitted with a metal plate on which is clearly imprinted or stamped—

(a) the gross combination mass in kilograms (denoted as GCM); and

(b) the permissible maximum drawing vehicle mass referred to in regulation 33 (c) (denoted as PDVM).

35. Manner in which goods shall be carried

No person shall operate on a public road a motor vehicle carrying any goods—

(a) in such a manner as to come into contact with the surface of the public road on which the vehicle is being operated:

Provided that a chain, known as a “static chain”, may be carried in contact with the surface of such road;

(b) in such manner as to obscure the driver’s view of traffic to the front or on either side or his view in the rear view mirror or mirrors of traffic to the rear;

(c) which are not—

(i) safely contained within the body of such vehicle; or

(ii) securely fastened to such vehicle, and properly protected from being dislodged or spilled from such vehicle;

(d) on the roof thereof, in the case where such vehicle is a motor car, if the height of such goods measured from the highest point of such roof exceeds one-half of the height of the motor car, measured from ground level;

(e) in any container, which has provision for fastening by means of “twist locks”, unless such container is securely fastened by at least four “twist locks” and the provisions of this paragraph are also applicable to empty containers carried on a vehicle; or

(f) on the roof thereof, in the case where such vehicle is a double-deck bus.

36. Circumstances under which persons may be carried on goods vehicle

No person shall operate on a public road a goods vehicle conveying persons unless that portion of the vehicle in which such persons are being conveyed is enclosed to a height of—

(a) at least 350 millimetres above the surface upon which such person is seated; or

(b) at least 900 millimetres above the surface on which such person is standing, in a manner and with a material of sufficient strength to prevent such person from falling from such vehicle when it is in motion:

Provided that this regulation shall not apply in the case of employees being carried in the course of their employment.

#### PART IV

#### EQUIPMENT ON OR IN RESPECT OF VEHICLES

##### 37. Brakes on certain motor vehicles

(1) Subject to the provisions of regulations 38 to 43 inclusive, no person shall operate on a public road a motor vehicle, other than a motorcycle, motor tricycle, motor quadrucycle or trailer, which is not equipped with a service brake, a parking brake and an emergency brake:

Provided that—

(a) the emergency brake and parking brake may be one and the same brake; and

(b) in the case of—

(i) a motor vehicle which is equipped with a service brake consisting of two braking systems, such brake shall, when the systems brake the wheels independently, be deemed to be an emergency brake;

(ii) a steam, electric or other uniquely driven motor vehicle of which the engine or motor can be reversed, the reversing mechanism may be used instead of an emergency brake; and

(iii) a tractor, the brakes may be so constructed that the service brake may be used as a parking brake.

(2) No person shall operate on a public road a motor vehicle to which is fitted an anti-theft device which is connected to or in anyway interferes with the braking system of such vehicle.

##### 38. Brakes on motorcycle, motor tricycle or motor quadrucycle

Subject to the provisions of regulations 37 and 39 to 43 inclusive, no person shall operate on a public road a motorcycle, motor tricycle or motor quadrucycle which is not equipped with two independent braking systems one of which shall act on the front wheel or wheels and the other which shall act on the rear wheel or wheels and each such system shall have an efficiency at least equivalent to that specified for an emergency brake and when the two systems are applied simultaneously, the combined efficiency shall be at least equivalent to that specified for a service brake.

##### 39. Brakes on trailers

(1) Subject to the provisions of subregulation (4) no person shall operate on a public road a trailer, if—

(a) the mass of such trailer and any load thereon is 750 kilograms or less and—

(i) does not exceed half of the tare of the drawing vehicle, unless such trailer is equipped with at least a parking brake or other device for keeping such trailer stationary; or

(ii) exceeds half of the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and either an overrun brake or a service brake;

(b) the gross vehicle mass of such trailer exceeds 750 kilograms but does not exceeds 3,500 kilograms and does not exceed the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and either an overrun brake or a service brake; or

(c) the gross vehicle mass of such trailer exceeds the tare of the drawing vehicle or 3,500 kilograms, as the case may be, unless such trailer is equipped with a parking brake and a service brake, and where more than one trailer is drawn by a drawing vehicle, the foregoing requirements shall apply in respect of each such trailer, and in such event the gross vehicle mass shall be construed as the total of the gross vehicle masses of all trailers so drawn.

(2) The service brake of the trailer shall be capable of being operated by the driver of the drawing vehicle while such vehicle and drawing vehicle are in motion.

(3) If the service or overrun brake of a trailer is capable of being used as a parking brake, a separate parking brake need not be fitted to such trailer.

(4) In the case where a trailer referred to in subregulation 1 (a) (ii), 1 (b) or 1 (c) is drawn by a tractor—

(a) and such tractor is not designed for or capable of operation at a speed exceeding 35 kilometres per hour on a reasonably level road, such trailer may be equipped with an overrun brake in lieu of a service brake referred to in subregulation (1); or

(b) and is operated at a speed not exceeding 15 kilometres per hour, such trailer may be equipped with a parking brake or other device for keeping such trailer stationary, in lieu of an overrun brake or service brake referred to in subregulation (1).

#### 40. Brakes on pedal cycles

No person shall operate on a public road any pedal cycle unless it is equipped with at least one brake which shall operate on the rear wheel or wheels.

#### 41. Brakes on unspecified vehicles

No person shall operate on a public road any vehicle for which brakes are not specified elsewhere in regulations 37 to 43 inclusive, unless it is equipped with a parking brake or other device for keeping such vehicle stationary.

42. Braking performance of service, emergency and parking brakes

(1) No person shall operate on a public road a motor vehicle or a combination of motor vehicles which, in terms of these Regulations—

(a) shall be equipped with a service brake, unless such brake at all times—

(i) in the case of a motor vehicle or a combination of motor vehicles which is capable of exceeding a speed of 35 kilometres per hour when it is applied from an initial speed of 35 kilometres per hour, complies with the requirements for braking performance set out in Table A hereunder; or

(ii) in the case of a motor vehicle or a combination of motor vehicles which is not capable of exceeding a speed of 35 kilometres per hour, when it is applied from the maximum speed which such vehicle or combination of vehicles is capable of attaining, complies with the requirements for braking performance set out in Table B hereunder;

(b) shall be equipped with an emergency brake, unless such brake at all times—

(i) in the case of a motor vehicle or a combination of motor vehicles which is capable of exceeding a speed of 35 kilometres per hour, when it is applied from an initial speed of 35 kilometres per hour, complies with the requirements from braking performance set out in Table C hereunder; or

(ii) in the case of a motor vehicle or a combination of motor vehicles which is not capable of exceeding a speed of 35 kilometres per hour when it is applied from the maximum speed which such vehicle or combination of vehicles is capable of attaining, complies with the requirements for braking performance set out in Table D hereunder; or

(c) shall be equipped with a parking brake, unless such brake, at all times, is capable of keeping such vehicle or combination stationary for an indefinite period with the engine disengaged or a gradient of not more than 1 in 8.33.

REQUIREMENTS FOR BRAKING PERFORMANCE

TABLE A

SERVICE BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES CAPABLE OF EXCEEDING SPEED OF 35 KM/H

Initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s <sup>2</sup>	Minimum equivalent braking force in N/kg
Light motor vehicle	35	14.4	4.4
Heavy motor vehicle	35	16.4	4.4

TABLE B

SERVICE BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES NOT CAPABLE OF EXCEEDING SPEED OF 35 KM/H

Minimum initial speed in km/hMaximum stopping distance in mMinimum deceleration in m/s<sup>2</sup>Minimum equivalent braking force in N/kg1571.91.920111.91.925161.91.930231.91.935301.91.9

TABLE C

EMERGENCY BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES CAPABLE OF EXCEEDING SPEED OF 35 KM/H

Initial speed in km/hMaximum stopping distance in mMinimum deceleration in m/s<sup>2</sup>Minimum equivalent braking force in N/kgLight or heavy motor vehicle35301.91.9

TABLE D

EMERGENCY BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES NOT CAPABLE OF EXCEEDING SPEED OF 35 KM/H

Minimum initial speed in km/hMaximum stopping distance in mMinimum deceleration in m/s<sup>2</sup>Maximum equivalent braking force in N/kg15120.950.9520200.950.9525290.950.9530410.950.9535550.970.95

(2) Compliance with the requirements contemplated in subregulation (1) (a) and (b) shall be determined by—

(a) actual road tests conducted on a road with a reasonable level, dry, smooth and hard surface which is free from loose material and with the stopping distance measured from the moment the particular brake is applied with the engine disengaged until vehicle comes to rest; or

(b) a suitable mechanical test; or

(c) both tests contemplated in paragraphs (a) and (b).

(3) When testing a brake on a combination of motor vehicles, the brakes of the drawn vehicle or vehicles shall be applied at the same moment as the brakes of the drawing vehicle.

(4) Where in any prosecution for a contravention of subregulation (1) the question arises whether a motor vehicle or a combination of motor vehicles travelled at a particular speed, the speed indicated by the speedometer of such vehicle or combination of vehicles shall, until the contrary is proved, be deemed to be correct.

(5) For the purposes of this regulation—

(a) “light motor vehicle” means—

- (i) a motor car;
- (ii) a motor vehicle with a gross vehicle mass not exceeding 3,500 kilograms; or
- (iii) any other motor vehicle with a tare not exceeding 3,500 kilograms, but does not include a bus, minibus or goods vehicle; and

(b) “heavy motor vehicle” means a motor vehicle which is not a light motor vehicle.

43. Conditions and operation of brakes

(1) A brake required in terms of these regulations, shall—

(a) be in good working order and condition whenever the vehicle to which it is fitted is operated on a public road; and

(b) when tested in terms of regulation 42, except in the case of a motorcycle with side-car, act with approximately equal intensity on the wheels symmetrically placed in relation to the longitudinal center-line of the vehicle.

(2) No person shall operate on a public road a motor vehicle equipped with a service brake which is operated solely by air or vacuum pressure unless there is fitted in the driving compartment of such vehicle a device (other than a gauge indicating pressure) whereby the driver of the vehicle is given visible or audible warning when the air or vacuum pressure is incorrect but before the pressure becomes such that the brake is incapable of stopping the vehicle as contemplated in regulation 42.

(3) If a drawn vehicle is equipped with a service brake operated solely by air or vacuum pressure, the device referred to in subregulation (2) shall be fitted in the driving compartment of the drawing vehicle.

44. Vehicles to be equipped with certain lamps and times when certain lamps must be lighted

(1) No person shall operate on a public road a motor vehicle other than a tractor or a construction vehicle unless—

(a) all lamps fitted to a motor vehicle as contemplated in regulations 45 to 72 inclusive, and undamaged, properly secured and capable of being lighted at all times; and

(b) the head lamps, rear lamps and registration plate lamps are kept lighted during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres:

Provided that the provisions of this paragraph shall not apply to a motor vehicle parked off the roadway of a public road or in a parking place demarcated by appropriate road traffic signs or within a distance of 12 metres from a lighted street lamp illuminating the public road of which such vehicle is parked.



(2) No person shall operate on a public road a motorcycle, motor tricycle or motor quadrucycle, unless the headlamp of such vehicle is lighted at all times.

(3) A person operating a motor vehicle on a public road shall extinguish the main beam of the light emitted by the head lamp of such vehicle if such main beam could cause a dangerous glare to oncoming traffic.

45. Visibility distance of lights

(1) Where provision is made in regulations 44 to 72 inclusive, as to the distance from which certain lights and devices shall render objects visible or the distance within which such lights or devices shall be visible, such provision shall apply during the times stated in regulation 44 (1) (b) in respect of a vehicle when upon a straight, reasonably level, unlighted public road in clear weather unless a different time or condition is expressly stated.

(2) Every lamp required to be fitted or to be used in connexion with any vehicle in terms of these regulations shall emit a light of sufficient brilliance to be visible from a distance of at least 150 metres to a person of normal eyesight.

46. Head lamps

(1) No person shall operate on a public road—

(a) a motor vehicle, other than a motorcycle, a motor tricycle with one wheel in front or trailer unless it is equipped in front on each side of its longitudinal center-line with—

(i) one head lamp capable of emitting a main-beam and a dipped-beam;

(ii) one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam; or

(iii) one head lamp contemplated in subparagraph (i) or head lamps contemplated in subparagraph (ii) and an additional head lamp capable of emitting a main-beam;

(b) a motorcycle without a side-car, or a motor tricycle with one wheel in front, unless it is equipped in front with—

(i) one head lamp capable of emitting a main-beam and a dipped-beam;

(ii) one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam, both of which are fitted in the same vertical plane; or

(iii) two head lamps each capable of emitting a main-beam and a dipped-beam both of which are fitted in the same horizontal plane; or

(c) a motorcycle with a side-car, unless—

(i) the motorcycle is equipped in front with one head lamp contemplated in subregulation (1) (b) (i) or head lamps contemplated in subregulation (1) (b) (ii) or (iii); and

(ii) the side-car equipped in front with one parking lamp complying with the provisions of regulation 51 or with one head lamp contemplated in subregulation (1) (b) (i), but subject to the proviso to regulation 48 (4) (a).

(2) At least one head lamp contemplated in subregulation (1) (a) capable of emitting a dipped-beam or a parking lamp complying with the provisions of regulation 51 shall be so fitted on each side of the longitudinal center-line of a motor vehicle concerned that the portion of the illuminating surface thereof furthest from the longitudinal center-line of the motor vehicle is not more than 400 millimetres from the outer edge of the front of the motor vehicle.

#### 47. Main-beam

Every head lamp emitting a main-beam of light shall be so adjusted and maintained that—

(a) it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 100 metres ahead; and

(b) it can be extinguished by the use of a device which simultaneously shall cause or allowed to dipped-beam of light to be emitted or continue to be emitted from the head lamp.

#### 48. Dipped-beam

(1) Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a beam pattern with a sharp, clearly defined cut-off line—

(a) diagonal to the left (hereinafter referred to as the “diagonal cut-off-line”); and

(b) horizontal to the right (hereinafter referred to as the “horizontal cut-off line”),

shall be so adjusted and maintained that, when the motor vehicle concerned is on a reasonably level road, such beam at the horizontal cut-off line shall—

(i) slant downwards at a percentage inclination of at least 0.5 per cent which percentage inclination shall be calculated in accordance with the formula—

$$\frac{h_1 - h_2}{L} \times 100$$

and

(ii) strike the road surface ahead of the motor vehicle within a distance in metres calculated in accordance with the formula—

$$200 \times h$$

(2) In formulae referred to in subregulation (1)—

(a) “h1” represents the height in metres of the lamp measured to the center of the head lamp vertically from ground level;

(b) “h2” represents the height in metres of the horizontal cut-off line measured vertically from ground level at the screen contemplated in subregulation (1); and

(c) “L” represents the distance in metres of the screen contemplated in subregulation (1) measured horizontally from the head lamp as illustrated hereunder—

(3) Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a symmetrical light-pattern or does not have a diagonal and horizontal cut-off line, shall be so adjusted and maintained that when the motor vehicle concerned is on a reasonable level road, the center of the intense part of such beam shall slant downwards to strike the road surface ahead of the motor vehicle within a distance not exceeding 45 metres.

(4) Every head lamp emitting a dipped-beam of light shall be so adjusted and maintained that—

(a) it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 45 metres ahead of the motor vehicle:

Provided that the provisions of this paragraph shall not apply to a head lamp emitting a dipped-beam of light fitted to the side-car of a motorcycle;

(b) it does not cause a dangerous glare to oncoming traffic on a reasonably level road; and

(c) in the case where—

(i) a dipped-beam shows a light-pattern as contemplated in subregulation (1), the intersection of the diagonal and horizontal cut-off lines; or

(ii) a dipped-beam shows a light-pattern as contemplated in subregulation (3), the center of the intense part of such beam,

shall not deflect to the right.

49. Lights to be displayed on stationery or parked motor vehicle

Subject to the proviso to regulation 44 (1) (b), no person shall on a public road stop or park a motor vehicle unless—

(a) the head lamps thereof emit a dipped-beam of light complying with the provisions of regulation 48 or a beam of light complying with the provisions of regulation 51 is emitted from parking lamps incorporated in such head lamps; or

(b) if the head lamps thereof are extinguished, light is emitted from two fog lamps or parking lamps complying with the provisions of regulations 50 and 51, respectively.

50. Fog lamps

(1) A motor vehicle may be equipped at the front or at the rear with—

(a) one fog lamp; or

(b) two fog lamps, one on each side of the longitudinal centerline of the motor vehicle.

(2) No person shall operate on a public road a motor vehicle which, in terms of subregulation (1) is equipped with a fog lamp or fog lamps, unless—

(a) every fog lamp at front is so adjusted and maintained that it shall only be capable of emitting a dipped-beam of light complying with the provisions of regulation 48 (3) and (4); or

(b) the fog lamp or lamps at the rear can only be brought into operation when any fog lamp at the front or any head lamp of such vehicle is brought into operation.

(3) No fog lamp contemplated in subregulation (1) shall be fitted—

(a) at the front of a motor vehicle with the highest point of its illuminating surface above the highest point of the illuminating surface of a head lamp emitting a dipped-beam of light; or

(b) at the rear of a motor vehicle with the lowest point of its illuminating surface less than 250 millimetres and the highest point thereof more than 1,000 millimetres from ground level.

(4) if—

(a) a motor vehicle, other than a motorcycle, motor tricycle with one wheel in front, is, in terms of subregulation (1) (a), equipped with one fog lamp at the front, a parking lamp or parking lamps complying with the provisions of regulation 51 shall be fitted to the motor vehicle concerned in such a manner that every parking lamp shall be brought into operation simultaneously with a fog lamp; or

(b) a motor vehicle is, in terms of subregulation (1) (b), equipped with two fog lamps at the front and any such lamp is so placed that the portion of its illuminating surface which is furthest from the longitudinal centre-line of the motor vehicle is further than 400 millimetres from the outer edge of the front of such vehicle, a parking lamp or parking lamps complying with the provisions of regulation 51 shall be fitted to the motor vehicle and in such a manner that every parking lamp shall be brought into operation simultaneously with the fog lamps.

(5) No fog lamp shall be fitted to the side-car of a motorcycle at the front, unless the motorcycle concerned is equipped with a fog lamp complying with the provisions of this regulation or with a parking lamp complying with the provisions of regulation 51 and which can be brought into operation simultaneously with the fog lamp on the side-car:

Provided that if a fog lamp is only fitted to the motorcycle at the front, the side-car shall be equipped with one parking lamp referred to in regulation 46 (1) (c) (ii) and such parking lamp shall be capable of being brought into operation simultaneously with such fog lamps.

(6) No person shall operate on a public road, a motor vehicle, while any fog lamp fitted to such vehicle is lit, except in conditions of poor visibility caused by fog, mist, dust or smoke.

#### 51. Parking lamps

(1) A motor vehicle may be equipped—

- (a) in front with one or two parking lamps which shall be visible directly from the front;
- (b) at the rear with one or two parking lamps which shall be visible directly from the rear; or
- (c) at each side with one parking lamp which shall be visible directly from the rear.

(2) Any parking lamp—

(a) completed in subregulation (1) (a), may form part of a head lamp contemplated in regulation 46, a fog lamp contemplated in regulation 50 or a front position lamp contemplated in regulation 53; or

(b) contemplated in subregulation (1) (b), may form part of a fog lamp contemplated in regulation 50, a rear lamp contemplated in regulation 55 or a stop lamp contemplated in regulation 56.

(3) If a motor vehicle is, in terms of subregulation (1), equipped at the front or at the rear with—

- (a) one parking lamp, such lamp shall be fitted on the right side of the motor vehicle; or
- (b) two parking lamps, one parking lamp shall be fitted on each side of the longitudinal center-line of the motor vehicle, so that the portion of the illuminating surface thereof furthest from the longitudinal center-line of the motor vehicle is not further than 400 millimetres from the outer-edge of the front or rear of the motor vehicle, as the case may be.

#### 52. When parking lamps are to be kept lighted

No person shall operate on a public road a motor vehicle on any side of the longitudinal center-line thereof if no head lamp in use is so placed that the portion of its illuminating surface furthest from such center-line is within 400 millimetres from the outer-edge of the front of the vehicle, unless a parking lamp fitted to that side of the vehicle and complying with regulation 51 is kept lighted.

53. Front position lamps

(1) No person shall operate on a public road a motor vehicle or a combination of motor vehicles, other than a motorcycle, if any of the outer edges of the widest part of such vehicle or combination or any load thereon projects more than 400 millimetres beyond the illuminating surface of any outermost lamp to the front of such vehicle or combination of motor vehicles which is nearest to such edge, unless there is fitted on each side of such widest part one front position lamp which shall be visible directly from the front.

(2) The front position lamps contemplated in subregulation (1)—

(a) shall be fitted as near as possible to, but not more than 400 millimetres, from the outer-edges of the widest part of the motor vehicle or combination of motor vehicles concerned or any load thereon, and shall not be less than 350 millimetres or more than 2,100 millimetres above the ground level; and

(b) shall emit a white light.

54. End-outline-marker lamps

(1) A motor vehicle may be equipped—

(a) in front of each side of its longitudinal center-line with one end-outline-maker lamp which shall be visible directly from the front; and

(b) at the rear on each side of its longitudinal center-line with one end-outline-maker lamp which shall be visible directly from the rear.

(2) The end-outline-maker lamps contemplated in subregulation (i)—

(a) shall be fitted as near as possible to the outer-edges of the front and rear of the motor vehicle concerned and as high as possible; and

(b) shall emit a white light to the front and a red light to the rear.

55. Rear lamps

(1) No person shall operate on a public road a motor vehicle unless it is fitted with at least one lamp on each side at the rear, emitting a red light to the rear, of maximum intensity of two candles and positioned not more than 400 millimetres from the outer edges of the widest part of such motor vehicle and not less than 350 millimetres or more than 1,500 millimetres above ground level:

Provided that if due to the structure of the vehicle it is impossible or impractical to position such lamps within 1,500 millimetres above ground level the lamps may be positioned as near as possible but not more than 2,100 millimetres above ground level:

Provided further that—

- (a) a motorcycle or a motor tricycle; or
- (b) a motor vehicle first registered prior to 1st April, 1984,

shall be fitted with at least one such lamp at the rear position in the center or to the right of the longitudinal center-line of such vehicle at a height above the ground of not less than 300 millimetres and not more than 2,100 millimetres.

(2) Rear lamps in addition to those referred to in subregulation (1), may be fitted above 100 millimetres.

(3) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of rear lamps while such motor vehicle is so towed.

#### 56. Stop lamp

(1) No person shall operate a motor vehicle, other than a trailer drawn by a tractor, or a tractor, on a public road unless it is fitted with at least one stop lamp on each side at the rear of the motor vehicle which shall—

- (a) be visible from the rear and shall be unobscured with angles of—
  - (i) 45 degrees measured across the width of the motor vehicle on either side of a line parallel to the longitudinal center-line of the motor vehicle and passing through the center-line of each stop lamp; and
  - (ii) 15 degrees measured vertically on either side of a horizontal line parallel to the longitudinal center-line of the motor vehicle and passing through the center-line of each stop lamp:

Provided that if the height of the stop lamp above ground level is less than 750 millimetres such angles, measured below such horizontal line, may be reduced to five degrees;

- (b) be fitted at a height of not less than 300 millimetres and not more than 2,100 millimetres above ground level, measured to the centre of the lamp:

Provided that additional stop lamps may be fitted above 2,100 millimetres;

- (c) be fitted equidistant from, and on each side of, the centre-line of such motor vehicle;
- (d) when in use, emit light the colour of which shall be red and the intensity of which shall be greater than that of the light emitted by the rear lamp on the motor vehicle and shall be visible in normal sunlight at a distance of not less than 30 metres to a person of normal eyesight;
- (e) be so connected that, if the motor vehicle is in motion, such lamp shall come into operation as soon as the operating device of the service brake or similar brake of the motor vehicle or, in the case of a combination of motor vehicles, of the drawing vehicle is activated; and

(f) be maintained in a clean condition and in good working order:

Provided that a motorcycle may be fitted with only one such lamp.

(2) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of stop lamps which is coordinated with the working of the stop lamps of the breakdown vehicle while such motor vehicle is towed.

(3) A stop lamp complying with the provisions of subregulation (1) may be incorporated in a rear lamp fitted to a motor vehicle in terms of regulation 55.

#### 57. Registration plate lamp

(1) No person shall operate on a public road a motor vehicle, other than a tractor, unless it is fitted with at least one registration-plate lamp at the rear, illuminating the registration plate or identification card by means of a white light which shall make every letter and figure of such plate or card plainly distinguishable from a distance of at least 20 metres by a person of normal eyesight.

(2) The beam of light of a registration-plate lamp shall not be directed to the rear.

#### 58. Side-marker lamps

(1) A motor vehicle or combination of motor vehicles may, but a breakdown vehicle shall, be fitted with side-marker lamps along each side which, when in operation, shall emit a diffused yellow light:

Provided that the side-marker lamp furthest forward on the motor vehicle, combination of motor vehicles or breakdown vehicle, when in operation, may emit a diffused white or amber light:

Provided further that the rearmost side-marker lamp on a motor vehicle or combination of motor vehicles or breakdown vehicle, when in operation, may emit a diffused red or amber light.

(2) Such side-marker lamps shall be so placed that—

(a) there is a lamp within 400 millimetres of each end of the body of each vehicle;

(b) the distance between successive lamps on any motor vehicle or combination of motor vehicles is not more than 3,600 millimetres;

(c) they are not less than 300 millimetres from the ground; and

(d) they face directly outward from the side to which they are fitted in a direction at right angles to the longitudinal center-line of the vehicle to which they are fitted.

#### 59. Interior lamps

A lamp emitting a diffused light may be provided on any motor vehicle for the purpose of illuminating the interior, including the instrument panel thereof, or any entrance thereto.



60. Lamp illuminating a notice on motor vehicle

(1) A lamp illuminating a notice relating to—

- (a) the destination of a motor vehicle as contemplated in regulation 125; or
- (b) the availability of a taxi for hire,

shall be fitted to any such motor vehicle or tax as the case may be.

(2) A lamp illuminating a notice or token indicating the use of a motor vehicle as an ambulance, fire-fighting, police, traffic-control vehicle or such other uses as may be approved by the Director, may be fitted to such vehicle.

61. Decorating lamps

A lamp, other than a spot lamp and approved by the Director, may be fitted to a motor vehicle taking part in a procession for the purpose of decorating it.

62. Reversing lamp

(1) A motor vehicle may be fitted with a reversing lamp emitting a white light, which illuminates the road to the rear of or under the vehicle.

(2) Such a lamp shall be under the direct control of the driver and shall be either so fitted as to operate only when the motor vehicle is placed in reverse gear or be connected with a device by which the driver shall be made aware that the lamp is in operation.

(3) Not more than two such lamps shall be fitted to a vehicle and no light shall be emitted therefrom except when the vehicle is reversing or about to reverse.

63. Inspection lamps

An inspection lamp may be carried on or fitted to a vehicle, but shall only emit a light when actually in use for the purpose of carrying out repairs or inspections.

64. Identification lamps

(1) A motor vehicle, the gross vehicle mass of which exceeds 3,500 kilograms, and which is not a motor vehicle referred to in subregulations (2), (3), (4) or (5), may be fitted above the windscreen with two or more identification lamps and each such lamp shall—

- (a) not exceed a capacity of 21 watts;
- (b) be visible from directly in front of the motor vehicle to which it is fitted; and
- (c) in the case of a bus or a goods vehicle emit a green light.

(2) An ambulance, fire-fighting or rescue vehicle may be fitted with a lamp or lamps emitting an intermittently-flashing red light in any direction.

(3) A police or traffic-control vehicle may be fitted with a lamp or lamps emitting an intermittently-flashing blue light in any direction and which may, at the will of the driver, display the word "stop".

(4) A motor vehicle which is a vehicle employed in connexion with the maintenance of public roads or the supply of electricity or other essential services, may, but a breakdown vehicle shall, be fitted with a lamp or lamps capable of emitting an intermittently flashing amber light in any direction:

Provided that such light shall only be used at the place where the breakdown occurred, where the maintenance or other work or an inspection is being carried out or when such breakdown vehicle is towing a motor vehicle or if a condition imposed by the Director requires such amber light.

(5) A motor vehicle used by a medical practitioner and approved by the Director may be fitted above the windscreen with one lamp emitting an intermittently-flashing red light in any direction:

Provided that such light may only be used by such medical practitioner in the bona fide exercise of his profession.

#### 65. Use of spot lamp

No person shall operate on a public road a motor vehicle if it is fitted with a spot lamp, which can be so adjusted as to enable a beam of light emitted therefrom to be deflected in any direction:

Provided that a spot lamp which is adjustable—

(a) may be fitted and used for official purposes on any ambulance, rescue, fire-fighting, police or traffic-control vehicle;

(b) may be fitted to a vehicle owned by a medical practitioner or veterinarian; or

(c) may be fitted to a breakdown vehicle or a vehicle employed in connexion with the supply of electricity or other essential services:

Provided that it is used solely at the scene of an accident or breakdown or for the examination of overhead telephone, telegraph or power lines.

#### 66. Lamps on pedal cycle

(1) No person shall operate on a public road a pedal cycle during the period contemplated in regulation 44 (1) (b) unless it is fitted in front with a lamp emitting a white light, the intense part of the beam of which shall, when such pedal cycle is on a reasonably level road, strike the surface ahead of such pedal cycle at a distance of not less than three metres and not more than 30 metres.

(2) A pedal cycle may be fitted with one or more lamps emitting a red light directly to the rear.

67. Lamps on animal drawn vehicle

No person shall operate on a public road an animal drawn vehicle during the period contemplated in regulation 44 (1) (b) unless it is fitted in front, on both sides of the body thereof, with lamps emitting a white light forward, and at the rear on both sides of the body thereof with lamps emitting a red light to the rear:

Provided that in the case of a vehicle drawn by animals not controlled by reins, there shall be a person leading the animals carrying a lamp emitting a white light forward at the head of the foremost animal, in lieu of the lamps aforesaid.

68. Lamps on unspecified vehicle

(1) No person shall operate on a public road a vehicle which is not elsewhere provided for in regulations 44 to 73, and at a time contemplated in regulation 44 (1) (b)—

(a) unless it is fitted in front, on both sides of the body thereof, with lamps emitting a white light forward; and

(b) unless it is fitted at the rear on the extreme right sides of the body thereof, with a lamp emitting a red light to the rear.

(2) A lamp contemplated in subregulation (1) (a) shall emit a beam of light of sufficient power to illuminate the roadway immediately ahead of such vehicle but shall not be of power or design or so fitted as to dazzle other persons using the public road.

69. Colour of lights

(1) Subject to the provisions of regulations 57 (1), 62 or 64, no person shall operate on a public road a motor vehicle which is fitted with or carries on it a lamp which—

(a) except in the case of a brake anti-lock warning light to the front of a trailer, emits a light which is not white, amber or yellow in colour towards the front;

(b) emits a light which is not yellow or amber in colour towards either side of the motor vehicle; or

(c) except in the case of a direction indicator or reversing lamp complying with the provisions of these regulations, emits a light which is not red in colour towards the rear.

(2) When two or more lamps of the same class emitting light in the same direction are fitted to a vehicle, they shall emit light of the same colour.

70. Lamps, with exception to emit diffused lights

Every lamp fitted to a vehicle, other than the head lamps of a motor vehicle, the front lamp of a pedal cycle, spot lamp, inspection lamp and fog lamp, shall emit diffused light when in operation on a public road.

71. Lamps to emit steady light

Except where otherwise provided, a lamp fitted to or used in connexion with any vehicle shall emit a steady light when in operation.

72. Manner in which lamps are to be fitted and maintained

(1) The head lamps of a motor vehicle shall be fitted at a height of not less than 450 millimetres and not more than 1,400 millimetres above ground level, measured to the centre of the lamp.

(2) The head lamps and fog lamps of a motor vehicle shall, unless the design of the lamps incorporate some other means of preventing dazzle, not be fitted with lenses of clear glass or other like material.

(3) When two or more of the same lamps are fitted to a vehicle they shall—

(a) be placed symmetrically in relation to the longitudinal centre-line of the vehicle; and

(b) except in the case of side-marker lamps and direction-indicator lamps, be so placed that any lamp on the side of the vehicle concerned shall have a corresponding lamp at the same height on the other side of such vehicle.

(4) Every lamp required to be fitted to a vehicle shall be securely fixed.

(5) The lens and reflector of every lamp required to be fitted to or used in connexion with any vehicle shall be maintained in an effective and reasonably clean condition.

(6) No lamp required to be fitted to or displayed in connexion with a vehicle shall be totally or partially obscured by any fitting or object on the vehicle.

73. Lamps not prescribed or authorized, prohibited

No lamp other than a lamp prescribed or authorized in terms of these Regulations shall at any time be fitted to any vehicle operated on a public road.

74. White retro-reflectors to be fitted on front of certain vehicles

(1) No person shall operate on a public road—

(a) a motor tricycle;

(b) a motor quadrucycle;

(c) a construction vehicle;

- (d) a farm implement;
- (e) a trailer;
- (f) any other motor vehicle with a gross vehicle weight of less than 3,500 kilograms; or
- (g) an animal-drawn vehicle,

unless there are fitted on the front of such vehicle at the same height two white retro-reflectors, one on each side of the longitudinal centre-line thereof and equidistant therefrom and each such retro-reflector shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 400 millimetres from the outer edge of the widest portion of the vehicle and otherwise complying with the provisions of these regulations:

Provided that where by reason of the structure of any vehicle a retro-reflector cannot be placed in accordance with the foregoing provisions of this subregulation, such retro-reflector shall be placed as near as possible to the outer edge concerned.

(2) No person shall operate on a public road a motor vehicle with a gross vehicle weight of 3,500 kilograms, excluding a construction vehicle or a farm implement unless such motor vehicle is fitted at the front with a white retro-reflector comprising a continuous strip of white reflective material not less than 50 millimetres wide facing in a forward direction and extending horizontally for such distance as is necessary to indicate the overall width of such vehicle to within 400 millimetres on either side thereof.

(3) No person shall operate a pedal cycle on a public road unless there is fitted on the front of such cycle a white retro-reflector complying with the provisions of regulations 77 and 80.

74A. Standard ECE 104 retro-reflective materials to be fitted on vehicles

No person shall operate on a public road any vehicle of Gross Vehicle Mass (GVM) 3,500 kg and above unless that vehicle is fitted on the rear and both sides with retro-reflective materials of standard ECE 104. G.N. 38/2004

75. Red retro-reflector to be fitted on rear of certain vehicles

(1) No person shall operate—

- (a) a motor vehicle other than a motorcycle without car or motor tricycle with one wheel at the rear; or
- (b) an animal-drawn vehicle,

on a public road unless there are fitted on the rear of such vehicle at the same height two red retro-reflectors, one on each side of the longitudinal centre-line thereof and equidistant therefrom and otherwise complying with the provisions of these regulations:

Provided that in the case of a combination of motor vehicles, both the drawing vehicle and the rearmost vehicle shall be fitted with such retro-reflectors.

(2) Each retro-reflector referred to in subregulation (1) shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 400 millimetres from the outer edge of the widest portion of the vehicle:

Provided that where by reason of the structure of any vehicle a retro-reflector cannot be placed in accordance with the foregoing provisions of this subregulation, such retro-reflector shall be placed as near as possible to the outer edge concerned.

(3) No person shall operate any motorcycle without side-car or motor tricycle with one wheel at the rear on a public road unless there is fitted on the rear of such vehicle a red retro-reflector complying with the provisions of these regulations.

(4) No person shall operate a pedal cycle on a public road unless there is fitted on the rear of such cycle a red retro-reflector complying with the provisions of regulations 77 and 80.

76. Yellow retro-reflector to be fitted on sides of certain vehicles

No person shall operate on a public road a motor vehicle or a combination of motor vehicles other than a tractor or construction vehicle if the overall length of such vehicle or motor combination of vehicles exceeds seven metres unless there are fitted on each side of such vehicle or on each side of every motor vehicle in such combination of vehicles, as the case may be—

(a) one yellow retro-reflector—

(i) within 3,000 millimetres of the front of such vehicle or combination of vehicles;

(ii) within 1,000 millimetres of the back of such vehicle or combination of vehicles;

and

(iii) in the case of a combination of motor vehicles of which a trailer, other than a semi-trailer, forms a part, within 3,000 millimetres of the front of the trailer; and

(b) so many additional yellow retro-reflectors as may be necessary to ensure that no two successive yellow retro-reflectors on any side are more than 3,600 millimetres apart, complying with the provisions of regulations 77 and 80:

Provided that—

(i) yellow retro-reflector need not be fitted to a bus or minibus, including such a bus or minibus which forms part of a combination of motor vehicles;

(ii) in the case of a combination of motor vehicles where the drawing vehicle is a motor car, yellow retro-reflectors need not be fitted to the drawing vehicle; and

(iii) in the case of a combination of motor vehicles where the drawing vehicle is a motor car, or bus, the front of such combination shall, subject to the provisions of paragraph (i), be deemed to be the front of the vehicle immediately following such drawing vehicle.

77. General requirements for retro-reflector

Every retro-reflector required to be fitted to a vehicle or load in terms of these regulations shall—

(a) not be lower than 300 millimetres and not higher than 1,200 millimetres from ground level, measured to the centre of the retro-reflector:

Provided that if, owing to the structure of the vehicle, it is impossible to fit retro-reflectors on the sides of the body of such vehicle as the prescribed height, the retro-reflectors shall be fitted as near as possible to such height;

(b) if it is a—

(i) white retro-reflector, be in a vertical position and face squarely to the front;

(ii) red retro-reflector, be in a vertical position and face squarely to the back; and

(iii) yellow retro-reflector, be in a vertical position and face squarely to the side;

(c) be clean and in good condition and not be obscured to the extent that it will be rendered ineffective; and

(d) not be fitted to any movable part of the vehicle:

Provided that this provision shall not apply to a warning sign contemplated in regulation 79 (2) (a) (ii) (aa) and (bb).

78. Rear retro-reflectors on vehicle with certain bodies

If it is impossible to fit retro-reflectors on the body of a vehicle to comply with the requirements of both regulations 75 (2) and 77 (a), two red retro-reflectors shall be fitted to the rear of such vehicle in the manner contemplated in regulation 75 (2) as low as possible on the body of such vehicle and two additional red retro-reflectors shall be fitted on the rear of the vehicle on the under frame thereof at the height contemplated in regulation 77 (a) as far apart as such under frame will permit.

79. Warning signs on rear of certain vehicles (chevrons)

(1) For the purpose of this regulation “reflective sign on material” means reflective material which under all circumstances is capable of reflecting light.

(2) No person shall operate on a public road, subject to subregulation (3), a goods vehicle unless there is fitted at the rear of such vehicle—

(a) a warning sign consisting of alternate diagonal strips of red reflective material and yellow non-reflective material in the form of a chevron pattern, which—

(i) warning sign shall have a vertical dimension of not less than 200 millimetres or more than 460 millimetres;

(ii) strips of red reflective material shall have a width of not less than 50 millimetres and not more than 75 millimetres;

(iii) strips of yellow non-reflective material shall have a width of not less than 100 millimetres and not more than 130 millimetres as illustrated in Diagram A hereunder; and

(b) a warning sign consisting of as many retro-reflectors as may be necessary to comply with subregulation (3) in the pattern and in accordance with the dimensions as illustrated in Diagram B hereunder or in an inversion of such pattern and such sign may include the retro-reflectors contemplated in regulation 75.

(3) A goods vehicle having a gross vehicle mass of less than 3,500 kilograms shall be fitted at the rear of such vehicle with either a warning device of the type contemplated in subregulation (2) or a red reflex reflector comprising a continuous strip of red reflective material not less than 50 millimetres wide extending horizontally for such distance as is necessary to indicate the overall width of such vehicle to within 400 millimetres on either side thereof. Such reflex reflector shall be maintained in a reasonably clean condition and shall be so placed that the lower edge thereof is not less than 300 millimetres and the upper edge not more than 1,500 millimetres above ground level:

Provided that if the structure of the vehicle is such that it is not possible to comply with this subparagraph, red reflective material shall be so fitted as to comply therewith as far as reasonably possible.

(4) Every warning sign required to be displayed on a goods vehicle in terms of subregulation (2) shall—

(a) be in an upright position or within 15 degrees of such position and face squarely to the rear;

(b) be so placed that the lower edge thereof is not less than 600 millimetres and the upper edge not more than 1,500 millimetres above ground level:

Provided that if, owing to the structure of the vehicle, it is impossible to fit the warning sign at the prescribed height, it shall be fitted as near as possible to such height;

(c) extend horizontally for such distance as is necessary to indicate the overall width of the vehicle to which it is fitted to within 400 millimetres of either side:



Provided that these provisions shall not be applied to any chevron fitted in addition to the requirements of this regulation; and

(d) be clean and in good condition and not be obscured to the extent that it will be rendered ineffective.

80. Unlawful use of reflector or reflective material

(1) No person shall operate on a public road a motor vehicle whilst a reflector or reflective material fitted to such vehicle does not reflect—

- (a) a white colour to the front of such motor vehicle;
- (b) a red colour to the rear of such motor vehicle; and
- (c) a yellow colour to the side of such motor vehicle.

(2) The provisions of subregulation (1) shall not apply to—

(a) an ambulance, rescue vehicle, police vehicle, a vehicle driven by a traffic officer in the execution of his duties and a fire-fighting vehicle;

(b) a registration plate referred to in regulation 20 of the Registration and Licensing Regulations; and

(c) a warning sign referred to in regulation 79:

Provided that, the pedals or pedal arms of a pedal cycle may be equipped with yellow retro-reflectors.

81. Motor vehicle to be equipped with direction indicators

(1) No person shall operate on a public road any motor vehicle not being a tractor, construction vehicle or a trailer, unless it is equipped on both sides with direction Indicators of one of types referred to in regulation 82 or 83 and otherwise complying with the provisions thereof:

Provided that where a motor vehicle forms part of a combination of motor vehicles and a direction indicator with which such motor vehicle is required to be equipped is obscured by any trailer forming part of such combination, the trailer shall, subject to the provisions of regulation 85 be deemed to be part of such motor vehicle.

(2) The provisions of subregulation (1) shall not apply to—

(a) a motorcycle which, according to the registration certificate thereof, was registered for the first time before 1st April, 1979; or

(b) any motor vehicle which, according to the registration certificate thereof, was first registered before 1955.

82. Direction indicators of flasher type

Direction indicators of the flasher type shall comply with the following requirements—

- (a) each indicator shall incorporate a lamp or lamps;
- (b) when in use such lamp shall show an intermittently-flashing light of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eye-sight;
- (c) the indicators shall be equidistant from the longitudinal centre-line of the motor vehicle and as near as possible to, but not more than 500 millimetres from, the outer edge of the front or rear of the motor vehicle;
- (d) subject to the provisions of paragraph (e), the indicators shall be so mounted that they are visible from the—
  - (i) rear, anywhere within an angle of 15 degrees inside and 45 degrees outside; and
  - (ii) front, anywhere within an angle of 45 degrees outside, of a line which is parallel to the longitudinal centre-line of the vehicle and which passes through the centre of the illuminated area of the indicator;
- (e) where it is not possible to comply with the provisions of paragraph (d) in the case of a single indicator on any one side, one indicator shall be mounted towards the front and one towards the rear so that one shall be visible from the front and the other from the rear of the vehicle to which it is fitted within the limits prescribed by that paragraph;
- (f) where any indicator is combined with or mounted within 150 millimetres of any lamp, the intensity of the light emitted from the indicator shall be greater than that from such lamp; and
- (g) the indicator lamps when in use shall emit white, yellow, amber or red light to the rear and any one indicator may emit light towards the front and the rear simultaneously or emit light only to the front or only to the rear according to its position on the vehicle.

83. Direction indicators of illuminated window type

Direction indicators of the illuminated window type shall comply with the following requirements—

- (a) each indicator shall incorporate a lamp which, when in window type operation, shall emit a red, yellow or amber light to the rear and of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eye-sight;
- (b) the indicator shall be at least 150 millimetres long, 25 millimetres wide and arrow-shaped; and

- (c) the indicator shall be fitted to the rear of the vehicle.

84. Combination of different types of direction indicators

Notwithstanding anything contained in these regulations the fitting of two direction indicators of one of the types referred to in the preceding regulations on the front half of a vehicle and two direction indicators of another type referred to in the said regulations on the rear half of such vehicle shall be permitted.

85. Direction indicators on motor vehicles with an overall length in excess of 7.6 meters

(1) No person shall operate on a public road any motor vehicle or combination of motor vehicles of an overall length in excess of 7.6 metres unless it is equipped on both sides on the half front and the rear half with direction indicators of any of the types referred to in these regulations and otherwise complying with the provisions thereof.

(2) The direction indicators on the rear referred to in subregulation (1) shall, unless they are indicators of the type referred to in regulation 82, be—

- (a) within 600 millimetres of the rear end of the vehicle; or
- (b) in the case of combination of motor vehicles, within 600 millimeters of the rear end of the last vehicle of such combination.

(3) The provisions of this regulation shall not apply in respect of a tractor, construction vehicle or a combination of motor vehicles the drawing vehicle of which is a tractor or a construction vehicle.

86. General requirements for direction indicators

(1) Direction indicators shall be fitted at a height of not less than 450 millimetres and not more than 2,100 millimetres above ground level and shall be unobscured when in use—

- (a) in respect of any direction indicator contemplated in regulation 82 no minimum height shall apply; and
- (b) a direction indicator contemplated in regulation 82 fitted on the side of a motor vehicle shall not be more than 2,300 millimetres above ground level.

(2) If lamps are incorporated in direction indicators, the lamps showing to the front shall be located on the same level and the lamps showing to the rear shall be located on the same level.

(3) Unless the direction indicators are so fitted that they are visible to the driver of the vehicle to which they are fitted directly or by reflection when he is in the driving position, a device shall be provided whereby he shall be given visible or audible warning when the indicators are in operation.

(4) The direction indicators shall be so fitted that the indicators on one side can be operated separately from those on the other side.

(5)(a) no person shall operate on a public road a motor vehicle, unless it is fitted with a separate switch to operate all the direction indicators simultaneously;

(b) the provisions of paragraph (a) shall not apply to—

(i) a tractor;

(ii) a trailer;

(iii) a motorcycle;

(iv) a motor tricycle;

(v) a motor quadrucycle;

(vi) a construction vehicle; or

(vii) any motor vehicle which according to the registration certificate thereof, was registered for the first time before 1st January, 1980.

(6)(a) the driver of a motor vehicle fitted with a separate switch to operate all the direction indicators simultaneously, shall put into operation simultaneously all the direction indicators fitted to such vehicle, when the vehicle is—

(i) stationary in a hazardous position; or

(ii) in motion in an emergency situation;

(b) the driver of a motor vehicle shall not put into operation simultaneously all the direction indicators fitted to such motor vehicle in a circumstance other than those referred to in paragraph (a).

(7) If more than one direction indicator is fitted to indicate any one turning movement all such indicators shall be inter-connected so as to operate simultaneously.

(8) Direction indicators shall be maintained in good working order.

(9) All lamps of direction indicators shall, when in use, emit diffused light.

(10) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of direction indicators which is coordinated with the working of the direction indicators of the breakdown vehicle while such motor vehicle is so towed.

87. Prohibition against use of direction indicator not complying with the provisions of these Regulations

The driver of a motor vehicle on a public road shall not make use of any direction indicator not complying with the provisions of these Regulations.

88. Steering gear

(1) No person shall operate on a public road a motor vehicle—

(a) unless all parts of the steering mechanism thereof are in sound safe mechanical condition; and

(b) unless, in addition to the requirements of paragraph (a), all parts of the steering mechanism thereof are so adjusted that, unless otherwise designed by the manufacturer, the amount of movement which the steering wheels make before the steering gear becomes effective in changing the direction of the steerable wheels from a position where such wheels are parallel to the longitudinal centre-line of the vehicle to the right or left is no more than 12.5 per cent of the outside circumference of the steering wheel (that is to say, 45 degrees).

(2) No person shall operate on a public road a motorcycle—

(a) unless the handlebars thereof are symmetrically placed in relation to the longitudinal centre-line of the cycle;

(b) unless the distance between the outside edges of the handlebars is at least 600 millimetres in respect of a motorcycle with an engine with a cylinder capacity of 200 cubic centimetres or more and at least 500 millimetres in respect of all other motor cycles; or

(c) of which the outer ends of the handgrips on the handlebars are—

(i) higher than 500 millimetres above the seat height; or

(ii) lower than the seat height, and more than 800 millimetres apart.

89. Warning devices

(1) Subject to the provisions of sections 91 (3) and 93 of the Act, no person shall operate on a public road a—

(a) self-propelled motor vehicle, unless it is equipped with an efficient warning device, is in good working order and, when used, capable of emitting a sound which, under normal conditions, is clearly audible by a person of normal hearing from a distance of at least 90 metres;

(b) pedal cycles, unless it is equipped with an efficient warning device which is in good working order and, when used, capable of giving adequate warning of its approach;

(c) vehicle to which a siren is fitted; or

(d) vehicle to which a device is fitted which emits a sound of which the tone of pitch varies:

Provided that the provisions of paragraphs (c) and (d) shall not apply to a motor vehicle to which an anti-theft device which emits a sound of which incorporates a siren, is fitted.

(2) The device which may be fitted to a vehicle referred to in sections 91 (3) (b) and 93 (b) of the Act shall be capable of emitting a sound of which the tones of pitch shall—

- (a) be similar to that sound commonly known as the Klaxon;
- (b) sweep rapidly between 400 and 1,500 Hertz at a rate of between 120 and 180 cycles per minute (commonly known as the “yelp”); and
- (c) sweep slowly between 400 and 1,500 Hertz at a rate of between 6 and 9 cycles per minute (commonly known as the “wail”).

90. Glass of windscreen, etc., of motor vehicle

(1) No person shall operate on a public road any motor vehicle having a windscreen, window or partition fitted with transparent material—

(a) unless such transparent material affords the driver a sufficient view for safe driving of such vehicle;

(b) unless in the case of a windscreen, other than a windscreen fitted to a motorcycle or motor tricycle, such transparent material—

(i) is glass; and

(ii) in respect of a motor vehicle which, according to the registration certificate thereof, was registered for the first time after 1st January, 1966, complies with the provisions of paragraph (a) even when shattered; and

(c) unless, in respect of a motor vehicle which, according to the registration certificate thereof, was registered for the first time after 1st January, 1966, such transparent material is safety glass and every pane thereof is permanently marked with the name or trade mark of the manufacturer thereof or the trade name of the glass and is clearly identifiable as safety glass by a permanent mark describing it as such.

(2) Notwithstanding the provisions of paragraphs (b) and (c) of subregulation (1), the transparent material—

(a) with which—

(i) a window in the roof of a motor vehicle;

(ii) a window or portion of a bus or a minibus; or

(iii) a window or portion of a semi-trailer designed or adapted for the conveyance of passengers,

is fitted, may consist of ultrahigh impact acrylic or polycarbonate plastic material where each pane therefor is permanently marked with the name or trademark of the manufacturer thereof or the trade name of the material and such material is clearly identifiable as ultrahigh impact acrylic or polycarbonate plastic material by a permanent mark describing it as such;

(b) with which a window or partition or a removeable or collapsible hood or canopy of a motor vehicle is fitted, may consist of a flexible plastic material; and

(c) with which a window or partition of a trailer not designed or adapted for the conveyance of passengers is fitted, may in the case where such trailer, according to the registration certificate thereof—

(i) was registered for the first time before 1st January, 1987, consist of acrylic or polycarbonate plastic material or of glass; or

(ii) was registered for the first time on or after 1st January, 1987, consist of acrylic or polycarbonate plastic material.

(3) No person shall operate on public road any motor vehicle, unless—

(a) the visible light transmitted through—

(i) the windscreen is at least 70 per cent; and

(ii) any other window is at least 35 per cent, when measured in accordance with approved devices; and

(b) any film or tinting material applied to any windscreen, window or portion is free from bubbles, tears or scratches.

(4) The provision of subregulation (3) (a) (ii) shall not apply to an ambulance or a hearse.

#### 91. Windscreen wiper and washer

No person shall operate on a public road a motor vehicle with a windscreen which is not fitted with—

(a) at least one windscreen wiper which shall be capable of operation by other than manual means and shall, when in operation, wipe the outside of the windscreen directly in front of the driver, continuously, evenly and adequately; and

(b) except in the case of a motor vehicle first registered before January, 1972, an efficient windscreen washer capable of being operated from the driver's seat and spraying water or washing fluid onto the windscreen wiper's are of operation on the driver's side when the control is used:

Provided that the provisions of this regulation shall not apply to a motorcycle, a motor tricycle or a motor quadrucyle without a fixed hood.

92. Driver's view to be unobstructed

(1) No person shall operate on a public road a motor vehicle—

(a) which is not so constructed and maintained as to afford the driver thereof a full and clear view of the road way ahead and to his right and left when the vehicle is in use.

(b) which is not fitted with a rearview mirror or mirrors enabling the driver of such vehicle when he is in the driving position to see in clear weather a clear reflection of traffic to the rear:

Provided that the provisions of this paragraph shall not apply in respect of a tractor.

(c) which is a motorcar, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3,500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1st January, 1987, unless it is fitted with an exterior rearview mirror on the driver's side and an interior rearview mirror:

Provided that where the interior rearview mirror does not enable the driver, when he is in the driving position, to see in clear weather, a clear reflection of traffic to the rear, an additional exterior rearview mirror shall be fitted on the side opposite to the driver's seat and in such a case it shall not be necessary to fit an interior rearview mirror;

(d) which is a minibus, bus or goods vehicle, the gross vehicle mass which exceeds 3,500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1st January, 1987, unless it is fitted with an exterior rearview mirror on the side opposite to the driver's seat; and

(e) which is a motorcycle, a motor tricycle or motor quadrucycle unless it is fitted with a rearview mirror on the right side of the handlebars thereof, and from 31st December, 1990, such cycle shall also be fitted with a rearview mirror on the left side of the handlebars thereof.

(2) Every rearview mirror of a motor vehicle—

(a) which—

(i) is a motorcar, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3,500 kilograms and which, according to the registration certificate thereof, was registered for the first time after 1976; or

(ii) is a minibus, bus or goods vehicle, the gross vehicle mass of which exceeds 3,500 kilograms and which, according to the registration certificate thereof, was registered for the first time during the period 1st January, 1976 to 31st December, 1986, shall be either flat or spherically convex and have an average radius of curvature of not less than 1,200 millimetres; or

(b) contemplated in subregulation (1) (d) shall be either flat or spherical convex and have an average radius or curvature of not less than 1,800 millimetres.



93. Fuel tank electrical wiring and battery

No person shall operate on a public road a motor vehicle—

- (a) if the fuel tank, carburetor, fuel receptacle or fuel pipe thereof is defective or so exposed that it constitutes a source of danger;
- (b) if the filling orifice of the fuel tank is not fitted with an effective cap; or
- (c) unless the electrical wiring and battery are properly installed, insulated and maintained so that such wiring and battery do not constitute a source of danger.

94. Engine of motor vehicle to be covered

No person shall operate on a public road a motor vehicle, other than a tractor, construction vehicle, motorcycle or other bicycle, unless the engine thereof is so covered as not to be a source of danger.

95. Compulsory wearing of protective helmet in respect of motorcycle

(1) No person shall drive or be a passenger on a motorcycle, motor tricycle or a motor quadrucycle, or be a passenger in the side-car attached to a motorcycle, on a public road unless he is wearing a protective helmet—

- (a) which is especially designed for use in connexion with such cycle; and
- (b) which fits him properly and of which the chin strap is properly fastened under his chin.

(2) The driver of a motorcycle, motor tricycle or motor quadrucycle shall ensure that any passenger in or on such cycle who is younger than 16 years, complies with the provisions of subregulation (1).

96. Manner in which side-car to be attached to motor cycle

No person shall operate on a public road a motorcycle with side-car, unless such side-car is attached to the left side of the motor cycle in such a manner that the centre-line of the axle of the side-car is within the wheel-base of the motorcycle:

Provided that no side-car is within the wheelbase of the motor cycle:

Provided further that no side-car shall be attached to a motor cycle having an engine with a cylinder capacity of less than 50 cubic centimetres.

97. Exhaust silencers and exhaust pipe

No person shall operate on a public road a motor vehicle—

(a) unless an efficient exhaust silencer or muffling device is affixed thereto in such a manner that the exhaust gas from the engine projected through such silencer or muffling device, which shall be so constructed as to reduce and muffle in an effective manner the sound produced by such exhaust;

(b) if any mechanism or device is attached thereto enabling the exhaust gas from the engine of such motor vehicle to be projected otherwise than through the silencer or muffling device referred to in paragraph (a);

(c) if the exhaust gas or smoke from the engine is directed to the left side of such vehicle or discharged other than parallel to or up and away from the road or in such a manner as is likely to raise dust on a public road or is so dense as to cause a nuisance to, or obstruct the vision of other users of such public road:

Provided that the exhaust gas or smoke of a motor vehicle with a gross vehicle mass not exceeding 3,500 kilograms or a motorcar may be discharged by means of an exhaust pipe with a downward bend not exceeding 45 degrees or a bend to the left of the vehicle not exceeding 45 degrees;

(d) if the exhaust pipe or silencer is in such a position that oil or other flammable liquid or material can drip or fall onto it, or is not in efficient working order, or is so placed and maintained that exhaust gas or smoke leaks into the driver's cab or passengers' compartment of the vehicle; or

(e) which if tested in accordance with approved procedures and using approved devices exceeds any noise limits laid down in such procedures.

#### 98. Entrances and exits

(1) No person shall operate on a public road a motor vehicle with a fixed hood and a tare in excess of 570 kilograms unless such vehicle has at least—

(a) a convenient means of entrance and exit on both the left side and the right side; or

(b) such means of entrance and exit on either the left side or the right side and a ready means of escape on the side opposite to such means of entrance and exit or at the rear, for the occupants thereof, and where such vehicle is so operated whilst conveying passengers in a separate compartment which does not—

(i) comply with the provisions of paragraph (a) or (b); or

(ii) afford such passengers unobstructed access to the driving compartment, such vehicle shall have at least a convenient means of entrance and exit at the rear for such passengers.

(2) A means of entrance and exit and a means of escape referred to in subregulation (1) shall be equipped with a door or other effective barrier:

Provided that a means of entrance and exit at the rear of a motor vehicle need not be so equipped.

(3) A door or barrier contemplated in subregulation (2) or a door or other barrier with which a means of entrance and exit at the rear of a motor vehicle is equipped, shall be—

- (a) capable of being opened and closed from both the outside and the inside; and
- (b) closed and clear of any obstruction when the vehicle is in motion:

Provided that the provisions of paragraph (a) shall not apply to a means of escape which has a barrier which is capable of being opened by being knocked out.

(4) The provisions of this regulation shall not apply to a minibus, bus or the separate compartment of a motor vehicle in which prisoners are conveyed.

99. Motor vehicle to be capable of travelling backwards and forwards

No person shall operate on a public road a motor vehicle, other than a motorcycle, motor tricycle or motor quadrucycle, if the tare thereof exceeds 570 kilograms, unless it can be driven backwards and forwards.

100. Tyres

No person shall operate on a public road—

- (a) a motor vehicle, other than a tractor or trailer, which is equipped with a metal tyre;
- (b) a tractor or trailer which is equipped with a metal tyre less than 130 millimetres in width;
- (c) an animal-drawn vehicle which is equipped with a metal tyre less than 40 millimetres in width;
- (d) a vehicle which is equipped with a metal tyre unless such tyre is so fitted and adjusted that the whole of the tread width of such tyre will at all times be in direct contact with a flat surface if the vehicle is moved on such surface;
- (e) a vehicle which is equipped with a tyre which is in such a state of disrepair or in such a condition that it may cause or is likely to cause damage to the road surface or may be or is likely to be a danger;
- (f) a motor vehicle which is equipped with a pneumatic tyre of which the rubber covering is so worn or damaged that the fabric or cord used in the construction of such tyre is exposed;
- (g) a motor vehicle of which a tyre is so constructed and fitted that the metal part of the wheel to which such tyre is fitted may come into contact with the road surface;

- (h) a motorcycle which is equipped with a retreaded tyre;
- (i) a motor vehicle which is equipped with a regrooved tyre having a bead diameter of 430 millimetres or less;
- (j) a motor vehicle, excluding a motorcycle with an engine having a cylinder capacity not exceeding 50 cubic centimeters, which is fitted with a pneumatic tyre, unless the tread of the tyre displays throughout its breadth and around its centre circumference a pattern, the tread of which is clearly visible and is at least one millimeter in depth.
- (k) a motorcycle with an engine having a cylinder capacity not exceeding 50 cubic centimeters, which is fitted with a pneumatic tyre which does not at any position on the tread thereof have a visible tread pattern over at least 80 per cent of the full width of the tread;
- (l) a motor vehicle which is equipped with a pneumatic tyre which has a break in its fabric or which has a cut, measured in any direction on the outside of the tyre and of such depth that it reaches the cords used in the construction of such tyre, in excess of 25 millimetres or 10 per cent of the maximum width of the tyre, whichever is the greater;
- (m) a motor vehicle which is equipped with a pneumatic tyre which has a lump or bulge caused by the separation of or a partial break in its structure; or
- (n) a motor vehicle other than a tractor, construction vehicle, motorcycle or other cycle which is equipped with pneumatic tyres unless there is carried on such vehicle at least one spare inflated tyre in good serviceable condition affixed to a rim, spare wheel or other device capable of being fitted quickly to a wheel or axle together with the apparatus in good working order for so fitting it.

101. Certain motor vehicle to be fitted with safety belts

- (1) For the purposes of this regulation—
  - (a) “approval mark” means—
    - (i) the approval mark of the European Union, denoted as E;
    - (ii) the approval mark of the European Economic Community, denoted as e;
    - (iii) the Society of Automotive Engineers denoted as SAE; and
    - (iv) any other approval mark referred to in a specification, code of practice or any directive having standardization of motor vehicle safety belts as its aim and issued by national institution or organization outside Malawi for a purpose similar to that for which a standardization mark has been established;
  - (b) “harness belt”, “safety belt” and “three point belt” shall have the meaning assigned thereto in any applicable standard.

(2) No person shall operate on a public road—

(a) a motorcar which—

(i) according to the registration certificate thereof, was registered for the first time after the year 1964 but before 1st July, 1978, unless the front seat thereof is equipped for the driver and, if such seat has seating accommodation for other persons, for at least one such person with—

(aa) a safety belt; or

(bb) any other belt bearing a standardization mark, which is firmly anchored to bodywork or to the bodywork and seat frame of such motorcar; or

(ii) according to the registration certificate thereof, was registered for the first time on or after 1st July, 1978, unless the front seat thereof is equipped for the driver and for at least one other person—

(aa) in the case where the roof of that motor car forms an integral part of the body work, with a harness belt or a three-point belt which is firmly anchored to the motorcar; or

(bb) in the case where the roof of that motor car does not form an integral part of the bodywork, with a safety belt which is firmly anchored to the bodywork or to the bodywork and seat frame of that motorcar; or

(b) a minibus, bus or goods vehicle—

(i) the gross vehicle mass of which does not exceed 2,500 kilograms and which according to the registration certificate thereof was registered for the first time on or after 1st January, 1979, but before 1st January, 1985, unless the front seat thereof is equipped for the driver and, if such seat has seating accommodation for other persons, for at least one such person with a harness belt or three-point belt which is firmly anchored to the bodywork or bodywork and seat frame of such vehicle; or

(ii) the gross vehicle mass of which does not exceed—

(aa) 2,500 kilograms and which according to the registration certificate thereof was registered for the first time on or after 1st January, 1985, but before 1st January, 1987, unless the front seat thereof is equipped with a harness belt or a three-point belt in the circumstances specified in subparagraph (i); or

(bb) 3,500 kilograms and which according to the registration certificate thereof was registered for the first time on or after—

(aaa) 1st January, 1987, unless the front seat thereof is equipped with a harness belt or a three-point belt in the circumstances specified in subparagraph (i); and

(bbb) 1st July, 1992, unless the front seat thereof is equipped with a safety belt if there is seating accommodation according to the provisions of regulation 14 (1) (a) for any other person than the persons referred to in subparagraph (1).

(3) No person shall operate on a public road a motor vehicle, unless every safety belt with which such motor vehicle has to be equipped in terms of subregulation (2) complies with the requirements of the Standard Specifications and bears a standardization mark or an approval mark.

(4) The driver of any motor vehicle contemplated in subregulation (2) and any other person who occupies a seat in that motor vehicle which, in terms of the provisions of that subregulation, has to be equipped with a safety belt or other belt shall, subject to the provisions of subregulation (7) and while that motor vehicle is being driven on a public road, wear the belt with which the seat concerned is equipped and that belt shall be properly adjusted and securely fastened:

Provided that the provisions of this subregulation shall not apply to such driver while reversing such motor vehicle or causing it to move in or out of a parking bay.

(5) No person, other than a person exempted in terms of the provisions of subregulation (7), shall occupy a seat on the front seat of any motor vehicle contemplated in subregulation (2) while such vehicle is being driven on a public road, unless all other seats on such front seat which have to be so equipped with safety belts or other belts are occupied.

(6) The driver of a motor vehicle contemplated in subregulation (2) shall ensure that any person who is younger than 14 years complies with the provisions of subregulation (4) or (5).

(7)(a) the Director may, on written application, exempt a person from the provisions of subregulation (4) on such medical grounds as he may deem sufficient and subject to such conditions as he may deem expedient.

(b) for the purpose of considering an application as contemplated in paragraph (a), the Director may direct that such information be furnished and such evidence be submitted as he may deem expedient; or

(c) a person who has, in terms of any law of a prescribed territory, been exempted from the provisions relating to the compulsory wearing of safety equipment in a motor vehicle shall, during the period of validity of such exemption be deemed to have been exempted in accordance with the provisions of paragraph (a).

#### 102. Emergency warning sign (Triangle)

(1) For the purposes of this regulation—

(a) the expression “motor vehicle” excludes a motorcycle, motor tricycle or motor quadrucycle;

(b) “reflective material” means reflective material which under all circumstances is capable of reflecting light.

(2) No person shall operate on a public road a motor vehicle unless there is carried on such vehicle at least two emergency warning signs which—

(a) is a double-sided sign having the shape, design, minimum dimensions and colours as illustrated hereunder, and of which the red portion on each side—

(i) shall consist of red reflective material; or

(ii) shall be painted red and have retro-reflectors at each corner; and

(b) is so constructed that when it is put into position as contemplated in subregulation (5), it will not be dislodged by the wind:

Provided that in the case of a combination of motor vehicles, the emergency warning signs for every motor vehicle of such combination may be carried on the drawing vehicle.

(3) Where a motor vehicle is for any reason stationary on the roadway of a public road for a period longer than ten minutes, the driver of such vehicle shall display or cause to be displayed at least two emergency warning signs in the manner contemplated in subregulation (5).

(4) No person shall, without lawful cause, remove or tamper with any emergency warning sign which is being displayed in accordance with the provisions of this regulation.

(5) At least two emergency warning signs shall be displayed in the following manner—

(a) one sign shall be placed on the surface of the roadway of the public road—

(i) to the front of such motor vehicle at a distance of not less than 30 metres or more than 45 metres from such motor vehicle;

(ii) to the rear of such motor vehicle at a distance of not less than 30 metres or more than 45 metres from such motor vehicle;

(b) the signs shall be placed on the surface of the roadway to the immediate left of the roadway center-line on the same side of the public road on which such motor vehicle is stationary; and

(c) the reflective side of the signs shall face in the direction from which any traffic will approach.

(6) The provisions of subregulation (3) shall not apply where a motor vehicle is stationary—

(a) in a place where a road traffic sign authorizes the loading or unloading of a vehicle;

(b) in compliance with any direction conveyed by a road traffic sign or given by an authorized officer;

(c) on account of other traffic on the public road concerned and while the driver occupies the driver's seat of such motor vehicle; or

(d) in the course of events accompanying the carrying out of a State or municipal function.

#### 103. Speedometer

(1) No person shall operate on a public road a motor vehicle which is designed for or capable of reaching a speed of 60 kilometres per hour or more on a reasonably level road, unless such vehicle is equipped with a speedometer which is in a good working order.

(2) The provisions of subregulation (1) shall apply to—

(a) a trailer; or

(b) a motor vehicle while being operated by a motor dealer in the course of his business for the repair of the speedometer of such vehicle.

#### 104. Motorcycle crash bar

(1) Every motorcycle having an engine capacity of 350 cubic centimetres or more shall be equipped with a bar or tube on each side of the forward part of the frame at approximately right angles to it of sufficient strength to support the weight of the motor cycle should it fall on its side.

(2) Each such bar or tube shall sufficiently project laterally from the forward part of the frame to which it is attached to give adequate protection to the rider's legs against the weight of the motorcycle should it fall on its side when being ridden.

#### 105. Wing

(1) Every motor vehicle other than a construction vehicle or a farm tractor shall be equipped with wings or other similar fittings to catch, so far as practicable, water thrown up by the rotation of the wheels unless the body of the vehicle performs such functions:

Provided that this subregulation shall not apply in the case of a motor vehicle in an unfinished condition proceeding to a works for completion.

(2) For the purpose of this regulation, wings shall cover at least half the circumference of the wheel concerned, and shall extend to the level of the hub of the wheel at both ends.

#### 106. Towing of vehicles

No person shall operate a motor vehicle on a public road towing another vehicle—



(a) if the length of the tow-rope, chain or tow-bar between the two vehicles exceeds 3.7 metres;

(b) if the towed vehicle is connected to the towing vehicle in such a manner that both vehicles are not under control;

(c) except, in the case of a towed vehicle fitted with steering gear contemplated in regulation 88 (1), if such steering gear is controlled by a person holding a driver's licence authorizing him to drive the class of vehicle being towed:

Provided that the provision of this paragraph shall not apply in the case where—

(i) the steerable wheels of the towed vehicle are being carried clear off the ground;  
or

(ii) the device connecting the towing vehicle to the towed vehicle is such that the steerable wheels of the towed vehicle are controlled by such device;

(d) if the brakes of the towed vehicle are defective in terms of regulation 42, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or tow-bar;

(e) at a speed in excess of 30 kilometres per hour, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or a tow-bar;

(f) if the towed vehicle is conveying persons at a speed in excess of 30 kilometres per hour, unless the towed vehicle is a semi-trailer; or

(g) if the towing vehicle is a motorcycle, motor tricycle, motor quadrucycle or pedal cycle unless the towed vehicle is designed to be towed by such cycle as the case may be.

#### 107. Conditions for the use of construction vehicles

No person shall operate on a public road a construction vehicle except under the conditions that—

(a) no such vehicle shall be operated on the roadway of a public road during the period when lights must be lighted in terms of regulation 44 (1) (b);

(b) the overall width of any such vehicle shall not exceed 3.5 metres;

(c) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(d) any such vehicle exceeding the overall length prescribed in regulation 3 or the overall width prescribed in regulation 5 shall display two flags or red cloth not less than 600 millimetres by 600

millimetres, in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel; and

(e) any such vehicle exceeding the overall length prescribed in regulation 3 or which is more than 2.6 metres wide shall not overtake any other vehicle:

Provided that this prohibition shall not apply to the overtaking of a pedal cycle or animal drawn vehicle.

#### 108. Conditions for the use of farm implement

No person shall operate on a public road any farm implement, which including a tractor, which is not a goods vehicle and which is used solely for bona fide agricultural, horticultural or pastoral pursuits except under the conditions that—

(a) no such vehicle shall be operated on the roadway of a public road during the period when lights must be lighted in terms of regulation 44 (1) (b);

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) any such vehicle—

(i) exceeding the overall length prescribed in regulation 3;

(ii) encroaching beyond half the width of the roadway except when crossing bridges; or

(iii) which is more than 2.6 metres but less than 3.5 metres wide, shall display two flags of red cloth not less than 600 millimetres by 600 millimetres in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel:

Provided that the vehicle may be fitted with amber flashing lights in lieu of such flags; and

(d) the overall width of any such vehicle shall not exceed 4.5 metres:

Provided that when the overall width exceeds 3.5 metres—

(i) such vehicle shall not normally encroach beyond half the width of the roadway except when crossing bridges; and

(ii) if such vehicle does encroach beyond half the width of the roadway, two escort vehicles with the headlamps switched on and displaying red flags of the size prescribed in paragraph (c) or amber flashing lights shall be provided, one traveling in front and one to the rear of such vehicle; and

(e) such vehicle shall not be operated on any public road for a distance exceeding eight kilometres unless such vehicle is proceeding directly to or returning from a workshop for the purpose of maintenance or repairs, or directly to or returning from a base depot.

109. Mobile telephones

No person, who is the driver of a motor vehicle, shall hold in either hand any part of a mobile telephone whether such telephone is in operation or not while—

- (a) the engine of such motor vehicle is in operation; and
- (b) such motor vehicle is on a public road.

PART V

EQUIPMENT OF OR IN RESPECT OF PUBLIC SERVICE VEHICLE

110. Persons not to be carried in goods compartment

No person shall on a public road carry any persons for reward in the goods compartment of a motor vehicle.

111. Sides and roof

No person shall operate on a public road a minibus or a bus unless—

- (a) the sides of the passenger compartment are enclosed to the height of at least 600 millimetres from the floor with material which is durable and weatherproof; and
- (b) such minibus or bus is provided with a weatherproof roof.

112. Entrances, exits and emergency exits of minibuses and buses

(1) A minibus or bus shall be equipped with at least one passenger entrance leading from the left hand side of such minibus or bus to the passenger compartment, in addition to any doors provided for the driver and front seat passenger;

(2) A minibus shall have at least one emergency exit on the right hand side or in the rear thereof:

Provided that a door fitted for use by the driver of such minibus which is accessible to persons in the passenger compartment thereof may be deemed to be such an emergency exit.

- (3) A bus or the lower deck of a double-deck bus, shall have at least one emergency exit—
  - (a) in the rear; or
  - (b) on each side towards, the rear:

Provided that a door fitted for use by the driver of such minibus which is accessible to persons in the passenger compartment thereof may be deemed to be such an emergency exit.

(4) The upper deck of a double-deck bus shall have at least one emergency exit—

- (a) in the rear; or
- (b) on each side and in the roof, of such deck.

(5) Each emergency exit shall have dimensions of at least 900 by 450 millimetres and shall be able to be opened from inside and outside and shall not open inward.

(6) An emergency exit shall not be so positioned that the passengers have to pass through a goods compartment of a minibus or bus or via the stairs of a double-deck bus to reach such emergency exit.

(7) Escape hatches, knock-out windows or knock-out panels may be used as emergency exits and if a minibus or bus is operated for reward such hatches, windows or panels shall be marked with the words “emergency exit” on the inside and outside in letters of at least 50 millimetres in height.

(8) A door of the size and operating characteristics referred to in subregulation (5) may be used as an emergency exit.

(9) No entrance for persons, other than the driver, shall be provided on the right hand side of the longitudinal centre-line of a minibus or bus operating for reward.

(10) In the case of a minibus or bus that has been covered from a goods vehicle, the requirements of subregulations (1), (2), (3), (4), (6), (7) and (8) shall be deemed to be satisfied if openings complying with the requirements of subregulation (5) are provided in place of the entrances and exits referred to in such subregulation.

#### 113. Entrances and exits to be fitted with doors

No person shall operate a minibus or bus on public road, unless—

- (a) every entrance to or exit from the minibus or bus is fitted with a door or other effective barrier; and
- (b) such door or barrier is properly closed when the minibus or bus is in motion with persons thereon.

#### 114. Stairs

The stairs to the top deck of a double-deck bus shall be provided with a hand rail on each side as well as a partition or screen at each side of the stairs of sufficient strength to prevent any person from slipping off the side of any steps.

115. Passageways

No person shall operate on a public road a bus, unless the passenger compartment of such bus has an unimpeded longitudinal passageway with a cross passageway from each entrance of the bus to the longitudinal passageway, and such passageways are at least—

- (a) 300 millimetres wide from floor to seat level; and
- (b) 350 millimetres wide above seat level.

116. Seats

(1) No person shall operate on a public road a bus, unless the driver's seat of such bus is adjustable and has a partition immediately behind it and is so placed as to afford the driver ample space for controlling the bus.

(2) Subject to subregulation (3) no person shall operate a minibus or a bus on a public road unless the seats provided for passengers in such minibus or bus have—

- (a) a backrest of which the—
  - (i) top shall be at least 350 millimetres from seat level;
  - (ii) bottom shall be not more than 200 millimetres from seat level; and
  - (iii) the width, including the frame shall be at least 340 millimetres, for every passenger for whom seating accommodation is provided on the seat;
- (b) a seat height from the floor or foot rest of such seat to seat level of at least 250 millimetres, except where a seat is positioned over a wheel arch where no limit shall apply;
- (c) a seat depth from the front of the seat to the front of the backrest of at least 340 millimetres;
- (d) a seat width as referred to in regulation 14 (2);
- (e) in the case where a seat faces a partition or similar obstruction, a horizontal distance between the front of the backrest of such seat at seat level to such partition or obstruction of at least 750 millimetres;
- (f) in the case where seats face each other, a horizontal distance between the front of the backrest of such seat at seat level of at least 1,200 millimetres; and
- (g) in the case where seats face in the same direction, a horizontal distance between the front of the backrest of any such seat, at seat level, and the back of the backrest of the seat in front, of at least 570 millimetres.

(3) Where in subregulation (2) a reference is made to a maximum or minimum dimension, a tolerance of 10 millimetres above any such maximum and below any such minimum shall be permissible.

(4) No seat in a bus shall face an entrance or have a side of such seat opposite an entrance, unless a rail or partition is provided between such seat and entrance:

Provided that a rail may be fixed to the seat if the side of such seat faces an entrance.

(5) Every seat in a minibus or bus shall be securely fixed to such minibus or bus.

117. Goods carried on minibus or bus conveying persons for reward

No person shall carry goods on or in a minibus or bus conveying persons for reward unless such goods—

- (a) are placed in a suitable goods compartment or container;
- (b) are so placed that it does not constitute a danger to such persons; and
- (c) does not obstruct any entrance, exit or passageway of such minibus or bus.

118. Windows and windscreen

(1) A minibus or bus operating for reward—

(a) shall have a continuous row of windows on the left and right hand sides of the passenger compartment and such windows, other than the windows of entrance and exit doors and the first and the last side window, shall each have a frame, in the case of—

- (i) a minibus of not less than 345 millimetres by 450 millimetres; and
- (ii) a bus, of not less than 450 millimetres by 450 millimetres;

(b) shall have an overall window area of not less than 25 per cent of the floor area of the passenger compartment;

(c) other than a bus having a system of force ventilation induced by mechanical means whether such bus is stationary or in motion, shall have windows which can be opened to the same extent so that the total area of the open spaces shall be not less than five per cent of the floor area of the passenger compartment; and

(d) may have other windows in addition to those referred to in subregulation (1) (a), (b) or (c)

(2) At least every alternate window in each side of a minibus or a bus operating or reward, other than a bus having a system of forced ventilation induced by mechanical means whether such bus is stationary or in motion, shall be capable of being opened.

(3) No window in a bus operating for reward shall be capable of being opened in such a manner that a person seated in a normal position is able to put his elbow out of the window.

(4) Every window-pane, windscreen and transparent partition of a minibus or bus operating for reward shall be maintained in sound, unbroken and clear condition.

119. Fuel receptacles and pipes

(1) A minibus or bus operating for reward—

(a) shall have fuel tanks, fuel receptacles and fuel pipes which are free of leaks and which are not placed inside the body or steering cabin; and

(b) shall have the filling orifice of a fuel tank placed outside the body or steering cabin.

(2) No main fuel tank shall be placed close to the engine of a bus operating for reward.

120. Fire-extinguisher

(1) Every public service vehicle, other than a bus, and any vehicle used for the teaching of driving for gain shall carry in a readily accessible position at least one fire-extinguisher which shall be of—

(a) the dry powder type with a capacity of at least one kilogram; or

(b) the halogenated hydrocarbon type (BCF) with a capacity of at least one kilogram,

and which shall be in good working order.

(2) Every bus operating for reward shall carry in a readily accessible position at least one fire-extinguisher which shall be of—

(a) the dry powder type with a capacity of at least two and a half kilograms; or

(b) the halogenated hydrocarbon type (BCF) with a capacity of at least one kilogram, and which shall be in a good working order.

121. Rearview mirrors

In addition to the rearview mirror prescribed for motor vehicle in regulation 92, every bus operating for reward shall be fitted with a rearview mirror which shall enable the driver of the bus, when he is in the driving position to see a reflection of every entrance and exit of the bus.

122. Tilt angle

(1) No person shall operate a double-deck bus on a public road unless such bus is capable of being tilted sideways to an angle of at least 23 degrees in either direction from the upright position without overturning while—

- (a) every seat on the upper deck of the bus carries a mass of 63 kilograms;
- (b) an additional mass of 63 kilograms is placed on the upper deck of the bus to represent a conductor;
- (c) the goods compartment on the upper deck of the bus, if any, is loaded to capacity;
- (d) except for a mass of 63 kilograms on the driver's seat, the lower deck of the bus is empty; and
- (e) except that the fuel tank is empty, the bus is in all other respects ready for the road.

(2) For the purposes of issuing a certificate of fitness in respect of a double-deck bus, an examiner or a motor vehicle inspector may demand the production of a manufacturer's certificate or other like certificate which certifies that such bus complies with the provisions of subregulation (1).

#### 123. Standing persons

(1) No person shall operate on a public road a bus in which a person is permitted to stand—

- (a) on any upper deck, steps, stairs or open platform;
- (b) in the cross passageway referred to in regulation 392; or
- (c) in any area with a roof height of less than 1.7 metres, except when entering or leaving such bus.

(2) The maximum number of standing persons which may be carried in a bus shall be calculated in accordance with the formula—

$A - B$

$C$

in which formula—

- (a) "A" represents the total clear floor space in square metres of the bus;
- (b) "B" represents the total clear floor space in square metres of the places referred to in subregulation (1); and
- (c) "C" represents the figure 0.125 being the clear floor space in square metres which shall be available for each standing person.

(3) A bus carrying standing persons shall be equipped with sufficient handstraps, handrails or grab handles for all standing persons.



(4) No persons shall on a public road operate a minibus for reward in which a person is permitted to stand except if such minibus complies with the requirements of subregulations (1), (2) and (3).

124. Destination indicator

(1) Every minibus operating for reward shall be equipped at the front and rear with a device whereon the destination of the said minibus or bus may be displayed. The letters of any destination indicator shall be black in colour and at least 100 millimetres high and thick in proportion and the background shall be white in colour.

(2) No lettering in black and white colours, other than the lettering required for a destination indicator, shall be placed on the front or rear of any vehicle to which this regulation applies, and no writing or lettering in any colour shall be placed on such minibus or bus in which a manner it is likely to interfere with the easy and instantaneous legibility of a destination indicator.

125. Special exemption permit

(1) Subject to such conditions as he may deem fit to impose for the safety of members of the public or for any other reasons, the Director upon application and goods cause being shown thereof may grant a special exemption permit in writing authorizing the applicant to operate on a public road a motor vehicle or combination of motor vehicles otherwise not in conformity either generally or specifically with the provisions of these regulations.

(2) An application for the issue of a special exemption permit shall be made to the Director in writing and shall contain the information specified in the Third Schedule.

(3) A special exemption permit contemplated in subregulation (1) shall, during the period of validity thereof—

(a) be carried in or on the vehicle concerned at all times while such vehicle is operated on a public road; and

(b) be produced for inspection on demand being made by the Director, any authorized officer, or any other person duly authorized by the Director in writing.

126. Fee for special exemption permit

(1) The fees specified in the second column of the Fourth Schedule shall be charged in respect of matters pertaining to the application for a special exemption permit set out in the first column of the said Schedule.

(2) In the case of an application contemplated in regulation 125 for an exemption to regulations 14 to 24 inclusive, the fee to be charged for the issue of a special exemption permit for a motor vehicle or combination of motor vehicle shall be equal to the penalty that would be calculated and imposed on such vehicle or vehicle in terms of regulations 27 and 28:

Provided that any overload exceeding the amount specified by the special exemption permit shall be treated in accordance with these regulations.

#### "FIRST SCHEDULE

##### PENALTY FOR OVERLOADING PER AXLE (r. 27)

Single axle fitted with two wheels

Legal load per axle at 8.0 tonnes

Overload per axle in kgsPenalty per axle in US\$Overload per axle in kgsPenalty per axle in US\$100104,100822200204,200856300314,300891400424,400927500534,500964600654,6001,001700774,7001,040800904,8001,0799001034,9001,1191,0001175,0001,1601,1001315,1001,2031,2001465,2001,2461,3001615,3001,2901,4001765,4001,3351,5001925,5001,3811,6002095,6001,4281,7002265,7001,4771,8002435,8001,5261,9002615,9001,5762,0002806,0001,6282,1002996,1001,6802,2003196,2001,7342,3003406,3001,7892,4003616,4001,8452,5003826,5001,9022,6004056,6001,9612,7004276,7002,0212,8004516,8002,0812,9004756,9002,1443,0005007,0002,2073,1005267,1002,2723,2005527,2002,3383,3005797,3002,4053,4006077,4002,4733,5006357,5002,5433,6006657,6002,6153,7006957,7002,6883,8007257,8002,7623,9007577,9002,8374,0007898,0002,9148,1002,9939,1003,8618,2003,0739,2003,9578,3003,1549,3004,0548,4003,2379,4004,1538,5003,3219,5004,2548,6003,4079,6004,3578,7003,4959,7004,4618,8003,5849,8004,5678,9003,6759,9004,6759,0003,76710,0004,78545 MK = 1 USD

Multiple axle combinations fitted with four wheels

Overload per axle in kgsPenalty per axle in US\$Overload per axle in kgsPenalty per axle in US\$100123,100800200253,200856300383,300916400523,400979500663,5001,048600813,6001,122700963,7001,2028001123,8001,2879001293,9001,3801,0001464,0001,4801,1001654,1001,5891,2001844,2001,7071,3002034,3001,8341,4002244,4001,9731,5002464,5002,1251,6002684,6002,2901,7002924,7002,4691,8003174,8002,6661,9003434,9002,8802,0003705,0003,1152,1003995,1003,3722,2004305,2003,6532,3004625,3003,9622,4004965,4004,3012,5005325,5004,6732,6005705,6005,0822,7006115,7005,5312,8006545,8006,0262,9006995,9006,5703,0007486,0007,1706,1007,8318,10035,0006,2008,5598,20035,0006,3009,3638,30035,0006,40010,2498,40035,0006,50011,2278,50035,0006,60012,3068,60035,0006,70013,4998,70035,0006,80014,8168,80035,0006,90016,2718,90035,0007,00017,8809,00035,0007,10019,6589,10035,0007,20021,6239,20035,0007,30023,7979,30035,0007,40026,2029,40035,0007,50028,8629,50035,0007,60031,8069,60035,0007,70035,0009,70035,0007,80035,0009,80035,0007,90035,0009,90035,0008,00035,00010,00035,00045 MK = 1 USD

Single axle fitted with four wheels

Legal load per axle 10.0 tonnes

Overload per axle in kgsPenalty per axle in US\$Overload per axle in kgsPenalty per axle in US\$10082,100228200162,200242300252,300257400342,400272500432,500287600522,600303700622,700319800722,800335900822,9003521,000923,0003691,1001033,1003871,2001143,2004051,3001263,

3004241,4001373,4004431,5001493,5004621,6001613,6004821,7001743,7005021,8001873,8005231,9  
002003,9005442,0002144,0005664,1005887,1001,5034,2006107,2001,5434,3006337,3001,5844,40065  
77,4001,6264,5006817,5001,6884,6007057,6001,7114,7007307,7001,7554,8007567,8001,7994,900782  
7,9001,8455,0008098,0001,8915,1008368,1001,9375,2008648,2001,9855,3008928,3002,0335,4009218,  
4002,0835,5009508,5002,1335,6009808,6002,1835,7001,0108,7002,2355,8001,0418,8002,2885,9001,0  
738,9002,3416,0001,1069,0002,3956,1001,1389,1002,4506,2001,1729,2002,5066,3001,2069,3002,5636  
,4001,2419,4002,6216,5001,2769,5002,6796,6001,3129,6002,7396,7001,3499,7002,7996,8001,3879,80  
02,8606,9001,4259,9002,9237,0001,46410,0002,98645 MK = 1 USD

## SECOND SCHEDULE (r. 27)

### PENALTY FOR GROSS VEHICLE MASS OVERLOADING

GVM Overload in kgsOverload Penalty in US\$GVM Overload in kgsOverload Penalty in  
US\$10041,1005020091,20055300131,30060400181,40065500221,50070600271,60075700311,7008080  
0361,80085900411,900901,000452,000952,1001006,8004232,2001066,9004322,3001117,0004412,400  
1167,1004512,5001227,2004602,6001277,3004692,7001337,4004792,8001397,5004892,9001447,6004  
983,0001507,7005083,1001567,8005193,2001627,9005293,3001688,0005393,4001748,1005503,50018  
08,2005603,6001868,3005713,7001928,4005823,8001988,5005933,9002058,6006044,0002118,700615  
4,1002178,8006274,2002248,9006394,3002319,0006514,4002379,1006634,5002449,2006754,6002519,  
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002949,9007655,30030110,0007795,40030910,1007925,50031610,2008065,60032410,3008215,700332  
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009116,30038011,0009266,40038911,1009426,50039711,2009596,60040611,3009756,70041411,40099  
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,15517,1002,57912,4001,17517,2002,62312,5001,19517,3002,66812,6001,21517,4002,71412,7001,235  
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002,95513,2001,34318,0003,00613,3001,36618,1003,05813,4001,38918,2003,11013,5001,41218,3003,  
16413,6001,43618,4003,21913,7001,46018,5003,27513,8001,48418,6003,33113,9001,50918,7003,3891  
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01,64019,2003,69514,5001,66819,3003,76014,6001,69619,4003,82614,7001,72419,5003,89314,8001,7  
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,0004,24815,3001,90620,1004,32315,4001,93820,2004,39915,5001,97120,3004,47715,6002,00420,400  
4,55715,7002,03820,5004,63815,8002,07220,6004,72015,9002,10720,7004,80416,0002,14320,8004,89  
016,1002,17920,9004,97816,2002,21621,0005,06721,1005,15725,60011,73721,2005,25025,70011,9592  
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3,7008,24928,20019,23723,8008,40128,30019,61123,9008,55728,40019,99224,0008,71628,50020,3812

4,1008,87928,60020,77824,2009,04428,70021,18324,3009,21328,80021,59624,4009,38528,90022,0182  
4,5009,56029,00022,44824,6009,73929,10022,88724,7009,92129,20023,33524,80010,10829,30023,792  
24,90010,29729,40024,25925,00010,49129,50024,73525,10010,68829,60025,22025,20010,89029,7002  
5,71625,30011,09529,80026,22225,40011,30529,90026,73725,50011,51930,00027,26445 MK = 1 USD

#### THIRD SCHEDULE (r. 125)

##### APPLICATION FOR EXEMPTION FROM REGULATIONS

1. An application for an exemption from any regulation shall contain the following basic information—

- (a) full name and address of applicant;
- (b) full description of vehicle in respect of which exemption is requested;
- (c) period for which exemption is requested; and
- (d) the specific regulations from which exemption is requested.

2. An application for exemption from regulations 14 to 24 inclusive shall also contain a complete description of the cargo including dimensions and weight.

#### FOURTH SCHEDULE r. 126

Kt1.Issue of an exemption of any regulations except regulations 14 to 24,50000

##### ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

##### ARRANGEMENT OF REGULATIONS

###### REGULATION

#### PART I

##### PRELIMINARY

1. Citation
2. Interpretation
3. Fees

#### PART II

#### THE 1926 AND 1949 CONVENTION COUNTRIES

4. International distinguishing mark for Malawi

#### PART III

#### THE 1926 CONVENTION COUNTRIES

5. International certificates for vehicles being taken outside Malawi under the 1926 Convention
6. Period of validity of international certificates

#### PART IV

#### REQUIREMENTS FOR VISITING DRIVERS AND MOTOR VEHICLES

7. Visitors holding international driving permits
8. Provisions of the Act to apply to international driving permits
9. Visiting motor vehicles
10. Conditions to be fulfilled by visiting motor vehicles under the 1926 Convention
11. Conditions to be fulfilled by visiting motor vehicles under the 1949 Convention

First Schedule

Second Schedule

Third Schedule

Fourth Schedule

Fifth Schedule

Sixth Schedule

#### ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

under s. 170

G.N. 17/2000

## PART I

### PRELIMINARY

#### 1. Citation

These Regulations may be cited as the Road Traffic (International Circulation) Regulations.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“the 1926 Convention” means the International Convention Relative to Motor Traffic concluded at Paris on the 24th day of April, 1926;

“the 1949 Convention” means the International Convention on Road Traffic concluded at Geneva on the 19th day of September, 1949;

“1926 Convention country” means any country which ratified or acceded to the 1926 Convention;

“1949 Convention country” means any country set forth in the Fifth Schedule;

“international certificate” means a certificate in Form A in the First Schedule;

“registration certificate” means a certificate that complies with Article 18 of the 1949 Convention.

#### 3. Fees

The fees specified in the second column of the Sixth Schedule are prescribed for and shall be charged in respect of the matter set out in the first column of the said Schedule.

## PART II

### THE 1926 AND 1949 CONVENTION COUNTRIES

#### 4. International distinguished mark for Malawi

In addition to the vehicle’s registration mark required to be fixed and maintained in accordance with the Road Traffic (Registration and Licensing) Regulations, every motor vehicle registered and licensed in Malawi proceeding from Malawi shall display at the back inscribed on a plate or on the motor vehicle itself the international distinguishing mark for Malawi consisting of the letters “MW”. Every such plate shall be oval in shape, 240 millimetres wide by 140 millimetres high and shall bear the letters “MW” in black on a white background. The letters shall be formed of capital Latin characters of a height of at least 80 millimetres and their strokes of a width of at least 10 millimetres. In the case of any such

motor vehicle drawing a trailer, the international distinguishing mark shall also be displayed at the back of the trailer.

### PART III

#### THE 1926 CONVENTION COUNTRIES

5. International certificate for vehicles being taken outside Malawi under the 1926 Convention

(1) The Director may issue for use in any 1926 Convention country an international certificate in Form A in the First Schedule for any motor vehicle registered under the Act.

(2) An application for an international certificate shall be made in Form E in the First Schedule.

(3) The Director may if he deems it necessary before issuing an international certificate cause the vehicle in respect of which such certificate is applied for to be examined by a motor vehicle examiner to ascertain that it is suitable for use on roads of a foreign country and particularly that it complies with Article 3 of the 1926 Convention set forth in the Second Schedule.

(4) Upon being satisfied that the vehicle complies with the requirements of the preceding subregulation, the Director shall, upon payment of the fee specified in the Sixth Schedule, issue an international certificate in respect thereof.

6. Period of validity of international certificates

International certificates shall be valid for 12 months from the date of issue.

### PART IV

#### REQUIREMENTS FOR VISITING DRIVERS AND MOTOR VEHICLES

7. Visitors holding international driving permits

An international driving permit issued elsewhere than in Malawi to a person not resident in Malawi shall, during the holding of such permit, be deemed to have effect within Malawi as though it were a driving licence issued under section 24 of the Act:

Provided that such permit shall have effect within Malawi only in respect of those classes of motor vehicles the driving of which is authorized by such permit.

8. Provisions of the Act to apply to international driving permits

An international driving permit shall be produced for inspection in like manner as if it were a driving licence issued under the Act and the provisions of the Act relating to driving licences shall apply mutatis mutandis to international driving permits.

9. Visiting motor vehicles

(1) Any motor vehicle, not being a public service vehicle, brought into Malawi under the authority of an international certificate issued elsewhere than in Malawi or of a registration certificate and vehicle licence issued elsewhere than in Malawi may be used in Malawi—

(a) in the case of a motor vehicle brought into Malawi by a person resident in Malawi for a period not in excess of 30 days; and

(b) in the case of a motor vehicle brought into Malawi by a person not resident in Malawi for a period not in excess of 365 days or until the expiry of its international certificate or registration certificate or vehicle licence, as the case may be, or until 30 days after the date when such person becomes resident in Malawi, whichever is the shortest, without the need to be registered or licensed subject to the vehicle's compliance regarding construction and equipment with the requirements of regulation 10 or 11 as the case may be and subject to its compliance in other respects with the Act and any regulations made thereunder:

Provided that the exemption conferred by paragraph (b) shall not cease prior to the expiry of 14 days from the date when such non-resident brought such motor vehicle into Malawi.

(2) No motor vehicle may be used in Malawi under the authority of an international certificate or registration certificate and vehicle licence unless and until there shall be affixed to such motor vehicle, in addition to the identification marks required in the country in which the international certificate or registration certificate was issued, a distinctive plate displaying the appropriate letter or letters prescribed in the Fourth Schedule for such country which conforms with the provisions of Annex IV to the 1949 Convention or Annex C to the 1926 Convention as the case may be. In the case of a motor vehicle drawing a trailer the distinctive plate shall be displayed at the back of the trailer.

(3) The holder of an international certificate or registration certificate and vehicle licence shall produce such certificate or licence at any time on demand made by any police officer in uniform or who, if not in uniform, produces his identity card.

(4) All the requirements of the Act and of the Regulations made thereunder in connexion with the visibility of the registration marks of motor vehicles or trailers shall, during such time as the motor vehicle or trailer is in Malawi, apply in all respects to the identification marks and distinctive plate required by subregulation (2).

(5) Any public service vehicle or private passenger vehicle registered and licensed in Malawi or any prescribed territory; and used for the carrying of tourists booked and carried from and on the same tour returning or going to places outside Malawi may, for a period not exceeding 60 days calculated from the date on which such vehicle enters Malawi, be used on the roads of Malawi although no road service permit has been issued in respect of such use, subject to the condition that no goods shall be carried on such vehicle other than the personal luggage of the tourists travelling therein.

10. Conditions to be fulfilled by visiting motor vehicles under the 1926 Convention



Any motor vehicle brought into Malawi under the 1926 Convention shall comply with regard to construction and equipment with the requirements of Article 3 thereof as set forth in the Second Schedule.

11. Conditions to be fulfilled by visiting motor vehicles under the 1949 Convention

Any motor vehicle brought into Malawi under the 1949 Convention shall comply with regard to construction and equipment with the requirements of Articles 21 and 22 thereof as set forth in the Third Schedule.

FIRST SCHEDULE

ROAD TRAFFIC ACT

FORM A

ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

FORM OF INTERNATIONAL CERTIFICATE FOR MOTOR VEHICLES UNDER CONVENTION OF 1926

PAGE 1

MALAWI

INTERNATIONAL MOTOR TRAFFIC

INTERNATIONAL CERTIFICATE FOR MOTOR VEHICLES

(INTERNATIONAL CONVENTION ON 24TH APRIL, 1926) ISSUE OF CERTIFICATE

Place .....

Date .....

.....

Signature of Authority

Seal of Authority

PAGE 2

This certificate is valid, in the territory of all the undermentioned contracting States, for the period of one year from the date of issue.

Here insert list of contracting States

Owner Surname .....1or Holder:Other Address  
.....2 Home Address

.....3 Class of Vehicle  
 .....4 Name and Maker of Chassis  
 .....5 Type of Chassis  
 .....6 Serial number of type or maker's number of chassis  
 .....7 Engine: Number of Cylinders  
 .....8 Engine Number  
 .....9 Stroke  
 .....10 Bore  
 .....11 Horsepower  
 .....12 Body: Shape  
 .....13 Colour  
 .....14 Number of Seats  
 .....15 Weight of car unladen (in kilos)  
 .....16 Weight of car fully laden (in kilos) exceeding  
 3,500 kilos .....17 Identification mark on the plates  
 .....18

Additional pages should repeat the particulars on page 3 translated into as many languages as may be necessary to enable the certificate to be used in all States mentioned on page 2 and followed by pages for entrance and exit visas.

FORM B

ROAD TRAFFIC ACT

ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

APPLICATION FOR AN INTERNATIONAL CERTIFICATE FOR A MOTOR VEHICLE

I, Name and postal and residential address in full.\*  
 .....

of .....

being the registered owner of motor vehicle Registration mark.+  
 ..... enclose the registration book issued for the said motor  
 vehicle and hereby apply for an international certificate in respect of the said motor vehicle.

The particulars of the motor vehicle stated on the registration book are correct.

The motor vehicle is registered in .....

The motor vehicle is ordinarily used and/or kept in ..... and not  
 elsewhere.

Date ..... Signature of Applicant

For official use only.

Number of International Certificate .....

Issuing Office .....

Date of Issue .....

Date of Expiry .....

.....

for Director of Road Traffic

Original—To Director of Road Traffic.

## SECOND SCHEDULE

### ROAD TRAFFIC ACT

### ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

### (REGULATION 5 AND 10)

### ARTICLE 3 OF THE 1926 CONVENTION

### ARTICLE 3

Every motor vehicle, in order to receive international authorization to travel on any road to which the public have access, must either have been recognized as suitable for use on any road to which the public have access after an examination by the competent authority or by an association authorized by that authority, or must conform to a type approved in the same manner. The vehicle must, in any case, fulfil the following conditions—

(I) The motor vehicle must be equipped with the following—

(a) a strong steering apparatus which will allow the vehicle to be turned easily and with certainty;

(b) either two systems of brakes, independent of each other, or one system of brakes with two independent means of operation, of which one means of operation will function, even if the other fails to function:

Provided that in all cases the system used is really effective and rapid in action;

(c) if the weight of the motor vehicle when empty exceeds 350 kilos, a mechanism by means of which the vehicle can from the driver's seat be made to move backwards under its own power; and

(d) when the combined weight of the empty motor vehicle and the weight of the maximum load which it is officially declared to be capable of carrying exceeds 3,500 kilos, a special mechanism, such as can prevent, in all circumstances, the vehicle from running backwards, in addition to a reflecting mirror.

The controls and steering apparatus must be so placed that the driver can manage them with certainty and at the same time have a clear view of the road.

The machinery must be such as to work with certainty and disposed in such a way as to avoid, as far as possible, all danger of fire or explosion; as not to constitute any sort of danger to traffic and so as not to frighten or seriously inconvenience by noise, smoke or smell. The vehicle must be equipped with a silencer.

The wheels of motor vehicles and trailers drawn by them must be fitted with rubber tyres or with some other tyres of equivalent elasticity.

The distance between the ends of the hub-caps must not exceed the maximum width of the remainder of the vehicle.

(II) The motor vehicle must carry—

(1) At the front and back, marked on plates on the vehicle itself, the registration number which has been allocated to it by the competent authority. The registration number placed at the back as well as the distinctive mark referred to in Article 5 must be lit up as soon as they cease to be visible by the light of day.

In the case of a vehicle followed by a trailer the registration number and the distinctive mark referred to in Article 5 are repeated behind the trailer, and the regulation regarding the lighting of these marks applies to the trailer.

(2) In an easily accessible position and in a form easily legible, the following particulars:

Name of maker of chassis;

Maker's chassis number;

Maker's engine number.

(III) Every motor vehicle travelling without a trailer must, during the night and from sunset, be fitted in front with at least two white lights placed one on the right and the other on the left, and, at the back, with a red light. For motor bicycles unaccompanied by a side-car, the number of lights in front may be reduced to one.

(IV) Every motor vehicle must also be equipped with one or more devices capable of effectively illuminating the road for a sufficient distance ahead unless the two white lights prescribed above already fulfil this condition.

(V) If the vehicle is capable of proceeding at a speed greater than 30 kilometres an hour, this distance must not be less than 100 metres.

(VI) Lamps which may produce a dazzling effect must be provided with means for eliminating the dazzle when other users of the road are met, or on any occasion when such elimination would be useful. The elimination of the dazzling effect must, however, leave sufficient light to illuminate the road clearly for at least 25 metres.

(VII) Motor vehicles drawing trailers are subject to the same regulation as separate motor vehicles in so far as forward lighting is concerned, the rear red light is to be carried on the back of the trailers.

(VIII) In so far as the limits regarding weight and dimensions are concerned, motor vehicles and trailers must satisfy the general regulation in force in the countries in which they travel.

### THIRD SCHEDULE

#### ROAD TRAFFIC ACT

#### ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

#### (REGULATION 11)

#### ARTICLES 21 AND 22 OF THE 1949 CONVENTION

#### CONDITIONS TO BE FULFILLED BY MOTOR VEHICLE BROUGHT INTO MALAWI BY VISITORS

#### ARTICLE 21

Every motor vehicle and trailer shall carry the identification marks set out in Annex 5.

#### ARTICLE 22

1. Every motor vehicle and trailer shall be in good working order and in such safe mechanical condition as not to endanger the driver, other occupants of the vehicle or any person upon the road, or cause damage to public or private property.

2. In addition, every motor vehicle, or trailer, and its equipment shall conform to the provisions of Annex 6 and the driver of every motor vehicle shall observe the rules set out therein.

#### ANNEX 5

#### IDENTIFICATION MARKS OF VEHICLES IN INTERNATIONAL TRAFFIC

1. The identification marks shall comprise—

- (a) in the case of a motor vehicle:
  - (i) the name or the trade mark of the maker of the vehicle;
  - (ii) on the chassis, or in the absence of a chassis on the body, the maker's identification or serial number;
  - (iii) on the engine, the maker's engine number if such a number is placed thereon by the maker;
- (b) in the case of a trailer, either the information referred to in (i) and (ii) above or an identification mark issued for the trailer by the competent authority.

2. The marks mentioned above shall be placed in accessible positions and shall be in a form easily legible and not capable of being easily removed or altered.

#### ANNEX 6

#### TECHNICAL CONDITIONS CONCERNING THE EQUIPMENT OF MOTOR VEHICLES AND TRAILERS IN INTERNATIONAL TRAFFIC

(I) Braking—

(a) Braking of motor vehicles other than motorcycles with or without side-cars. Every motor vehicle shall be equipped with brakes capable of controlling the movement of and of stopping the vehicle in an efficient, safe and rapid way under any conditions of loading on any up or down gradient on which the vehicle is operated.

The braking shall be operated by means of two devices so constructed that, in the event of failure of one of the braking devices, the other shall be capable of stopping the vehicle within a reasonable distance.

For the purpose of this Annex, one of these braking devices will be called the "service brake" and the other one the "parking brake".

The parking brake shall be capable of being secured, even in the absence of the driver, by direct mechanical action.

Either means of operation shall be capable of applying braking force to the wheels symmetrically placed on each side of the longitudinal axis of the vehicle.

The braking surfaces shall always be connected with the wheels of the vehicle in such a way that it is not possible to disconnect them otherwise than momentarily by means of a clutch, gear box or free wheel.

One at least of the braking devices shall be capable of acting on braking surfaces directly attached to the wheels of the vehicle or attached through parts not liable to failure.

(b) Braking of trailers:

Every trailer having a permissible maximum weight exceeding 750 kilos (1,650 lb) shall be equipped with at least one braking device acting on wheels placed symmetrically on each side of the longitudinal axis of the vehicle and acting on at last half the number of wheels.

The provisions of the proceeding paragraph shall not be required, however, in respect of trailers if the permissible maximum weight does not exceed 750 kilos (1,650 lb.) but exceeds one-half of the unladen weight of the drawing vehicles.

The braking device of trailers with a permissible maximum weight exceeding 3,500 kilos (7,700 lb.) shall be capable of being operated by applying the service brake from the drawing vehicle. When the permissible maximum weight of the trailer does not exceed 3,500 kilos (7,700 lb.) its braking device may be brought into action merely by the trailer moving upon the drawing vehicle (overrun braking).

The braking device of the trailer shall be capable of preventing the rotation of the wheels when the trailer is uncoupled.

Any trailer equipped with a brake shall be fitted with a device capable of automatically stopping the trailer if it becomes detached whilst in motion. This provision shall not apply to two-wheeled camping trailers or light luggage trailers whose weight exceeds 750 kilos (1,650 lb.) provided that they are equipped in addition to the main attachment with a secondary attachment which may be a chain or wire rope.

(c) Braking of articulated vehicles and combinations of motor vehicles and trailers—

(i) Articulated vehicles

Paragraph (a) of this Part shall apply to every articulated vehicle. A semi-trailer having a permissible maximum weight exceeding 750 kilos (1,650 lb.) shall be equipped with at least one braking device capable of being operated by applying the service brake from the drawing vehicle.

The braking device of the semi-trailer shall, in addition, be capable of preventing the rotation of the wheels when the semi-trailer is uncoupled.

When required by domestic regulations a semi-trailer equipped with a brake shall be fitted with a device capable of stopping automatically the semi-trailer if it becomes detached whilst in motion.

(ii) Combinations of motor vehicles and trailers

Every combination of a motor vehicle and one or more trailers shall be equipped with brakes capable of controlling the movement of and of stopping the combination in an efficient, safe and rapid way under any conditions of loading on any up or down gradient on which it is operated.

(d) Braking of motorcycle with or without side-cars Every motorcycle shall be equipped with two braking devices which may be operated by hand or foot, capable of controlling the movement of and of stopping the motorcycle in an efficient, safe and rapid way.

(II) Lighting—

(a) Every motor vehicle other than a motorcycle with or without side-car and capable of exceeding 20 km (12 miles) per hour on the level shall be equipped with at least two white or yellow driving lights fitted in front capable of adequately illuminating the road for a distance of 100 m (325 feet) in front of the vehicle at night-time in clear weather.

(b) Every motor vehicle other than a motorcycle with or without side-car and capable of exceeding 20 km (12 miles) per hour on the level shall be equipped with two white or yellow passing lights fitted at the front of the vehicle and capable when necessary of adequately illuminating the road at night in clear weather in front of the vehicle for a distance of 30 m (100 feet) without causing glare or dazzle to other road users whatever the direction of the traffic may be.

Passing lights shall be used instead of driving lights in all cases when the use of lights causing no dazzle or glare is necessary or compulsory.

(c) Every motorcycle with or without side-car shall have at least one driving light and one passing light conforming to paragraphs (a) and (b) of this Part. However, motorcycles with an engine of a maximum cylinder capacity of 50 cm (3.05 cu. in.) may be excluded from this obligation.

(d) Every motor vehicle other than a motorcycle without a side-car shall be equipped with two white position (side) lights at the front. These lights shall be clearly visible at night-time in clear weather at a distance of 150 m (500 feet) from the front of the vehicle without causing any glare or dazzle to other road users.

The part of the illuminating surface of these lights furthest from the longitudinal axis of the vehicle shall be as near as possible to and in no case further than 400 mm (16 in.) from the extreme outer edges of the vehicle.

Position (side) lights shall be shown at night-time in all cases when the use of such lights is compulsory and at the time as the passing lights if no part of the illuminating surface of the lamps of the passing lights is within 400 mm (16 in) of the extreme outer edges of the vehicle.

(e) Every motor vehicle and every trailer at the end of a motor vehicle or a trailer shall be equipped at the rear with at least one red light visible at night-time in clear weather at a distance of 150 m (500 feet) from the rear.



(f) The registration number displayed at the rear of a motor vehicle or a trailer shall be capable of illuminating at night-time in such a manner that it can be read in clear weather at a distance of 20 m (65 feet) from the rear of the vehicle.

(g) The rear light or lights and the light for the rear registration number shall be shown at the same time as any of the following position (side) lights, passing lights or driving lights.

(h) Every motor vehicle other than a motorcycle without a side-car shall be equipped with two red reflex reflectors, preferably of other than triangular form, fitted symmetrically at the rear and on opposite sides of the vehicles. The outer edge of each of these reflectors must be as near as possible to and in no case further than 400 mm (16 in.) from the outer edges of the vehicle. These reflectors may be incorporated in the rear red lamps of these lamps comply with the above requirements. These reflectors shall be visible at night-time in clear weather from a distance of at least 100 m (325 feet) when illuminated by means of two driving lights.

(i) Every motor vehicle without side-car shall be equipped with a red reflex reflector preferably of other than triangular form, fitted at the rear of the vehicle, either incorporated in, or separate from, the rear lamp and shall comply with the conditions of visibility mentioned under paragraph (h) of this Part.

(j) Every trailer and every articulated vehicle shall be equipped with two red reflex reflectors, preferably triangular in shape, fitted symmetrically at the rear and on opposite sides of the vehicle. These reflectors shall be visible at night-time in clear weather from a distance of at least 100 m (325 feet) when illuminated by means of two driving lights.

(k) With the exception of motorcycle, every motor vehicle and every trailer at the end of a combination of vehicles shall be equipped with at least one stop-light at the rear, showing a red or amber light. This light shall be actuated upon application of the service brake of the motor vehicle. If the stoplight is red in colour and is either incorporated in or associated with the rear red light, its intensity shall be greater than that of the rear light. The stoplight shall not be required on trailers and semi-trailers when their dimensions are such that the stoplight of the drawing vehicle remains visible from the rear.

(l) When a motor vehicle is equipped with direction indicators, such indicators shall be one of the following—

(i) a moveable arm protruding beyond each side of the vehicle and illuminated by a steady amber light when the arm is in a horizontal position;

(ii) a constantly blinking or flashing amber light affixed to each side of the vehicle; and

(iii) a constantly blinking or flashing light placed at each side of the front and rear of the vehicle. The colour of such lights shall be white or orange towards the front and red orange towards the rear.

(m) No lights, with the exception of direction indicators, shall be flashing or blinking lights.

(n) If a vehicle is equipped with several lights of the same kind, they shall be of the same colour and, except in the case of motorcycles with side-cars two of these lights shall be placed symmetrically to the longitudinal axis of the vehicle.

(o) Several lights may be incorporated by the same lighting device provided each of these lights complies with the appropriate provision of this Part.

(III) Other Conditions—

(a) Steering Apparatus: Every motor vehicle shall be equipped with at least steering apparatus which will allow the vehicle to be turned easily, quickly and with certainty. (b) Driving Mirror: Every motor vehicle shall be equipped with at least one driving mirror of adequate dimensions, so placed as to enable the driver to view from his seat the road to the rear of the vehicle. However, this provision shall not be compulsory for motorcycles with or without side-car. (c) Warning Devices: Every motor vehicle shall be equipped with at least one audible warning device of sufficient strength which shall not be a bell, gong, siren or other strident-toned device. (d) Windscreen Wiper: Every motor vehicle fitted with a wind screen shall have at least one efficient wind screen wiper functioning without requiring constant control by the driver. However, this provision shall not be compulsory for motorcycles with or without side-cars. (e) Windscreen: Windscreen shall be made of a stable substance, transparent and not likely to produce sharp splinters if broken. The objects seen through this substance shall not appear distorted. (f) Reversing Device: Every motor vehicle shall be equipped with a reversing device controlled from the driver's seat if the weight of the motor vehicle when empty exceeds 400 kilos (900 lb.). (g) Exhaust Silencer: Every motor vehicle shall have an exhaust silencer in constant operation to prevent excessive or unusual noise, the working of which cannot be interrupted by the driver while on the road. (h) Tyres: The wheels of motor vehicles and their trailers shall be fitted with pneumatic tyres, or with some other tyres of equivalent elasticity. (i) Device to prevent a vehicle from running down a gradient. When traveling in a mountainous region of a country where it is required by domestic regulations, any motor vehicle of which the permissible maximum weight exceeds 3,500 kilos (7,700 lbs.), shall carry a device such as a scotch or clod which can prevent the vehicle from running backwards or forwards.

(j) General provisions—

(i) in so far as possible the machinery or accessory equipment of any motor vehicle shall not entail a risk of fire or explosion, nor cause the emission of noxious gases or offensive odours or produce disturbing noises, nor be a source of danger in case of collision;

(ii) every motor vehicle shall be so constructed that the driver shall be able to see ahead, to the right and to the left, clearly enough to enable him to drive safely; and

(iii) The provisions relating to braking and lighting shall not apply to invalid carriages which comply with the domestic regulations in the country of registration as regards brakes.

Lights and reflectors. For the purpose of this paragraph "invalid carriage" shall mean a motor vehicle whose unladen weight does not exceed 300 kilos (700 lb.), whose speed does not exceed 30 km (19 miles) per hour, and which is specially designed and constructed (and not merely adapted) for the use of a person suffering from some physical defect or disability and it is normally used by such person.

(IV) Combination of vehicles—

(a) A "combination of vehicles" may be composed of a drawing vehicle and one or two trailers. An articulated vehicle may draw a trailer, but if such articulated vehicle is used for the carriage of passengers the trailer shall have not more than one axle and shall not carry passengers.

(b) Any contracting State may, however, indicate that it will only permit that one trailer be drawn by a vehicle and that it will not permit an articulated vehicle to draw a trailer. It may also indicate that it will not permit articulated vehicles for the transport of passengers.

For the purpose of this Schedule—

"articulated vehicle" means a motor vehicle with a trailer having no front axle and so attached that part of the trailer is superimposed upon the motor vehicle and a substantial part of the weight of the trailer and of its load is borne by the motor vehicle. Such a trailer shall be called a "semi-trailer".

#### FOURTH SCHEDULE

##### ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

##### DISTINCTIVE LETTERS FOR THE DIFFERENT STATES AND TERRITORIES

Distinctive letters for the different states and territories are as follows, as established by the Conventions of 1926 and 1949—

A AustriaCHSwitzerlandADNAden StateCIIvory CoastAL AlbaniaCLCeylonANDAndorraCNBNorth Borneo (now Sabah Malaysia)AusAustralia, Norfolk IslandCOColumbiaBBelgiumCRCosta RicaBDSBarbadosCS CzechoslovakiaBGBulgariaCYCyprusBHBritish HondurasDGermany (Federal Republic)BLLesothoDKDenmark, Faroe IslandsBPPBotswanaDOMDominican RepublicBRBrazilDYDahomeyBRGBritish Guiana (now Guyana)DZAlgeriaBRNBahrainESpain, Balearic Islands,

Canary Islands, Spanish Guinea,

Spanish SaharaBRUBruneiBSBahamasEAKKenyaBURBurmaEATTanganyika (Tanzania)CCubaEAUgandaCDNCanadaNZNew ZealandCGO Congo (Leopoldville)PPortugal, Azores EAZZanzibar (Tanzania)Cape Verde Islands ECEcuadorMadeira ETEgypt (United Arab Republic)Mozambique FFrance and French overseas DepartmentPortugal TimorFLLiechtensteinPortuguese WestGBGreat Britain and Northern IslandAfrica (Angola) GBAlderneySao JoaoGBGGuernsey Baptist de Agate GBJerseySao Tome and GBMIsle of ManPrincipe IslandsGBZGibraltarPAPanamaGCAGuatemalaPAKPakistanGHGhanaPEPeruGRGreece, Crete Dodecanese

IslandsPIPhillippine IslandHHungaryPLPolandHKHong KongPTMMalaya (Malaysia)IIItaly, Sardinia, SicilyPYParaguayILIsraelRRumanianINDIndiaRAArgentinaIRIranRCFormosa (Tai-Wan)IRLRepublic of IrelandRCACentral African RepublicIRQIraqRCBRepublic of the Congo (Brazaville)ISicelandRCHChileJAJamaica, Cayman Islands Turks and Caricos IslandsRHHaitiJORJordanRIMIslamic Republic of MauritaniaKCambodiaRLLebanonLLuxembourgRMMalagasy RepublicLAOLAosRMMMalilyLYLibyaRSMSan MarinoMMalta, GozoRSRSouthern RhodesiaMAMoroccoRUBurundiMCMonacoRWARepublic of Ruanda and Kingdom of BurundiMEXMexicoSSSwedenMSMauritiusSDSwazilandMWMalawiSFFinlandNNorwaySAPSingaporeNANetherlands AntillesSSerac (Malaysia)NICNicaraguaSAMESurinamNIGNigerSRepublic of SenegalNLNetherlands (Holland)SUnion of Soviet Socialist RepublicsUSAUnited States of AmericaSADSudanVVatican CitySAWSouth West AfricaVNViet NamSSeychellesWAGGambiaSIRSyriaWALSierra LeoneTThailand (Siam)WANNigeriaTTogWDDominica (Windward Island)TTunisiaWGGrenada (Windward Island)TTTurkeyTTTrinidad and TobagoUURugayWLSt. Lucia (Windward Islands)WSWestern SamoaWVSt. Vincent (Windward Islands)YVVenuelaYUYugoslaviaZZZambiaZARepublic of South Africa

#### FIFTH SCHEDULE

#### ROAD TRAFFIC ACT

#### ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

#### COUNTRIES WHICH RATIFIED OR ACCEDED TO THE 1949 CONVENTION

AlgeriaIvory CoastArgentinaJamaicaAustraliaJordanAustriaLaosBelgiumLebanonBotswanaLuxembourgBulgeriaMadagascarCambodiaMalawiCanadaMalaysiaCentral African RepublicMaliCeylonMaltaChileMonacoChinaMoroccoCongo (Democratic Republic of)NetherlandsCubaNew ZealandCyprusNigerNorwayCzechoslovakiaParaguayDahomeyPeruDenmarkPhilippinesDominican RepublicPolandEcuadorPortugalFinlandRepublic of Viet NamFranceRomaniaGhanaRuandaGreeceSan MarinoGuatemalaSenegalHaitiSierra LeoneHoly SeeSouth AfricaHungarySpainIndiaSwedenIrelandSwitzerlandIsraelSyriaItalyThailandTogTrinidad and TobagoTunisiaUgandaUnion of Soviet Socialist RepublicsUnited Arab RepublicUnited KingdomUnited States of AmericaVenezuelaYugoslavia

#### SIXTH SCHEDULE

#### ROAD TRAFFIC ACT r. 3

#### ROAD TRAFFIC (INTERNATIONAL CIRCULATION) REGULATIONS

K.t1.Issue of any international certificate60000

## ROAD TRAFFIC (PUBLIC SERVICE VEHICLES) (OPERATIONS) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

#### PART I

##### PRELIMINARY

1. Citation
2. Interpretation

#### PART II

##### OPERATION OF PUBLIC SERVICE VEHICLES

3. Trailers and passenger vehicles
4. Duties of driver or conductor
5. Interior of vehicle to be clean
6. Luggage
7. Tickets and fares
8. Unlawful behaviour by passengers
- 8A. Unauthorized person prohibited on a public service vehicle
- 8B. Touting prohibited
- 8C. Harassment prohibited
- 8D. Offence
9. Inflammable liquids in public service vehicle
10. Matters to be displayed or inscribed
11. Used of taxi meter
12. Driver's identification

- 12A. Crew to wear uniform
- 13. Lost property
- 14. Special destination indicators
- 15. Stopping
- 16. Stopping places
- 17. Overtaking
- 18. Smoking by driver or conductor
- 19. Bus to proceed direct to destination
- 20. Bus conductors
- 21. Taxi plying for hire
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## ROAD TRAFFIC (PUBLIC SERVICE VEHICLES) (OPERATIONS) REGULATIONS

under s. 181

G.N. 18/2000

40/2004

### PART I

#### PRELIMINARY

##### 1. Citation

These Regulations may be cited as the Road Traffic (Public Service Vehicles) (Operations) Regulations.

##### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“bus” means a motor vehicle designed or adapted for the conveyance of ten or more persons including the driver;

“contract car” means a public service vehicle having seating accommodation for not more than nine persons in addition to the driver which is let out on hire for a period which is not less than twenty-four hours to a hirer who drives the vehicle himself or who provides the driver;

“double deck bus” means a bus having two decks one of which is wholly or partly above the other and each deck of which is provided with a gangway serving seats on that deck alone;

“hire car” means a public service vehicle having seating accommodation for not more than nine persons in addition to the driver which is let out on hire with a driver under contract for a period which is not less than twenty-four hours for the carriage of passengers otherwise than at separate fares;

“public service vehicles” means any vehicle carrying passengers for hire or reward and includes—

- (a) a bus;
- (b) a contract car;
- (c) a hire car;
- (d) a taxi; and
- (e) a goods vehicle adapted for the carriage of passengers;

“single deck bus” means a bus upon which no part of a deck or gangway is vertically above another deck or gangway;

“specially adapted goods vehicle” means a goods vehicle authorized to carry passengers for hire or reward under a road service permit or short-term;

“taxi” means a public service vehicle having seating accommodation for not more than nine persons in addition to the driver which is let with a driver over a period less than twenty-four hours for the carriage of passengers otherwise than at separate fares.

## PART II

### OPERATION OF PUBLIC SERVICE VEHICLES

#### 3. Trailers and passengers vehicles

No person shall operate on a public road any public service vehicle while towing a trailer if passengers are actually being carried in such vehicle without the permission of the Director.

#### 4. Duties of driver or conductor

No conductor or, where there is no conductor, no driver of any public service vehicle shall—

(a) in the case of a bus, taxi or hire car, allow passengers to sit in or on any place other than upon the seats provided for the passengers or, in the case of a specially adapted goods vehicle, allow passengers to sit in or on any place other than upon any seats provided for, where no seats are provided, on the floor of the passenger section;

(b) except in the case of a bus where standing passengers are allowed, permit any passenger to stand in or on any public service vehicle when it is in motion;

(c) allow any luggage or any other article to be placed in or near an entrance or exit for passengers in such a position as to cause any obstruction or danger to persons entering or leaving the public service vehicle or, in the case of a double deck bus, on the stairs of such bus;

(d) allow the total height of any luggage or other loads placed on the roof of the vehicle to exceed a height equal to one fourth of the maximum overall height of the public service vehicle measured from the ground to the highest point of the roof:

Provided that in no case shall any portion of the luggage or other load be more than 3.8 metres off the ground; or

(e) in the case of a double deck bus allow any luggage or other loads to be placed on the roof of the bus; or

(f) fail to take all reasonable precautions to ensure the safety of passengers in or on entering or alighting from the public service vehicle; or



(g) willfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the public service vehicle or as to the fare for any journey.

5. Interior of vehicle to be clean

No person shall cause or permit a public service vehicle, if passengers are actually being carried in such vehicle, to be used on a public road when the interior of such vehicle is not in a clean and sanitary condition at all reasonable times.

6. Luggage

(1) A public service vehicle may carry luggage belonging to passengers:

Provided that only light hand luggage shall be carried inside the vehicle and that heavy or awkward luggage shall be carried in a separate luggage compartment or if an approved guard rail is provided on the vehicle roof.

(2) In a bus only light luggage and parcels may be carried in the passenger compartment.

(3) Nothing contained in this regulation shall be deemed to permit the carrying of any goods or luggage of any kind on the roof of a double deck bus.

7. Tickets and fares

(1) Any person authorized to receive fares from passengers or intending passengers in a bus or specially adapted goods vehicle shall forthwith issue to each passenger who has paid his fare a ticket showing the amount of such fare.

(2) No passenger in a bus or specially adapted goods vehicle shall—

(a) immediately upon demand, fail to declare the journey he intends to take or has taken and to pay the fare for the whole of such journey or produce a valid ticket for the same;

(b) leave or attempt to leave a bus or specially adapted goods vehicle without paying the fare for any journey that he has made in such bus or specially adapted goods vehicle and with the intent to avoid payment thereof;

(c) fail to produce his ticket on demand by a police officer or by conductor, driver or other duly authorized agent of the owner of the bus or specially adapted goods vehicle;

(d) use any ticket which has been altered or defaced with intent to avoid payment of the fare;

(e) use or attempt to use any ticket which has been issued to another person if such ticket bears thereon an indication that it is not transferable; or

(f) refuse upon request to leave the bus or specially adapted goods vehicle upon completion of the journey the fare for which he has paid.

(3) Subregulation (2) (b) shall apply mutatis mutandis to passengers in taxi and in hire cars.

8. Unlawful behaviour by passengers

(1) No person while travelling in or upon a public service vehicle shall—

- (a) spit in or upon or from the vehicle or any part thereof;
- (b) use obscene, indecent, offensive or quarrelsome language or gestures;
- (c) behave in an obscene, indecent, offensive or quarrelsome manner;
- (d) willfully interfere in any way with the comfort of any passenger;
- (e) willfully obstruct or impede the driver or conductor in the exercise of his duties;
- (f) willfully damage any public service vehicle;

(g) enter or remain in or on a public service vehicle when requested not to do so by a driver or conductor on the ground that the public service vehicle is carrying its full complement of passengers or that the operator is debarred from picking up passengers at the place in question by reason of the terms of the conditions attached to his road service permit or short-term road service permit;

(h) where seats are provided for passengers, sit in any place in or on any public service vehicle other than upon the seats so provided;

(i) except in buses where standing passengers are allowed, stand in or on a public service vehicle when it is in motion; or

(j) place any luggage or any other article in or near an entrance or exit for passengers in such a position as to cause any obstruction or danger to persons entering or leaving the public service vehicle, or in the case of a double deck bus, on the stairs of such bus.

(2) No person in a state of intoxication shall enter or remain in or on any bus or specially adapted goods vehicle and no driver or conductor of any bus or specially adapted goods vehicle shall willfully allow any such person to enter or remain in or on any bus or specially adapted goods vehicle on which he is on duty as the driver or conductor.

8A. Unauthorized person prohibited on a public service vehicle

Any person who is not a member of the crew or a passenger shall not get onto or into a public service vehicle. G.N. 40/2004

8B. Touting prohibited

No owner, member of the crew or any person acting on behalf of the owner, member of the crew or on his own behalf on a public service vehicle shall make any noise or sound by any instrument in order to attract the attention of the public or of a possible passenger, or by troublesome or frequent demands, or by persistent following, hold out the vehicle for hire to the public, or attempt to induce any person to become a passenger therein. G.N. 40/2004

8C. Harassment prohibited

No person shall harass a passenger or a member of the crew of a public service vehicle. G.N. 40/2004

8D. Offence

Any person who contravenes any of these regulations commits an offence. G.N. 40/2004

9. Inflammable liquids in public service vehicle

No person shall cause or permit a public service vehicle while passengers are actually being carried to be used on a public road while such vehicle is carrying any inflammable or explosive substance:

Provided that nothing in this Regulation shall prohibit the carriage of petrol or other inflammable liquid—

(a) in the fuel tank of such vehicle; or

(b) as a reserve supply of fuel for the vehicle in a container or containers properly constructed to prevent leakage in such a position on the vehicle and not exceeding such amount as may be approved by a motor vehicle examiner.

10. Matters to be displayed or inscribed

(1) No person shall cause or permit a taxi to be used on a road to be displayed unless there is displayed in a conspicuous place in such taxi only the following and nothing else, that is to say—

(a) a notice showing the fares authorized to be charged for conveyance in such taxi;

(b) a list of extra payments in respect of additional passengers, luggage, waiting time, etc.;  
and

(c) the public service vehicle driving licence and identity card of the driver.

(2) No person shall cause or permit a bus to be used on a road unless the conductor or where there is no conductor the driver has available both a time-table and fare-table for the route on which such bus is operating. Such time-table and fare-table shall be produced on request to any person reasonably requiring to examine such time-table or fare-table. For the purposes of this subregulation a

person reasonably requiring such time-table or fare-table shall be deemed to include a passenger or an intending passenger in a bus.

11. Use of taxi meter

(1) A taxi meter shall be used on any journey within a radius of 16 kilometres of the taxi ranks at the markets in Blantyre, Lilongwe, Limbe, Mzuzu and Zomba.

(2) Where a taxi meter is required, no person who conveys any passenger in a taxi shall—

- (a) fail to operate the taxi meter; or
- (b) charge a fare other than that indicated by the taxi meter:

Provided that this provision shall not apply to journeys for which the charging of an agreed fare is authorized by the Director.

(3) No person who conveys any passenger in a taxi shall—

- (a) with intent to deceive travel by a devious route; and
- (b) make any journey in such taxi by other than the shortest and most direct route except where otherwise specifically requested to do so by the passenger.

12. Driver's identification

(1) The identity card to be displayed while on duty by the driver of a taxi in accordance with regulation 10 (1) (c) shall be enclosed in a container of clear plastic or other similar material and shall bear the words, "Malawi PSV Driver Identity Card", a distinguishing number and a photograph of the person to whom it was issued.

(2) In the case of an identity card the person applying for such identity card shall provide two photographs not less than 50 millimetres by 50 millimetres and not more than 60 millimetres by 60 millimetres.

(3) In the case of the loss or destruction of an identity card a new identity card shall be issued by the Director upon payment of the prescribed fee.

(4) An identity card shall remain the property of the Government of Malawi and shall be returned to the Director when the person to whom it was issued has ceased to be licensed to drive a public service vehicle:

Provided that where the driving licence of any person to whom an identity card has been issued is revoked or suspended, that person shall surrender his identity card to the person suspending or revoking the licence.

(5) No driver of a taxi who when on duty shall fail to display his identity card in a conspicuous position so that the distinguishing number and photograph are clearly legible.

12A. Crew to wear uniform

(1) Every member of the crew of a public service vehicle shall wear a uniform at all times the member is on duty. G.N. 40/2004

(2) The Director shall determine the type of uniforms for different categories of public service vehicles.

(3) Every member of the crew shall wear an identity card on his uniform, bearing his photograph and names, on a place that the identity card is clearly visible and can be easily read.

(4) For the purposes of these Regulations “member of the crew” includes the driver, conductor, inspector and “katundu boy”.

(5) Any person who contravenes this regulation commits an offence.

13. Lost property

(1) The conductor or driver of a public service vehicle shall, after the completion of the journey, carefully search for any property left by passengers in the vehicle and shall, without undue delay, take any property found, if not claimed by the owner, to the nearest police station:

Provided that where ten or more public service vehicles are owned or operated within the same region by one person, that person shall establish in that region a “lost property office”, and any property found in any public service vehicle owned or operated in that region by that person shall be taken to the lost property office for that region.

(2) Any property deposited in a police station under this regulation shall be dealt with by the police in accordance with the Police Act.

(3) Any property deposited in a lost property office under this regulation shall be held in that office for a period of not less than one month, and, if claimed, shall be delivered to the owner. If at the end of one month the property has not been so claimed and delivered, it shall be sold by public auction in accordance with the directions of the Director, and the net proceeds, after deducting all expenses, including such reward for the finder as the Director may think fit, shall be paid into the Consolidated Fund.

14. Special destination indicators

Every bus shall while being used on a road under charter carry a board marked “SPECIAL” fixed above each of the destination indicators referred to in regulation 124 of the Road Traffic (Construction, Equipment and Use) Regulations, and the letters and background of any such board shall be of the same nature and colours and dimensions as those of the said destination indications.

15. Stopping

A bus shall be stopped to take up or set down passengers as near to the left or near side of the public road as possible.

16. Stopping places

(1) Where in the area of any local authority notices are exhibited by the Director indicating stopping places for buses, a bus shall not be stopped for the purpose of taking up or setting down passengers except at a place so indicated.

(2) Where no such stopping places have been indicated the driver shall at the request of any passenger immediately stop the bus in order to enable such passenger to alight.

17. Overtaking

A bus shall not be driven alongside of or overlapping or so as to overtake another bus proceeding in the same direction unless such other bus is stationary or has signalled the overtaking bus to pass.

18. Smoking by driver or conductor

The driver or conductor of a bus, a specially adapted goods vehicle or a taxi shall not smoke while the vehicle is in motion.

19. Bus to proceed direct to destination

Every person driving a bus on a public road shall after quitting any stand or garage with passengers proceed direct to the place or places included in the route for such bus and shall not delay in so doing and shall not return to the place of departure after leaving it except on the return journey or where necessary to complete the original journey.

20. Bus conductors

A conductor on duty on a bus shall have the word "Conductor" legibly marked on some conspicuous part of his clothing or shall wear in a conspicuous position a badge having the word "Conductor" legibly marked thereon.

21. Taxi plying for hire

No driver of a taxi shall ply or stand for hire on a public road except—

(a) when the taxi is on a public stand approved by the Director;

(b) if hailed by an intending passenger while proceeding after the conclusion of a hiring to a public stand or to the place where the taxi is kept; or

(c) if hailed by an intending passenger while proceeding to or from a public stand from or to the place where the taxi is kept.

## 22. Taxis on public stands

(1) The driver of each of the first two taxis on a public stand must stay beside his taxi and must be ready to be hired at once by any person.

(2) All taxis on the stand must move up as vacancies occur.

(3) In the cases where the taxis stand side by side subregulation (1) shall be deemed to apply to the two taxis on the right of the line.

(4) If a person wishes to engage a taxi of a particular seating capacity and if such taxi is not the first one on the stand but such a taxi is behind other taxis of less capacity the driver of the first taxi of the required seating capacity on the stand shall accept the hire and it shall be unlawful for any other driver to do so.

## 23. Stopping

The driver of a taxi while hired shall unless requested by the hirer stop his taxi for a longer time than is reasonably necessary and if he is not engaged for hire he shall not stop his taxi except on a public stand.

## 24. Refusing hire, etc.

The driver of a taxi shall not without reasonable excuse—

(a) refuse to be hired when the taxi is standing on a public stand;

(b) refuse or neglect to drive the taxi to any accessible place indicated by the hirer:

Provided that the whole journey out and return does not exceed fifty kilometres;

(c) refuse or neglect to carry such number of passengers not exceeding the number specified in the road service permit in respect of such taxi as he may be required to carry by the hirer; or

(d) refuse or neglect to accept with the hirer a reasonable amount of luggage.

## 25. Use of abusive language

The driver of a taxi shall not make use of any abusive or insulting language or be guilty of other rude behaviour to or towards any person whatsoever.

## 26. Persons to be seated

Every person when travelling on a goods vehicle shall be in a sitting position while the vehicle is in motion.

### PART III

#### MISCELLANEOUS

##### 27. Power of exemption

The Director may if he thinks fit and subject to such conditions as he may deem expedient exempt the owner of any public service vehicle from complying with all or any of the provisions of these Regulations and may where he thinks necessary direct that the exemption order be carried on the vehicle concerned.

##### 28. Appeal to the Minister

Any person aggrieved by a decision of the Director may appeal to the Minister in accordance with the Road Traffic (Appeals) Regulations.

##### 29. Offence and penalty

Any person guilty of an offence against these Regulations for which no special penalty is provided by these Regulations shall be liable in the case of a first offence to a fine of K3,000 and in the case of a second or subsequent offence to a fine of K 10,000 or to imprisonment for three years.

##### 30. Application

These Regulations shall not apply to or in respect of any contract car.

##### 31. Allocation of routes

(1) The Director shall allocate routes to public service vehicles depending on the— G.N. 40/2004

- (a) nature of service the public service vehicle is engaged in; or
- (b) category of the public service vehicle.

(2) Any person who operates a public service vehicle on a route other than the one allocated by the Director for that particular public service vehicle commits an offence.

##### 32. Restriction of movement of some public service vehicles

(1) A public service vehicle which has less than four tyres at the rear shall only operate within the radius of 50 km. G.N. 40/2004

(2) Any person who operates or drives a public service vehicle which has less than four tyres at the rear beyond the 50 km radius commits an offence.



### 33. Use of log book

(1) Every owner of a public service vehicle shall have a log book for each public service vehicle which shall be kept in the public service vehicle at all times. G.N. 40/2004

(2) A driver of every public service vehicle shall record all the details of every trip that driver is undertaking including-

- (a) the origin of the trip and destination;
- (b) number of passengers in the public service vehicle at the point of origin;
- (c) the time of departure; and
- (d) the expected time of arrival at the destination.

(3) The driver shall, on demand, produce the log book to enforcement officers for inspection.

(4) Any person who contravenes this regulation commits an offence.

## ROAD TRAFFIC (INSURANCE) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

### PART I

#### PRELIMINARY

- 1. Citation
- 2. Interpretation
- 3. Approved Insurers

### PART II

#### CERTIFICATES OF INSURANCE

- 4. Number of certificates of insurance
- 5. Additional certificates of insurance
- 6. Particulars of certificates of insurance

7. Certificates of insurance to be in English and without advertisements
8. Records to be kept by insurers of certificates of insurance
9. Insurers to furnish particulars
10. Policy to be returned to insurer in certain circumstances
11. Replacement certificates
12. Insurer may demand proof before issuance of replacement certificate

### PART III

#### VISITORS

13. Interpretation
14. Visitors' certificates of insurance
15. Foreign insurers

### PART IV

#### MISCELLANEOUS

16. Failure to produce certificate of insurance
17. Possession of unlawful certificate of insurance
18. Hospital expenses
19. Maximum limits of liability for third party insurance cover
20. Offence and penalty

#### Schedule

### ROAD TRAFFIC (INSURANCE) REGULATIONS

under s. 181

G.N. 19/2000

G.N. 26-27/2003

## PART I

### PRELIMINARY

#### 1. Citation

These Regulations may be cited as the Road Traffic (Insurance) Regulations.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“certificate of insurance” means a certificate issued by an insurer in accordance with these Regulations;

“visitor to Malawi” means any person not ordinarily resident in Malawi but who is in Malawi for a period not exceeding two months.

#### 3. Approved insurers

Subject to regulation 15, every insurance company which is from time to time registered under the Insurance Act for the transaction of non-life insurance business in Malawi, shall be an insurance company approved by the Minister for the issue of policies of insurance for the purposes of Part XIV of the Act. Cap. 47:01

## PART II

### CERTIFICATES OF INSURANCE

#### 4. Number of certificates of insurance

Where a policy of insurance does not relate to any specified vehicle or vehicles, the insurer shall cause such number of certificates of insurance to be issued as may be necessary to comply with the requirements of the Act.

#### 5. Additional certificates of insurance

Where the terms of a policy of insurance provide that the insured may drive any vehicle other than that specified therein, the insurer may, and shall on request by the insured, issue to such insured a further certificate of insurance.

#### 6. Particulars of certificates of insurance

Every certificate of insurance shall be signed by or on behalf of the insurer by whom it is issued, and such certificate shall not come into operation on a date earlier than the date on which it is issued:

Provided that a replacement certificate of insurance may be issued in a retrospective manner, and shall be clearly marked with the word "REPLACEMENT".

7. Certificate of insurance to be in English and without advertisement

Every certificate of insurance shall be printed in English in a legible manner and shall be completed with black ink, and such certificate shall not contain any advertising matter either on the face or on the back thereof, so, however, that the name and the address of an insurer by whom a certificate of insurance is issued, or a reproduction of his seal, monogram or similar device, or the name and address of an insurance broker, shall not be deemed to be advertising matter for the purposes of these Regulations if it be printed or stamped at the foot or on the back of such certificate of insurance.

8. Records to be kept by insurers of certificates of insurance

An insurer shall keep a record of the particulars of every certificate of insurance issued pursuant to a policy of insurance, and such record shall contain the following—

- (a) the full name and address of the person to whom the insurance policy is issued;
- (b) in the case of a policy relating to specified vehicles, the registration marks of such vehicles;
- (c) the date on which the policy of insurance comes into force and the date on which it expires; and
- (d) the conditions subject to which the person or class of persons specified in the policy of insurance shall be indemnified,

the record of every certificate shall be kept for a period of one year from the date of expiry of the certificate of insurance.

9. Insurers to furnish particulars

An insurer shall furnish without charge any particulars of certificates of insurance which the Commissioner may request in writing.

10. Policy to be returned to insurer in certain circumstances

Where a policy of insurance is issued to any person and the said policy is transferred or suspended or ceases to be effective otherwise than by effluxion of time at the instance of such person, he shall cause the relative certificate to be returned to the insurer forthwith. The return of the aforesaid certificate shall be a condition precedent to the issue of a new policy to the person requesting the transfer or suspension or cancellation of the policy of insurance, except where the insurer is satisfied beyond reasonable doubt that the certificate of insurance has been lost or inadvertently destroyed.

11. Replacement certificates

Where an insurer by whom a certificate of insurance has been issued is satisfied beyond reasonable doubt that the certificate has become defaced or has been lost or inadvertently destroyed he shall, on request by the insured, issue a replacement certificate:

Provided that where the certificate is defaced a replacement certificate shall not be issued unless the defaced certificate is returned to the insurer.

12. Insurer may demand proof before issuance of replacement certificate

An insurer shall be entitled to request and receive a declaration on oath before he is satisfied beyond reasonable doubt that a certificate of insurance has been lost or inadvertently destroyed.

PART III

VISITORS

13. Interpretation

In this Part of these Regulations—

“motor vehicle” means a motor vehicle brought into Malawi by a visitor.

14. Visitors’ certificates of insurance

(1) A visitor who is the holder of a policy of insurance or a security issued in any place outside Malawi in respect of third party risks arising out of the use by him, his servants or agents of a motor vehicle must, upon entering Malawi, present to a Police Officer at a Police Station at or near the frontier either—

- (a) a certificate in English to the effect that such policy or security is valid in Malawi; or
- (b) a certificate which has been issued by an insurer approved by the Minister.

(2) Upon being presented with the certificate referred to above the Police Officer shall satisfy himself that it is in order and that it is issued by an insurer approved by the Minister and, in the case of a certificate referred to in subregulation (1) (a), the Police Officer shall stamp the certificate as complying with the requirements of the Act.

(3) The vehicle of a visitor who is without a certificate or whose certificate is not valid will not be allowed to pass the first Police Post after the Malawi frontier unless the visitor takes out an insurance against third party risks with an insurer approved by the Minister.

15. Foreign insurers

(1) The Minister, having made such enquiries as he deems appropriate as to their standing, may by notice published in the Gazette signify his approval of such foreign insurers as may be named therein as insurers whose declaration may be accepted in Malawi.

(2) The Minister may from time to time by notice published in the Gazette make deletions from or additions and amendments to any list of insurers previously published under this regulation.

#### PART IV

#### MISCELLANEOUS

##### 16. Failure to produce certificate of insurance

No person operating a motor vehicle on a public road shall fail to produce a certificate of insurance when required for inspection by a Police Officer or by any person authorized to inspect certificates of insurance by the Director in accordance with section 151 (3) of the Act.

##### 17. Possession of unlawful certificate of insurance

(1) No person shall exhibit any certificate of insurance which is defaced, mutilated or rendered illegible.

(2) No person shall knowingly retain or have in his possession both an original and a replacement certificate of insurance.

(3) No person shall attempt to or alter, amend, deface, mutilate or render illegible any certificate of insurance or certificate of foreign insurance:

Provided that this regulation shall not apply to an insurer who may cancel a certificate of insurance.

##### 18. Hospital expenses

The maximum amount of payment made by the insurer as required under section 150 of the Act shall be specified in the hospital bill.

##### 19. Maximum limits of liability for third party insurance cover

(1) The maximum limits of liability required in respect of third party insurance cover shall be as set out in the Schedule. G.N. 26-27/ 2003

(2) The Minister may, by notice published in the Gazette, amend the Schedule.

##### 20. Offences and penalty

(1) Any person who contravenes or fails to comply with any provision of these Regulations commits an offence.

(2) Any person guilty of an offence under these Regulations shall be liable—

- (a) in the case of a first offender, to a fine of K2,000 or to imprisonment for one year; and
- (b) in the case of a second offender, to a fine of K5,000 or to imprisonment for three years.

SCHEDULE reg. 19, G.N. 19/2000, 26–27/2003

Maximum limits of liability for third party insurance cover shall be as follows—

K t(a)in respect of death or bodily injury for any one claim or a series of claims arising out of one event	.....5,000,000000
(b)in respect of damage to property for any one claim or series of claims arising out of one event	.....250,00000

## ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

#### PART I

##### PRELIMINALRY

- 1. Citation
- 2. Interpretation

#### PART II

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- 3. Forms
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7. Defective vision disqualifying a person from obtaining or holding a driver's licence
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#### PART IV

##### PROFESSIONAL DRIVING PERMIT

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## First Schedule

### ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

under s. 181

G.N. 20/2000

17/2006

## PART I

## PRELIMINARY

### 1. Citation

These Regulations may be cited as the Road Traffic (Driving Licences) Regulations.

### 2. Interpretation

For the purposes of these Regulations, unless the context otherwise requires—

“acceptable identification” means—

- (a) a Malawi driver’s licence or passport;
- (b) in the case of a person not permanently resident in Malawi, an identity document issued by a foreign country; or
- (c) in the case of a person or body carrying on a business, a certified copy of the business licence;

“approved” means approved by the Director;

“Convention” means the International Convention relative to Motor Traffic (Paris, 1926), the United Nations Convention on Road Traffic (Geneva, 1949) or the United Nations Convention on Road Traffic (Vienna, 1968), and any subsequent related convention ratified by Malawi, whichever convention is applicable to Malawi, and any amendment thereof;

“corrective lenses” means eye glasses or contact lenses;

“farm tractor” means a tractor of the type commonly used for agricultural purposes;

“goods vehicle” means a motor vehicle other than a motorcycle, motor tricycle, motor quadrucycle; motor car or bus designed or adapted for the conveyance of goods on a public road and includes a trucktractor, adaptor dolly, converter dolly and breakdown vehicle;

“international driving permit” means an international driving permit issued in terms of a Convention or recognized thereunder;

“professional driving permit” means a professional driving permit referred to in regulation 24;

## PART II

## FORMS

### 3. Forms

The forms set forth in the First Schedule are hereby prescribed as the forms to be used in all cases to which they are respectively applicable for the purposes of the Act.

4. Particulars in application, etc.

The particulars to be entered on or contained in any application, learner's licence, driver's licence, professional driving permit and any other licences and certificates to which these Regulations apply shall, unless otherwise set forth in these Regulations, be such as are necessary from the respective form of such application, learner's licence, driver's licence and other licences and certificates as approved by the Minister.

PART III

LICENSING

5. Categories of learner's and driver's licences and authority conveyed by such licences

(1) The categories of learner's and driver's licences and, the classes of motor vehicles pertaining to each category of learner's or driver's licence shall be as follows— G.N. 17/2006

(a) Category A1: a motorcycle which has an engine with a cylinder capacity not exceeding 125 cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of "motor vehicle" contained in section 2 of the Act;

(b) Category A: a motorcycle which has an engine with a cylinder capacity exceeding 125 cubic centimetres or a motor tricycle or motor quadrucycle with a tare not exceeding 550 kilograms:

Provided that the tare of electrically propelled motor tricycles or motor quadrucycles shall not include the battery mass;

(c) Category B includes—

(i) a motor vehicle with a gross vehicle mass not exceeding 3,500 kilograms and having not more than sixteen seats in addition to the driver's seat, such motor vehicle may be combined with a trailer having a gross vehicle mass which does not exceed 750 kilograms;

(ii) any combination of a drawing vehicle referred to in paragraph (c) (i) and a trailer where the gross combination mass of the combination does not exceed 3,500 kilograms and the gross vehicle mass of the trailer does not exceed the tare of the drawing vehicle;

(iii) a farm tractor;

(d) Category BE: any combination of vehicles consisting of a drawing vehicle in Category B and a trailer, where the combination does not come within Category B;

(e) Category C includes—

(i) a motor vehicle whose gross vehicle mass is over 3,500 kilograms, a motor vehicle in this category may be combined with a trailer having a gross vehicle mass which does not exceed 750 kilograms;

(ii) a motor vehicle used for the carriage of persons and having more than twenty-six seats in addition to the driver's seat, a motor vehicle in this category may be combined with a trailer having a gross vehicle mass which does not exceed 750 kilograms;

(f) Category CE: a combination of vehicles where the drawing vehicle is in Category C and its trailer has a gross vehicle mass of over 750 kilograms.

(g) Category CI includes—

(i) a motor vehicle whose gross vehicle mass is over 3,500 kilograms but not more than 16,000 kilograms, a motor vehicle in this category may be combined with a trailer having a gross vehicle mass which does exceed 750 kilograms; and

(ii) a motor vehicle used for the carriage of persons and having not more than twenty-six seats in addition to the driver's seat, a motor vehicle in this category may be combined with a trailer having a gross vehicle mass which does not exceed 750 kilograms;

(h) Category CIE: any combination of vehicles where the drawing vehicle is in category CI and its trailer has a gross vehicle mass of over 750 kilograms:

Provided that the gross combination mass of the combination thus formed does not exceed 20,000 kilograms, and that the gross vehicle mass of the trailer does not exceed the tare of the tractor vehicle;

(i) Category DI: a motor vehicle used for the carriage of persons and which has more than eight (8) seats but not more than thirty-two (32) seats in addition to the driver's seat, a motor vehicle in this category may be combined with a trailer which has a gross vehicle mass which does not exceed 750 kilograms;

(j) Category D: a motor vehicle used for the carriage of persons and which has more than eight (8) seats in addition to the driver's seat, a vehicle in this category may be combined with a trailer which has a gross vehicle mass which does not exceed 750 kilograms;

(k) Category DIE: a motor vehicle in Category DI combined with a trailer which has a gross vehicle mass not exceeding 750 kilograms:

Provided that the gross combination mass thus formed does not exceed 3,000 kilograms, and that the gross vehicle mass of the trailer does not exceed the unloaded mass of the tractor vehicle and the trailer shall not be used for the transport of persons;

(l) Category DE: a combination of motor vehicles consisting of a tractor vehicle in category D and its trailer has a gross vehicle mass which does not exceed 750 kilograms;

(m) Category T: construction or agricultural vehicles; and

(n) Category TI: tractor.

(2) A licence as contemplated in subregulation (1) shall authorize the holder thereof to drive the class of motor vehicle in respect of which it is issued and—

(a) a category A licence shall authorize the driving of a motor vehicle for which a category A1 licence is required;

(b) a category BE licence shall authorize the driving of a motor vehicle for which a category B licence is required;

(c) a category CI licence shall authorize the driving of a motor vehicle for which a category B licence is required;

(d) a category CIE licence shall authorize the driving of a motor vehicle for which a category CI, BE and B licence is required;

(e) a category C licence shall authorize the driving of a motor vehicle for which a category CI and B licence is required; and

(f) a category CE licence shall authorize the driving of a motor vehicle for which a category C, CIE, CI, BE and B licence is required;

(3) The authority to drive a motor vehicle conveyed by a learner's licence shall be subject to the following conditions—

(a) the holder of a learner's licence shall, except where such licence relates to a motorcycle, when driving a motor vehicle, be accompanied in that vehicle by, and under the direct personal supervision of a person seated next to him or immediately behind him, where such person cannot be seated next to him, and who is in possession of a licence, other than a learner's or similar licence, authorizing him to drive that class of motor vehicle;

(b) any person driving a motor vehicle under the authority of a learner's licence shall cause to be clearly displayed in a conspicuous position on the front and rear elevations of such motor vehicle a plate showing the letter "L" in red on a white background and complying with the requirements set forth in paragraph (c). If a trailer is being drawn the rear "L" plate shall be displayed on the rear elevation of the trailer;

(c) the dimensions of the plate bearing the letter "L" shall be at least 150 millimetres by 150 millimetres and the letter "L" shall be of the following dimensions—

Length of perpendicular side: 100 millimetres; Length of horizontal side: 90 millimetres; Width of each side: 40 millimetres;

(d) a learner's licence, in respect of a motorcycle, shall not authorize the holder thereof to drive such motorcycle on a public road while carrying another person; and

(e) a learner's licence shall not authorize the driving of a motor vehicle while carrying persons for reward, other than a person accompanying the holder of a learner's licence in terms of paragraph (a).

(4) No person shall drive a motor vehicle, teach for gain the driving of motor vehicles or accompany a holder of a learner's licence on a public road except under the authority and in accordance with the conditions of a driver's licence issued to him under this Part or of any document deemed to be a licence for the purposes of this Part and unless he keeps such driver's licence or document or any other prescribed authorization with him in the vehicle.

(5) No person who is the holder of a learner's or driver's licence shall allow such licence to be used by any other person.

6. Period of validity of learner's or driver's licence

(1) The period of validity of a learner's licence or deemed to be issued in terms of section 23 of the Act shall be six months from the date of issue thereof.

(2) The period of validity of a driver's licence issued or deemed to be issued in terms of section 24 of the Act shall be five years:

Provided that—

(a) in the case of a person who has attained the age of sixty years this regulation shall have effect as if the period mentioned herein were a period not exceeding such number of years as will elapse before the end of the year in which that person will attain the age of sixty-five years; or

(b) in the case of a person who has attained the age of sixty-five years the period of validity of any driver's licence issued or deemed to be issued shall be one year,

unless such licence has been suspended or cancelled under the Act.

(3) Notwithstanding anything contained in subregulations (1) and (2), any learner's licence or driver's licence issued under the Act now repealed shall remain valid until the expiry date indicated on such learner's or driver's licence unless such licence has been suspended or cancelled under the Act.

7. Defective vision disqualifying a person from obtaining or holding a driver's licence

(1) A person shall be disqualified from obtaining or holding a learner's or driver's licence unless— G.N. 17/2006

(a) in the case of learner's or driver's licence of the categories A1, A, B and BE such person has—

(i) according to the Snellen Rating a minimum visual acuity, with or without corrective lenses, of 6/12 for each eye or, where the visual acuity of one eye is less than 6/12 or where

one eye of the person concerned is blind or not used as in the case of diplopia, a minimum visual acuity for the other eye of 6/9; and

(ii) a minimum visual field, in the case of a person with two eyes, of 30 degrees nasal and 55 degrees temporal in respect of each eye and, in the case of a person with one eye, of 50 degrees nasal and 70 degrees temporal, with or without corrective lenses; or

(b) in the case of a learner's or driver's licence of the categories CI, CIE, C and EC such person has—

(i) a normal binocular field of vision and according to the Snellen Rating a minimum visual acuity, with or without corrective lenses, of at least 6/8 in the better eye and at least 6/12 in the worst eye; and

(ii) a minimum visual field of 50 degrees nasal and 70 degrees temporal in respect of each eye with or without corrective lenses.

(2) A person who is disqualified under subregulation (1) shall be referred to a registered optometrist or ophthalmologist, who shall, at such person's expense, test such person's eyes in relation to the standards contemplated in subregulation (1) and the results of such test shall be accepted by the Director.

(3) Applicants requiring corrective lenses to pass the vision test, shall be restricted from driving a motor vehicle when not wearing such corrective lenses.

(4) Applicants that require glasses with telescopic lenses to pass the vision test shall not be issued a learner's or driver's licence.

(5) No person shall, when applying for a learner's or driver's licence, willfully fail to disclose any disqualification under section 21 of the Act.

(6) Any person who—

(a) is the holder of a licence authorizing the driving of a motor vehicle in terms of this Part; and

(b) becomes aware thereof that he is disqualified from holding such licence,

shall, within a period of seven days after having so become aware of the disqualification, submit the licence to the Director.

#### 8. Application for learner's licence

An application under section 23 (1) of the Act shall be made on Form DL 1 in the First Schedule and shall be accompanied— G.N. 17/2006

(a) by two identical black and white or colour photographs of the applicant which shall—

- (i) have been recently taken;
- (ii) be clear cut and without shadows;
- (iii) be of a size not more than 65 millimetres in height by 50 millimetres in width and not less than 50 millimetres in height by 35 millimetres in width;
- (iv) depict only the head and shoulders of the applicant; and
- (v) show the applicant's full face without headgear;
- (b) by acceptable identification;
- (c) by a certificate issued in the name of the applicant indicating successful completion of an approved basic first aid course;
- (d) in the case of an applicant who is applying for a category CI or C learner's licence, a valid category B driver's licence;
- (e) in the case of an applicant who is applying for a category BE, CIE or CE learner's licence, a valid category B, CI or C driver's licence as the case may be;
- (f) in the case of an applicant who—
  - (i) is applying for a category C or CI learner's licence;
  - (ii) is 65 years of age or older; or
  - (iii) is so required by the Director,

a medical certificate in Form DL 3 in the First Schedule signed and dated by a medical practitioner within 30 days preceding the date of application for a learner's licence, certifying that the applicant is not disqualified in terms of section 21 (f) or (g) of the Act from obtaining a learner's or driver's licence; and

- (g) a receipt for the payment of the appropriate learner's licence fee and knowledge test fee.

#### 9. Examination of an applicant learner's licence

(1) An applicant for a learner's licence shall be examined and tested by an examiner. G.N. 17/2006

(2) The examiner shall satisfy himself that the applicant—

- (a) knows and understands—
  - (i) the rules of the road;
  - (ii) the road traffic signs; and



- (iii) the controls of a motor vehicle of the class to which the application relates;
- (b) is not disqualified under section 21 of the Act or regulation 7, before issuing a learner's licence; and
- (c) if applying for a category BE, CIE or CE learner's licence is the holder of a valid category B, CI, C, DI, D or DE driver's licence as the case may be.

(3) The procedure to be followed by the examiner in complying with subregulation (2) shall include the satisfactory completion by the applicant of a knowledge test in either written or oral form.

(4) For the purposes of subregulation (3), the words "satisfactory completion" mean correctly answering eighty-five per cent or more of the questions contained in the knowledge test.

(5) An examiner shall issue to every applicant for a learner's licence who has passed the examination and successfully completed the knowledge test, a pass certificate giving the results thereof and such applicant shall sign or affix his thumb print on the pass certificate in the presence of the examiner.

(6) For every applicant who is issued a pass certificate, the examiner shall on the reverse side of one of the two required photographs sign and date such photograph with an endorsement that it represents a true likeness of the applicant.

#### 10. Issue of learner's licence

(1) A learner's licence shall be issued in such form as approved by the Minister, and upon presentation of the duplicate copy of the pass certificate and two photographs one of which is endorsed as referred to in regulation 9(6), the examiner or a person authorized thereto shall—

- (a) complete the learner's licence including any restrictions on the driver relative to corrective lenses and artificial limbs;
- (b) ensure that the applicant signs the learner's licence;
- (c) issue the learner's licence; and
- (d) record the particulars pertaining to the holder of such learner's licence in the register of learner's licences.

(2) The Director shall not issue more than two learner's licence in respect of any one category referred to in regulation 5(1) to any applicant within a consecutive twenty-four-month period commencing from the date of issue of the first such learner's licence.

#### 11. Manners of application for a driver's licence

(1) An application under section 24 (1) (i) of the Act, shall be made on Form DL 1 in the First Schedule of driving licences and shall be accompanied by—

- (a) acceptable identification of the applicant;
- (b) every licence which authorizes the applicant to drive a motor vehicle;
- (c) two photographs of the applicant, referred to in regulation 8 (a); and
- (d) a receipt for the payment of the appropriate driver's licence testing fee.

(2) If the applicant, on the day determined under section 24 (3) of the Act, is not examined and tested for any reason whatsoever, and is unable to satisfy the driver's licence testing centre concerned that the reason for his not having been examined and tested was due to circumstances beyond his control, he shall again pay the approved fee for the driver's licence testing centre to determine another day and time on which he shall present himself to be examined and tested.

## 12. Examination of an applicant for a driver's licence

(1) An applicant for a driver's licence shall be examined and tested by an examiner. G.N. 17/2006

(2) The examiner shall by, observation, inquiry and a practical test, satisfy himself that the applicant—

(a) holds a learner's licence which authorizes him to drive the class of motor vehicle to which his application relates and, if applicable, a valid driver's licence required to hold such learner's licence;

(b) knows and understands the road traffic signs;

(c) has a sound knowledge of the rules of the road and the different signals which a driver of a motor vehicle is required to give when driving on a public road;

(d) is not subject to any disqualification contemplated in section 21 of the Act and regulation 7; and

(e) is generally capable of driving a motor vehicle of a class to which the application relates.

(3) Where a person applies for a driver's licence which authorizes him to drive a motor vehicle referred to in regulation 5 (1) (a), (b), (c), (e) or (g), the practical test referred to in subregulation(2), shall be conducted with the motor vehicle referred to in that regulation as follows—

(a) for category A1, a motorcycle without a side-car which has an engine with a cylinder capacity of up to 125 cubic centimetres;

(b) for category A, a motorcycle without a side-car which has an engine with a cylinder capacity of over 125 cubic centimetres, capable of a speed of at least 100 km/h;

(c) for category B, a category B vehicle capable of a speed of at least 100 km/h;

(d) for category CI, a category CI vehicle with a gross vehicle mass rating of at least 6,000 kilograms and capable of a speed of at least 80 km/h;

(e) for category C, a category C vehicle with a gross vehicle mass rating of at least 10,000 kilograms having a length of at least 7 metres and capable of a speed of at least 80 km/h.

(4) Where a person applies for a driver's licence which authorizes him to drive a combination of motor vehicles referred to in regulation 5 (1) (d), (f) or (h), the practical test referred to in subregulation (2), shall be conducted with the combination of motor vehicles referred to in that regulation as follows—

(a) for category BE a combination of motor vehicles, made up of a category B drawing vehicle and a trailer with a gross vehicle weight rating of at least 1,000 kilograms, capable of a speed of at least 100 km/h and which does not fall within category B;

(b) for category CIE a combination of motor vehicles, made up of a category CI drawing vehicle and a trailer having a gross vehicle mass rating of at least 2,000 kilograms, with a combined length of at least 8 metres and capable of a speed of at least 80 km/h; and

(c) for category CE either an articulate motor vehicle with a gross combination mass rating of at least 18,000 kilograms having a length of at least 12 metres and capable of a speed of at least 80 km/h; or a combination of motor vehicles, made up of a category C drawing vehicle and a trailer at least 4 metres in length, having a gross combination mass rating of at least 18,000 kilograms with a combined length of at least 12 metres and capable of a speed of at least 80 km/h.

(5) For the purpose of subregulation (2) an applicant, shall not be required to undergo a written knowledge test.

(6) An examiner shall in compliance with the provisions of paragraph (e) of subregulation (2) test an applicant according to minimum requirements contained in the Southern African Development Community Directive defining the authority and issue of a national driving licence.

### 13. Issue of a driver's licence

The examiner or a person authorized thereto, upon presentation of the duplicate copy of the pass certificate and two photographs one of which is endorsed as referred to in regulation 12 (8) and payment of the appropriate driver's licence fee shall issue a driver's licence and shall—

(a) complete the driver's licence card and, where applicable, include any driver and vehicle restrictions;

(b) ensure that the applicant signs the driver's licence card;

(c) record the issue for the driver's licence card in the register of driver's licences issued;

(d) cancel every licence replaced by the driver's licence issued and in the case where the licence which is cancelled was not issued by the Director, notify the authority which issued such licence accordingly; and

(e) issue the driver's licence card.

14. Application for renewal of a driver's licence

(1) An application under section 24 (1) (b) of the Act. shall be made on Form DL 1 in the First Schedule and shall be accompanied by—

(a) every licence which authorizes the applicant to drive a motor vehicle;

(b) two photographs of the applicant, referred to in regulation 8 (a);

(c) by a certificate issued in the name of the applicant indicating successful completion of an approved basic first aid course;

(d) in the case of an applicant who—

(i) is applying for a category C or C1 driver's licence;

(ii) is 65 years of age or older; or

(iii) is so required by the Director,

a medical certificate on Form DL 3 in the First Schedule signed and dated by a medical practitioner within 30 days preceding the date of application for a renewal of a driver's licence, certifying that the applicant is not disqualified under section 21 (f) or (g) of the Act from obtaining a learner's or driver's licence.

15. Examination of an applicant for renewal of a driver's licence

(1) An applicant for the renewal of a valid driver's licence shall be examined and tested by an examiner.

(2) The examiner shall by the use of a standard knowledge test, observation and inquiry satisfy himself that the applicant—

(a) holds a valid driver's licence which authorizes him to drive the class of motor vehicle to which his application for renewal relates;

(b) knows and understands the road traffic signs;

(c) has a sound knowledge of the rules of the road and the different signals which a driver of a motor vehicle is required to give when driving on a public road;

(d) is not subject to any disqualification contemplated in section 21 of the Act and regulation 7; and

(e) is generally capable of driving a motor vehicle of a class to which the application relates.

(3) The procedure to be followed by the examiner in complying with subregulation (2) shall include the satisfactory completion by the applicant of a knowledge test in either written or oral form.

(4) For the purposes of subregulation (3), the words “satisfactory completion” means correctly answering eighty-five per cent or more of the questions contained in the knowledge test.

(5) For the purpose of subregulation (2) an applicant holding a valid driver’s licence which authorizes him to drive the class of motor vehicle to which his application for renewal relates, shall not be required to undergo a practical test.

(6) An examiner shall issue to every applicant for renewal of a driver’s licence who has passed the examination and successfully completed the knowledge test a pass certificate giving in Form DL 2 in the First Schedule the results thereof and such applicant shall sign or affix his thumb print on the pass certificate in the presence of the examiner.

(7) For every applicant who is issued a pass certificate, the examiner shall on the reverse side of one of the two required photographs sign and date such photograph with an endorsement that it represents a true likeness of the applicant.

#### 16. Issue of renewal of a driver’s licence

The Director or a person authorized thereto shall, upon presentation of the duplicate copy of the pass certificate and two photographs one of which is endorsed as referred to in regulation 15 (7) and payment of the appropriate driver’s licence fee issue a driver’s licence in such form as approved by the Minister, and shall—

(a) complete the driver’s licence card and where applicable include any driver or vehicle restrictions;

(b) ensure that the applicant signs the driver’s licence card;

(c) record the issue of a renewal of driver’s licence card in the register of driver’s licences issued;

(d) cancel every licence replaced by the driver’s licence issued and in the case where the licence which is cancelled was not issued by the Director, notify the authority which issued such licence accordingly; and

(e) issue the driver’s licence card.

#### 17. Application and issue of a duplicate licence

(1) An application under section 162 (2) of the Act for a duplicate of a learner's licence or a duplicate of a driver's licence shall be made on Form DL 1 in the First Schedule and shall be accompanied by—

(a) the original licence or, where the original licence is lost or destroyed, a declaration to that effect on Form DL 1 in the First Schedule;

(b) two photographs of the applicant, referred to in regulation 8 (a);

(c) acceptable identification; and

(d) a receipt for the payment of the appropriate duplicate driver's or learner's licence fee.

(2) Upon receipt of an application referred to in subregulation (1), the Director shall—

(a) ensure that the licence is not subject to a suspension or cancellation; and

(b) issue the duplicate of a learner's or driver's licence in accordance with regulation 10 or 13, as the case may be, with the inscription "DUPLICATE" stamped thereon.

18. Condition for acknowledgement and exchange of a driver's licence not issued in terms of the Act, and an international driving permit

(1) Subject to the provisions of subregulation (2), a licence referred to in section 28 (1) (a) of the Act, issued while the holder thereof was permanently or ordinarily resident in a prescribed territory, shall during the period of validity thereof in such territory, be deemed to be a valid licence for the purposes of PART IV of the Act, if—

(a) (i) such licence has been issued in the English language; or

(ii) a certificate of authenticity or validity relating to such licence was issued in the English language by a competent authority, or a translation of such licence in the English language, is attached thereto; and

(b) such licence contains or has attached thereto a photograph and the signature of the holder thereof.

(2) When the holder of a licence referred to in subregulation (1) or the holder of an international driving permit referred to in section 28 (1) (b) of the Act—

(a) returns to Malawi to resume permanent residence such licence or permit shall no longer be deemed to be a valid licence for the purposes of PART IV of the Act, after six months from the date of return; or

(b) obtains permission under any law for permanent residence in Malawi, such licence or permit shall no longer be deemed to be a valid licence for the purposes of PART IV of the Act, after six months from the date on which such person has taken up permanent residence.

(3) A licence as referred to in subregulation (1) or any international driving permit as referred to in section 28 (1) (b) of the Act may, at any time during the period of validity thereof in the country of issue, be exchanged for a Malawi driver's licence.

(4) An application in terms of section 28 (3) of the Act shall be made as referred to in regulation 14 (1), and an application for the exchange of an international driving permit for a driver's licence shall be accompanied by the driver's licence on the authority of which such permit was issued.

(5)(a) Subject to the provisions of paragraph (b), the Director, shall, upon receipt of an application referred to in subregulation (4), issue or authorize the issue of a driver's licence of the category or categories of motor vehicles referred to in regulation 5 (1) to which such licence relates.

(b) The Director shall issue the licence referred to in paragraph (a) in the manner referred to in regulation 16 if he is satisfied that—

- (i) the applicant is the holder of the licence referred to in subregulation (1); and
- (ii) such licence is still valid in the territory of issue.

(6) If there is a dispute as to the category in respect of which a driver's licence has been issued in terms of subregulation (5) (a), the Director shall determine the category of such licence.

19. Notification of new residential and postal address

(1) A notice under section 26 of the Act shall be given on the Form DL 1 in the First Schedule.

(2) No person shall fail to submit to the Director within fourteen days any notice contemplated in subregulation (1).

20. Notification of change of name of driver's licence holder

When the name of the holder of a driving licence is changed (whether by marriage or any other means), the holder, if in Malawi at the time shall within fourteen days of the change, notify the Director on Form DL 1 in the First Schedule and submit his licence for amendment or issue. If the holder is not in Malawi at the time, he shall forthwith notify the Director of the change in writing and submit Form DL 1 in the First Schedule and his licence for amendment or reissue within thirty days of his return thereto.

21. Application for licence free of endorsement

An application under section 31 (2) of the Act shall for a licence be made on a Form DL 1 in the First Schedule and shall be accompanied by two photographs of the applicant complying with the provisions of regulation 9 (a).

22. Military driving licence

For the purpose of driving a motor vehicle belonging to the Defence Force of Malawi, a valid learner's licence or driver's licence or the equivalent of such licence duly issued for use by members of

the Defence Force and valid for the said vehicle is hereby deemed to have effect as though it were a learner's licence or driver's licence issued under sections 23 and 24 of the Act, as the case may be.

23. Instructors to obtain instructor's licence

(1) No person shall—

(a) act as an instructor and teach for gain the driving of motor vehicles, unless he is the holder of an instructor's licence and employed by a driving school as referred to in regulation 24; and

(b) employ any other person as an instructor or make use of his services as an instructor, unless such other person is the holder of an instructor's licence.

(2) No person shall be eligible to hold an instructor's licence unless he shall—

(a) be at least eighteen years of age and less than sixty-one year's of age;

(b) have attained the minimum education level of a junior certificate;

(c) have continuously held for a minimum of three years a valid driver's licence in respect of the class or classes to which the instructor's licence relates and not have been convicted of any offence under the Act within the previous twelve months;

(d) be mentally and physically fit and free of any disease, condition or other disability which could render him incapable of performing the duties of such instructor;

(e) have completed a driving instructor training programme approved by the Director; and

(f) have passed an examination to judge his competency to act as a driving instructor.

(3) Any person desiring to obtain or renew an instructor's licence shall, apply to the Director on Form DSR 1 in the First Schedule in respect of one or more of the categories of drivers' licences referred to in regulation 5 (1) and such application shall be accompanied by—

(a) the applicant's driver's licence;

(b) two photographs of the applicant referred to in regulation 8 (a);

(c) a medical certificate on Form DL 3 in the First Schedule signed and dated by a medical practitioner within 30 days preceding the date of application to obtain or renew an instructor's licence, certifying that the applicant is not disqualified under section 21 (f) or (g) of the Act from obtaining a learner's or driver's licence;

(d) a certificate issued in the name of the applicant, indicating the successful completion of education at or above the level of junior certificate;

(e) a certificate issued in the name of the applicant, indicating the successful completion of a driving instructor training programme approved by the Director; and



(f) the appropriate prescribed fee.

(4) Upon receipt of an application under subregulation (3) to—

(a) obtain an instructor's licence; or

(b) renew an instructor's licence,

the Director may submit such application, to the Malawi Police Service for a report as to whether any conviction has been recorded against the applicant as well as in respect of any other matter which, in the opinion of the Malawi Police Service, is relevant to the application, and the Malawi Police Service is hereby authorized to report accordingly.

(5) A member of the Malawi Police Service may take finger and palm prints of the applicant to enable him to report in terms of subsection (4).

(6) If the Director, having regard to the reports referred to in subregulations (3) and (4) and any relevant facts known to him or ascertained by him, is satisfied that the applicant—

(a) is not of good character; or

(b) is not physically or mentally fit to act as an instructor,

he shall refuse the application and notify the applicant accordingly.

(7) Where the Director does not refuse the application under subregulation (6), the Director shall cause the applicant to be examined and tested at a place and by a competent person designated by the Director, in order to obtain a report on the competence of the applicant to act as an instructor:

Provided that if the applicant applies to renew an instructor's licence, the Director may dispense with such examination and test.

(8) The Director shall consider the application with due regard to the reports referred to in subregulations (4) and (7) and any relevant facts known to him or ascertained by him, and if he is satisfied that the applicant—

(a) is of good character;

(b) is physically and mentally fit and is competent to act as an instructor; and

(c) complies with such further requirements as the Director may determine, he shall, subject to conditions as he may determine, grant the application in respect of one or more of the categories of drivers' licences referred to in regulation (5) (1).

(9) Where the Director grants an application, he shall forward a written authority in such form as he may determine, to the applicant for the issue of an instructor's licence and in which all categories of instructor's licence and all conditions subject to which the application has been granted, are specified.

(10) Upon receipt from the applicant of—

- (a) the written authority contemplated in subregulation (9);
- (b) two identical copies of a black and white or colour photograph of the applicant complying with the provisions of regulation 9 (a); and
- (c) the fee for an instructor's licence,

the Director is satisfied, shall issue to the applicant an instructor's licence in Form DSR 2 in the First Schedule on which the categories and conditions contemplated in subregulation (9) have been endorsed.

(11) The applicant shall sign the instructor's licence in the presence of the Director or the person acting on behalf of the Director.

(12) An instructor's licence shall be valid for 24 months from the date of issue thereof, but the Director may at any time suspend such licence for such period as he may determine or cancel it if he is of the opinion that—

- (a) it is in the public interest, whether by reason of any offence committed by such instructor or for any other reason; or
- (b) any condition of the instructor's licence is not complied with,

and in such a case the Director shall notify the holder of such licence accordingly.

(13) The holder of an instructor's licence which has been suspended or cancelled in terms of subregulation (12) shall deliver such licence forthwith to the Director.

(14) After the expiry of the period of suspension contemplated in subregulation (12), the Director shall return to the person entitled thereto the instructor's licence delivered to him in terms of subregulation (13), if the validity thereof has not yet expired.

(15) Subject to subregulation (18) any cancellation of an instructor's licence shall be permanent.

(16) Where the holder of an instructor's licence applies, prior to the expiry thereof, for the renewal of such instructor's licence or for a new instructor's licence, the existing licence shall after the expiry thereof, remain in force until such holder is notified by the Director of the result of his application.

(17) Where the holder of an instructor's licence desires that such licence shall apply in respect of a further category of driver's licence referred to in regulation 6 (1) or that any condition thereof shall be altered, substituted or deleted, he shall apply in terms of subregulation (3) for a new instructor's licence and in such a case—

(a) the Director may dispense with the furnishing of the reports referred to in subregulations (4) and (7); and

(b) if the application is granted—

(i) the new licence shall not be issued before the existing licence has been delivered to the Director for cancellation; and

(ii) the new licence shall be valid for the unexpired period of the existing licence plus an additional 12 months.

(18)(a) any person who is aggrieved, at the refusal of instructor's licence may, within 21 days of the refusal, suspension or cancellation appeal against such refusal, suspension or cancellation to the Minister in accordance with the Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the Director;

(b) the Director shall forthwith after receipt of the copy of the appeal referred to in subparagraph (a) furnish the Minister with his reasons for the decision to which such notice refers;

(c) for the purpose of deciding an appeal in terms of subparagraph (a), the Minister may require any party to such appeal to furnish such information and evidence as he may deem expedient; and

(d) the Minister after considering the appeal referred to in subparagraph (a) may give such decision as he may deem fit

(19) The holder of an instructor's licence, shall at all times carry such licence with him when acting as an instructor.

(20) The holder of an instructor's licence shall keep or cause to be kept a record of instructional activity on Form DSR 5 in the First Schedule and submit such form to the Director quarterly.

(21) This regulation shall not apply to any person—

(a) who is in the employ of any other person and who act as an instructor of fellow employees, but received no reward, other than a salary from his employer, for his services as instructor;

(b) who acts as an instructor, but receives no reward or gain of any kind; or

(c) not referred to in paragraph (a) or (b) who has been exempted therefrom by the Director, either generally or specifically.

(22) Where in any prosecution for a contravention of subregulation (1) it is proved that any person has—

(a) instructed any other person in the driving of a motor vehicle;

- (b) taught any other person the rules of the road or road traffic signs; or
- (c) supervised any other person in the driving of a motor vehicle,

it shall be presumed, until the contrary is proved, that he so instructed, or taught such other person for gain or reward.

(23) Notwithstanding anything contained in subregulation (12), any instructor's licence issued under the Act now repealed shall remain valid until the expiry date indicated on such licence unless such licence has been suspended or cancelled in terms of the Act.

#### 24. Driving schools to be licensed

(1) No person or organization shall—

(a) act or hold himself or itself out as a driving school unless such person or organization is the holder of a driving school licence; and

(b) employ any other person as an instructor or make use of his services as an instructor, unless such other person is the holder of an instructor's licence.

(2) No person or organization shall be eligible to hold a driving school licence unless he or it shall satisfy the following minimum requirements—

(a) a school premises suitable for the purpose and provided with the necessary sanitation facilities and the required instructional and safety equipment,

(b) any portion of a school premises used for theoretical instruction to accommodate 5 or more students with a floor area of at least two square metres for each intended student;

(c) all persons acting as instructors to hold valid instructor's licences;

(d) all vehicles used for instruction to be insured and the insurance cover carried by the driving school either on the vehicle or by separate policy to include death, bodily injury and medical expenses for all drivers under instruction;

(e) all vehicles used for instruction to—

(i) have the name of the driving school and a warning triangle prominently displayed on a plate affixed to the roof of the vehicle;

(ii) be not more than ten years old;

(iii) have valid Malawi registration and licence;

(iv) have a valid certificate of fitness; and

(v) be road worth at all times;

- (f) all vehicles used for instruction to be equipped with—
  - (i) dual brake controls;
  - (ii) dual clutch controls if applicable;
  - (iii) an additional rear view mirror providing the instructor with an unobstructed view to the rear of the vehicle;
  - (iv) adjustable driver's seat; and
  - (v) approved safety belts and fire extinguisher;
- (g) have available at all times at least two vehicles of a type corresponding to each category of driving licence referred to in regulation 5 (1) for which instruction is offered;
- (h) limit the maximum number of students per vehicle per day who receive behind the wheel instruction in accordance with the curriculum approved by the Director for each category of driving licence referred to in regulation 5(1);
- (i) all instruction offered in respect of each category of driving licence referred to in regulation 5(1) shall be in accordance with the approved curriculum for that category of driving licence; and
- (j) the operator of the driving school holds a valid instructor's licence for the highest category of driver's licence referred to in regulation 5 (1) for which instruction is offered by such driving school.

(3) Any person or organization desiring to obtain or renew a driving school licence shall, apply to the Director on Form DSR 3 in the First Schedule in respect of one or more of the categories of driver's licence referred to in regulation 5 (1) and such application shall be accompanied by—

- (a) acceptable identification of the applicant and, if the applicant is a body of person, that of his proxy and representative and a letter of proxy;
- (b) the applicant's instructor's licence;
- (c) the applicant's business licence;
- (d) the mailing address and physical address of the driving school premises;
- (e) the name, mailing address and physical address of all owners stock holders and or directors as the case may be;
- (f) the name, mailing address, physical address and instructor's licence number of all proposed instructors; and
- (g) the appropriate prescribed fee.

(4) Upon receipt of an application in terms of subregulation (3) to—

- (a) obtain a driving school licence, the Director shall submit such application; or
- (b) renew a driving school licence, the Director may submit such application,

to the Malawi Police Service for a report as to whether any conviction has been recorded against the applicant, owners, stock holders or directors as the case may be as well as in respect of any other matter which, in the opinion of the Malawi Police Service, is relevant to the application, and the Malawi Police Service is hereby authorized to report accordingly.

(5) A member of the Malawi Police Service may take the finger and palm prints of the applicant to enable him to report in terms of subregulation (4).

(6) If the Director, having regard to the report referred to in subregulation (4) and any relevant facts known to him or ascertained by him, is satisfied that the applicant is not of good character he shall refuse the application and notify the applicant accordingly.

(7) Where the Director does not refuse the application in terms of subregulation (6), the Director shall cause the proposed premises for the driving school, the instructional and safety equipment and the vehicles to be used for instruction to be examined and tested as the case may be by a competent person or persons designated by the Director, in order to obtain a report on the competence of the applicant to act as a driving school:

Provided that if the applicant applies to renew a driving school licence, the Director may dispense with such examination and test.

(8) The Director shall consider the application with due regard to the reports referred to in subregulations (4) and (7) and any relevant facts known to him or ascertained by him, and if he is satisfied that the applicant—

- (a) is of good character; and
- (b) complies with such further requirements as the Director may determine, he shall, subject to conditions as he may determine, grant the application in respect of one or more of the categories of drivers' licences referred to in regulation 5(1).

(9) Where the Director grants an application, he shall forward a written authority in such form as he may determine, to the applicant for the issue of a driving school licence and in which all categories of driving licence instruction and all conditions subject to which the application has been granted, are specified.

(10) Upon receipt from the applicant of—

- (a) the written authority contemplated in subregulation (9);
- (b) the registration documents of all vehicles to be used for instruction;

(c) the insurance policies providing cover carried by the driving school either on the vehicle or by separate policy to include death, bodily injury and medical expenses for all drivers under instruction; and

(d) the fee for a driving school licence,

the Director is satisfied, shall issue to the applicant a driving school licence on Form DSR 4 in the First Schedule on which the categories and conditions contemplated in subregulation (9) have been endorsed.

(11) The applicant shall sign the driving school licence in the presence of the Director or the person acting on behalf of the Director.

(12) A driving school licence shall be valid for 24 months from the date of issue thereof, but the Director may at any time suspend such licence for such period as he may determine or cancel it if he is of the opinion that—

(a) it is in the public interest, whether by reason of any offence committed by such driving school or any of its employees or for any other reason; or

(b) any condition of the driving school licence is not complied with,

and in such a case the Director shall notify the holder of such licence accordingly.

(13) The holder of a driving school licence which has been suspended or cancelled in terms of subregulation (12) shall deliver such licence forthwith to the Director.

(14) After the expiry of the period of suspension contemplated in subregulation (12), the Director shall return to the person or organization entitled thereto the licence delivered to him in terms of subregulation (13), if the validity thereof has not yet expired.

(15) Subject to subregulation (18) any cancellation of a driving school licence shall be permanent.

(16) Where the holder of a driving school licence applies, prior to the expiry thereof, for the renewal of such driving school licence or for a new driving school licence, the existing licence shall after the expiry thereof, remain in force until such holder is notified by the Director of the result of his application.

(17) Where the holder of a driving school licence desires that such licence shall apply in respect of a further category of driver's licence referred to in regulation 5 (1) or that any condition thereof shall be altered, substituted or deleted, he shall apply in terms of subregulation (3) for a new driving school licence, and in such a case—

(a) the Director may dispense with the furnishing of the reports referred to in subregulations (4) and (7); and

(b) if the application is granted—

(i) the new licence shall not be issued before the existing licence has been delivered to the Director for cancellation; and

(ii) the new licence shall be valid for the unexpired period of the existing licence plus an additional twenty-four months.

(18)(a) Any person who is aggrieved, at the refusal of the Director to issue, renew or alter a driving school licence or at the suspension or cancellation of a valid driving school licence may, within 21 days of any refusal, suspension or cancellation appeal against such refusal to the Minister in accordance with the Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the Director;

(b) The Director shall forthwith after receipt of the copy of the appeal referred to in subparagraph (a) furnish the Minister with his reasons for the decision to which such notice refers;

(c) for the purpose of deciding an appeal in terms of subparagraph (a), the Minister may require any party to such appeal to furnish such information and evidence as he may deem expedient; and

(d) the Minister after considering the appeal referred to in subparagraph (a) may give such decision as he may deem fit.

(19) The holder of a driving school licence shall keep or cause to be kept a record of instructional activity on Form DSR 6 in the First Schedule and submit such form to the Director quarterly.

(20) Any examiner in uniform or who produces his identity card may, during normal hours of instruction, inspect any premises, vehicles, equipment, records or any other place or thing used in connexion with teaching for gain the driving of motor vehicles.

(21) Notwithstanding anything contained in subregulation (12), any driving school licence issued under the Act now repealed shall remain valid until the expiry date indicated on such licence unless such licence has been suspended or cancelled in terms of the Act.

#### PART IV

##### PROFESSIONAL DRIVING PERMIT

25. Permit required by driver of motor vehicle conveying persons or goods for reward

(1) No person shall drive on a public road a—

(a) motor vehicle conveying persons or goods for reward;

(b) a motor vehicle drawing a motor vehicle referred to in goods for paragraph (a); or



(c) a breakdown vehicle, except in accordance with the terms and conditions of a professional driving permit issued to him under this Part and unless he has such permit with him in such vehicle.

(2) The provisions of subregulation (1) shall not apply—

(a) to any person driving, otherwise than for hire or reward, a motor vehicle normally used for the conveyance of persons or goods for reward on a public road where such vehicle has been hired out to such person without a driver;

(b) to an examiner or traffic police officer performing his duties as contemplated in section 7 (1) or section 8 (e) of the Act;

(c) to a person driving a motor vehicle on a public road for the purpose of testing such a motor vehicle in the performance of his duties;

(d) to a person driving a hearse;

(e) to a person driving an ambulance; and

(f) to a person driving a goods vehicle except for a breakdown vehicle, the gross vehicle mass rating of which does not exceed 3,500 kilograms.

(3) Any document issued by a competent authority in a prescribed territory and serving a similar purpose to that of a professional driving permit shall, subject to the terms and conditions thereof, be deemed to be a professional driving permit for the purposes of subregulation (1).

## 26. Classification of and authority conveyed by professional driving permit

A professional driving permit shall, subject to the provisions of this Part and Part II authorize the driving of a motor vehicle conveying—

(a) persons or persons and goods for reward; or

(b) goods only for reward,

and shall be classified accordingly:

Provided that a professional driving permit of the class referred to in paragraph (a) shall authorize the driving of a motor vehicle of the class referred to in paragraph (b).

## 27. Application for professional driving permit

(1) A person desiring to obtain a professional driving permit shall, subject to the provisions of this Part, apply therefor on Form DL 1 in the First Schedule to the Director.

(2) An application referred to in subregulation (1) shall—

- (a) be accompanied by the fee provided for a professional driving permit;
- (b) be accompanied by a licence authorizing the applicant to drive the motor vehicle concerned in terms of the Act;
- (c) be accompanied by any professional driving permit already held by the applicant;
- (d) be accompanied by two copies of a photograph of the applicant complying with the provisions of regulation 8 (a);
- (e) contain a declaration in such form as approved by the Minister as to whether or not the applicant is a person who would be disqualified in terms of section 21 of the Act and regulation 7 and, in the case of a professional driving permit for the conveyance of passengers or passengers and goods for reward, a medical certificate on Form DL 3 in the First Schedule signed and dated by a medical practitioner within 30 days preceding the date of application stating that, in the opinion of such practitioner, the applicant would not be disqualified; and
- (f) contain details of any professional driving permit already held by the applicant.

28. Conditions governing issue of professional driving permit

(1) A professional driving permit shall not be issued or renewed by the Director—

- (a) unless, the applicant therefor is over eighteen and under sixty-one years of age, and is in possession of a licence authorizing the driving of the motor vehicle concerned in terms of the Act;
- (b) unless he is satisfied that the applicant—
  - (i) is competent to drive such vehicle;
  - (ii) having regard to any convictions recorded against him, is of good character; and
  - (iii) is not a person who would be disqualified in terms of section 21 of the Act and regulation 7; and
- (c) where the applicant therefor has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or a drug having a narcotic effect, or of driving a motor vehicle while the concentration of alcohol in his blood exceeded a statutory limitation or of reckless driving.

(2) For the purposes of subregulation (1) (b) (iii), the applicant shall furnish, at his own expense, such medical evidence as the Director may require, whether or not medical evidence has been furnished in terms of regulation 27 (2) (e).

(3)(a) The Director shall submit every application for a professional driving permit, other than for a renewal of such permit, and may submit any application for the renewal of a professional driving permit to the Malawi Police Service for a report as to whether the applicant has any convictions

recorded against him and any member of the Malawi Police Service is hereby authorized to report accordingly.

(b) for the purpose of identifying any applicant referred to in paragraph (a), any member of the Malawi Police Service shall be entitled to take the finger and palm prints of such applicant.

(4) No person shall be entitled to obtain a professional driving permit—

(a) during any period in which a professional driving permit of which he is the holder, is suspended in terms of this Part; or

(b) if any professional driving permit of which he was the holder has been cancelled under this Part.

(5) Where the Director issues a professional driving permit authorizing the conveyance of persons or persons and goods for reward, to a person who is the holder of a professional driving permit authorizing the conveyance of goods only, such person shall forthwith surrender such latter permit to the Director for cancellation.

(6) A professional driving permit shall, subject to the provisions of this Part, be valid for a period of twenty-four months from the date of issue thereof or, if the applicant therefore holds an unexpired professional driving permit of the same class, for a period of twenty-four months from the date following upon the date of expiry of such unexpired professional driving permit:

Provided that any professional driving permit issued or deemed to be issued under the Act shall cease to be valid in Malawi upon the day the holder of such permit attains the age of sixty-one years.

(7) Where the holder of a professional driving permit applies, before the expiry thereof, for a new professional driving permit, such first-mentioned permit shall, notwithstanding anything to the contrary contained in subregulation (6), remain in force and effect until such holder is notified of the result of his application for such new professional driving permit by the Director or, in the event of an appeal in terms of regulation 29 (3), by the Minister.

#### 29. Issue of professional driving permit

(1) The Director, upon being satisfied that an applicant referred to in regulation 27 is entitled to be issued with a professional driving permit of the class applied for, shall upon payment of the fee provided for, issue a professional driving permit on such form as approved by the Minister to the applicant.

(2) One copy of the photograph referred to in regulation 27 (2) (d) shall be affixed to the professional driving permit and the other copy shall be affixed to the register or record referred to in regulation 33.

(3)(a) Any person who is aggrieved at the refusal of the Director to issue to him a professional driving permit may, within 21 days of any refusal, appeal against such refusal to the Minister in

accordance with the Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the Director.

(b) The Director shall forthwith after receipt of the copy of the appeal referred to in subparagraph (a) furnish the Minister with his reasons for the decision to which such notice refers.

(c) For the purpose of deciding an appeal in terms of subparagraph (a), the Minister may require any party to such appeal to furnish such information and evidence as he may deem expedient.

(d) The Minister after considering the appeal referred to in subparagraph (a) may give such decision as he may deem fit.

### 30. Suspension or cancellation of professional driving permit by the Director

(1) Where any circumstance arises in relation to the holder of a professional driving permit issued in terms of regulation 30 which, in the opinion of the Director, would have justified him in refusing to issue a professional driving permit to such holder or such holder has been convicted of a second or subsequent offence which, in the opinion of the Director, relates to the driving of a motor vehicle or a failure to stop after or report an accident, the Director may suspend or cancel the professional driving permit held by such person and in such event the Director shall notify that person accordingly.

(2) If a suspension or cancellation is effected in terms of subregulation (1), the person concerned shall forthwith surrender the professional driving permit to the Director.

(3) Upon the expiry of any period of suspension referred to in subregulation (1), the Director shall restore to the person entitled, the professional driving permit surrendered to him in terms of subregulation (2), if the validity thereof has not expired.

(4) Subject to regulation 31 any cancellation of a professional driving permit shall be permanent.

(5) Where any circumstance arises in relation to the holder of a professional driving permit issued outside Malawi which, in the opinion of the Director, would have justified the Director in refusing to issue a professional driving permit to such holder or such holder has been convicted of a second or subsequent offence which, in the opinion of the Director, relates to the driving of a motor vehicle or a failure to stop after or report an accident, the Director may, inform such person that such permit is not longer in force and effect within Malawi and from the date such person is so informed such permit shall cease to be in force and effect within Malawi.

### 31. Appeal to the Minister

(1) Any person who is aggrieved, at the refusal of the Director to issue to him or renew or alter a professional driving permit or at the suspension or cancellation of a valid permit may, within 21 days of any refusal, suspension or cancellation appeal against such refusal, suspension or cancellation to the

Minister in accordance with the Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the Director.

(2) The Director shall forthwith after receipt of the copy of the appeal referred to in subregulation (1) furnish the Minister with his reasons for the decision to which such notice refers.

(3) For the purpose of deciding an appeal in terms of subregulation (1), the Minister may require any part to such appeal to furnish such information and evidence as he may deem expedient.

(4) The Minister after considering the appeal referred to in subregulation (1) may give such decision as he may deem fit.

32. Permitting or assisting person not being the holder of a professional permit to drive motor vehicle, conveying persons or goods for reward

No person who—

(a) is the owner of or is in charge or control of a motor vehicle shall employ or permit any other person to drive such vehicle on a public road conveying persons or goods for reward, unless such other person is the holder of a professional driving permit where such permit is required in terms of this Part for that purpose; or

(b) is the holder of a professional driving permit under, this Part, shall allow such permit to be used by any other person.

33. Circumstances in which motor vehicle presumed to be a motor vehicle conveying persons or goods for reward

If in any prosecution under the Act it is proved that a person has conveyed persons or goods in a motor vehicle on a public road, it shall be presumed, until the contrary is proved that he so conveyed such passengers or goods for hire or reward.

34. Director to keep register of professional driving permits

(1) The Director shall keep a suitable register or record of all persons to whom he has issued a professional driving permit.

(2) The Director shall record or keep record in the register in terms of subregulation (1), particulars of all convictions by and orders of any court affecting any professional driving permit issued by him and of any suspension, cancellation or endorsement of any such permit.

35. Professional permit issued contrary to provisions of this part to be void

A professional driving permit issued contrary to the driving provisions of these regulations shall be void and the holder thereof shall, on demand by the Director or by a traffic police officer, deliver forthwith such permit to the Director or such traffic police officer.

## PART V

### INTERNATIONAL DRIVING PERMITS

#### 36. International driving permits for use outside

(1) The Director may issue for use outside Malawi an international driving permit to a person who satisfies the Malawi Director—

(a) that he holds and has held for at least one year a valid Malawi driver's licence for the categories of motor vehicles for which the permit is to be issued; and

(b) that he is resident in Malawi.

(2) Applications for an international driving permit shall be made to the Director on Form DL 1 in the First Schedule and shall be accompanied by—

(a) a valid Malawi driving licence held by the applicant;

(b) two photographs of the applicant complying with the provisions of regulation 8 (a); and

(c) by the prescribed fee for an international driving permit.

(3) Before issuing an international driving permit one copy of the photograph shall be affixed in the space provided and the Director or the person acting on behalf of the Director shall apply an official stamp in such a manner as to cover part of the photograph and part of the page of the permit to which the photograph is affixed.

#### 37. Validity of International driving permits

International driving permit shall, unless suspended by court, remain in effect for, 12 months from the date of issue.

#### 38. Form of International driving permit under the 1926 Convention

International driving permits issued for use in a 1926 Convention country shall be in Form B in the Second Schedule.

#### 39. Age limit for obtaining international driving permit

(1) No person shall obtain or attempt to obtain an international driving permit on Form B in the Second Schedule unless he has attained the age of eighteen years.

(2) Any person who acts in contravention of this regulation shall be guilty of an offence.

#### 40. Form of international driving permit under the 1949 Convention

International driving permits issued for use in a 1949 Convention country shall be in Form A in the Second Schedule.

41. Age limit for obtaining international driving permit under the 1949 Convention

No person shall obtain or attempt to obtain a driving permit in Form A in the Second Schedule—

- (a) to drive an autocycle or invalid carriage unless he has attained the age of sixteen years;
- (b) to drive a motorcycle unless he has attained the age of seventeen years; and
- (c) to drive any other motor vehicle specified in the said Form A unless he has attained the age of eighteen years.

FIRST SCHEDULE

MALAWI GOVERNMENT

FORM DL 1

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

APPLICATION FOR LEARNER'S OR DRIVER'S LICENCE, INTERNATIONAL DRIVING PERMIT AND PROFESSIONAL DRIVING PERMIT

1. Applicant information

Surname .....

Other names .....

Date of birth .....

Present residential address .....

.....

Permanent residential address .....

.....

Mailing address .....

.....

2. Type of application, please put an X in the box that applies:

New Renewal

Duplicate: My original licence has been lost/destroyed/defaced in the following circumstances

.....  
.....  
.....

Category and class of licence or permit requested, please put an X in the box or boxes that apply:

Learner's licence International permit Driver's licence Professional permit

3. Number of previous Malawi driving licence or permit held (if any)

.....

4. Applicant certificate

I certify that—

(a) I am not disqualified from obtaining or holding any learner's licence, driver's licence, international driving permit or professional driving permit requested by this application under sections 21, 29 and 50 of the Act and regulation 30; and

(b) no learner's licence, driver's licence, international driving permit or professional driving permit held by me within the past three years has been cancelled.

Date.....

.....

Signature/thumbprint of Applicant

5. Notification of change of name, residential or postal address of learner's or driver's licence holder

Note: for name or address change only please complete paragraph 5 only

Original surname .....

Other names .....

Date of birth .....

New surname (if applicable) .....



Original residential address .....

Original postal address .....

New postal address (if applicable) .....

Learner's or driver's licence number .....

Date .....

.....

Signature/thumbprint or licence holder

FOR USE BY ROAD TRAFFIC DEPARTMENT ONLY

Learner's Licence No. .... issued

Driver's Licence No. .... issued

International Driving Permit No. .... issued

Professional Driving Permit No. .... issued

Fee paid .....

PHOTOGRAPH

(To be pinned to and not permanently affixed to this form)

Date of issue .....

Issuing office .....

Issued by .....

for Director of Road Traffic

FORM DL 2

MALAWI GOVERNMENT

ROAD TRAFFIC ACT ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

No. ....

(REGULATION 3)

EXAMINATION PASS CERTIFICATE

1. Applicant information

Surname .....

Other names .....

Date of birth .....

Present residential address .....

Permanent residential address .....

Mailing address .....

The above-named, whose signature/thumbprint has been placed below in my presence, has been tested and passed the examination indicated in section 2, subject to the special conditions noted below:

Special conditions .....

.....

.....

.....

I have endorsed a photograph of the applicant with my opinion that it is a true likeness.

2. Category and class of licence for which examination was passed

Learner's licence Driver's licence Class A1 Class A1 Class A Class A Class B Class B Class EB Class EB Class  
C1 Class C1 Class EC1 Class EC1 Class C Class C Class EC Class EC

Date .....

.....

Signature/thumbprint of Applicant

Issuing office .....

.....

Signature of Road Traffic Examiner

Original—To applicant.

Duplicate—To Director of Road Traffic with Form DL 1 Application for Learner's or Driver's Licence.

Triplicate—To remain in book.

FORM DL 3

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

MEDICAL CERTIFICATE

For person requesting a Class C, EC, E1 and EC1 Learner's or Driver's Licence

For person 65 years of age requesting any class of Learner's or Driver's Licence

For person requesting a Driving instructor's licence

I certify that .....

of (address) .....

a registered medical practitioner entitled to practice medicine in Malawi have today personally examined .....

of (address) .....

an applicant for Class C, EC, C1 or EC1 learner's or driver's licence

an applicant over sixty-five years of age

an applicant for a driving instructor's licence

I further certify that I have explained the contents of the subjoined "Declaration by Applicant" to the applicant and that his signature/thumbprint has been fixed thereto in my presence.

(a) Apparent age: ..... (b)

Vision without glasses: can applicant read a car number plate at a distance of 23 metres? Yes No

Vision without glasses R ..... L ..... Vision with glasses R ..... L .....

(c) Colour perception: (i) Normal by ishihara pseudoisochromatic plate test? Yes No

(ii) If not, test for signal red, signal green and amber by a suitable lantern. (1) ..... (2) .....

..... (d) Hearing:

Normal Satisfactory Insufficient (e) Limbs: Has applicant unrestricted use of all limbs? Yes No

If not, specify limitations: .....

..... (f) Use of alcohol  
or drugs: Is applicant free from suspicions of being intemperate or addicted to drugs? Yes No (g)

General health: Are reactions normal? Yes No Is applicant free from any  
disease temporary or otherwise, which would induce fatigue or faintness when driving long  
distances? Yes No

As a result of my examination, I am satisfied Not satisfied

(1) that the applicant is medically fit to drive a motor vehicle of Class C, EC, C1 or EC1

(2) that the applicant who is a person of 65 years of age or over, is medically fit to drive a motor  
vehicle of the classes permitted

(3) that the applicant is medically fit to perform the duties of a driving instructor

Date of examination: .....

Signed: .....

(Registered Medical Practitioner)

#### DECLARATION BY APPLICANT

I declare that I am not subject to epilepsy, and do not suffer from fits; and that my physique,  
vision, hearing and bodily and mental fitness are such as to warrant the issue to me of an instructor's  
licence.

I further declare that the answers to the questions put to me by the medical examiner are true  
and complete and I understand that if any statement made by me is to my knowledge false or in any  
material respect misleading, I am liable to the suspension or cancellation of any licence or permit  
granted as a result of this examination.

.....

Date

.....

Signature of applicant

NOTE: A registered medical practitioner may alter the certificate to meet special circumstances.  
Please place an X in each box as applicable.

FORM DL 4

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

DRIVING LICENCE

PAGE 1

Driving Licence No. ....

Name .....

Address (permanent) .....

.....

Address (present) .....

.....

is hereby licensed to drive motor vehicles of the class(es) marked with an X under "Classes of Motor Vehicles", including those in the column headed "Other classes covered"

.....

Signature/thumbprint of holder

.....

Director of Road Traffic

Date and place of issue

.....

.....

THIS LICENCE IS THE PROPERTY OF THE MALAWI GOVERNMENT

PAGE 2

Driving Licence No. ....

Photograph of Holder

No. of Professional Driving Permit .....

PAGE 3

Cancellation or Endorsement

(by Court Order)

PAGE 4

## CLASSES OF MOTOR VEHICLES

(Delete particular classes as necessary)

Learner's licence Driver's licence Other classes covered Class A1 Class A1 Nil Class A Class AA1 Class B Class B Nil Class E B Class E B B Class C1 Class C1 B Class EC1 Class EC1 C1, EB and B Class C Class CC1 and B Class EC Class ECC, EC1, C1, EB and B

PAGE 5—Blank

PAGE 6

Original Licence Expires

FORM DL 5

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

DUPLICATE DRIVING LICENCE

PAGE 1

Duplicate Driving Licence No. ....

Name .....

Address (permanent) .....

.....

Address (present) .....

.....

is hereby licensed to drive motor vehicles of the class(es) marked with an X under "Classes of Motor Vehicles", including those in the column headed "Other classes covered".

.....

Signature/thumbprint of holder

.....

Director of Road Traffic

Date and place of issue

.....

.....

THIS LICENCE IS THE PROPERTY OF THE MALAWI GOVERNMENT

PAGE 2

Duplicate Driving Licence No. ....

Photograph of Holder

No. of Professional Driving Permit .....

PAGE 3

Cancellation or Endorsement

(by Court Order)

PAGE 4

CLASSES OF MOTOR VEHICLES

(Delete particular classes as necessary)

Learner's licence Driver's licence Other classes covered Class A1 Class A1 Nil Class A Class AA1 Class B Class B Nil Class EB Class EBB Class C1 Class C1B Class EC1 Class EC1C1, EB and B Class CC1 and B Class ECC Class ECC, EC1, C1, EB and B

PAGE 5—Blank

PAGE 6

Original Licence Expires

DSR 1

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

## ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

### (REGULATION 3)

#### APPLICATION OF AN INSTRUCTOR'S LICENCE

I hereby apply for an instructor's licence. I certify that the particulars given below are true, that I am not addicted to the use of narcotic drugs or to the excessive use of intoxicating liquor, and that I am not disqualified from holding a driving licence.

Name .....

Postal address .....

.....

Residential address .....

Date of birth .....

Number of current driver's licence held .....

Number of previous instructor's licence held (if any) .....

Languages spoken .....

Give particulars of experience as a licensed driver .....

.....

.....

Give details of any convictions in connection with the driving of a motor vehicle

.....

.....

Class(es) of driver's licence for which instructor's licence is requested

Driver's licence

Class A1

Class A

Class B

Class EB

Class C1



Class EC1

Class C

Class EC

I enclose the following in support of this application:

(1) My current Malawi driver's licence.

(2) Two identical copies of a photograph of myself taken within the last 30 days.

(3) A medical certificate in the prescribed form DL. 3 completed by registered medical practitioner within the last 30 days.

(4) A certificate issued in my name indicating successful completion of education at or above the level of junior certificate.

(5) A certificate issued in my name indicating successful completion of a driving instructor training programme approved by the Director.

Date .....

.....

Signature of applicant

DSR. 2

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

INSTRUCTOR'S LICENCE No. ....

Name .....

Postal address .....

.....

Residential address .....

.....

Holder of driver's Licence No. ....

is hereby authorized to act as an instructor of learner drivers holding the class or classes of learner's licence indicated below by an X.

PHOTOGRAPH

Learner's licence

Class A1

Class A

Class B

Class EB

Class C1

Class EC1

Class C

Class EC

Signature of Instructor .....

Date of expiry .....

Date of issue .....

.....

Director of Road Traffic

DSR. 3

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

APPLICATION FOR DRIVING SCHOOL LICENCE

Applicant information

The applicant is a: Corporation ..... Partnership ..... Single owner  
..... Other (explain) .....

.....

Name of applicant .....

Postal address .....

.....

Physical address of school premises .....

.....

Applicant's business Licence No. .... Previous driving  
school

Licence No. (if any) .....

If any applicant is a body of persons please provide the following for his proxy or representative

Name of representative .....

Licence class requested

Please put an X in all boxes for which the driving school licence is requested.

Driver's licence

Class A1

Class A

Class B

Class EB

Class C1

Class EC1

Class C

Class EC

Instructor information

Give details of instructors who will be employed together with the number of their instructor's  
licences

No. of Instructor's Licence Name of Instructor 1. .... 2.  
..... 3. .... 4.  
.....

Details of vehicles to be used for instruction

Year ..... manufactured Make Model Registration  
No. ....  
.....

Details of any insurance policy that covers the use of a vehicle as a driving school vehicle

Name of Company No. of Policy Type of Policy Expiration  
Date .....  
.....  
.....

Applicant's certificate

I hereby apply for a driving school licence. I certify that the particulars given above are true.

Date .....

.....

Signature of Applicant or

Applicant's Representative

DSR. 4

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING SCHOOL LICENCES) REGULATIONS

(REGULATION 3)

DRIVING SCHOOL LICENCE No. ....

Name .....

Postal address .....

is hereby authorized to establish/maintain a driving school in accordance with the following conditions:

Physical address of school premises .....

Maximum number of students: .....

Class of driver's licence for which instruction may be given is indicated below by an X

Driver's licence

Class A1

Class A

Class B

Class EB

Class C1

Class EC1

Class C

Class EC

Expiration Date .....

Issue Date .....

.....

Director of Road Traffic

DRS 5

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(Regulation 3)

RECORD TO BE KEPT BY HOLDER OF INSTRUCTOR'S LICENCE

Name of instructor .....

Number of instructor's licence .....

DateName of person instructedPeriod of instructionFromTo

Date: .....

.....

Signature of Instructor

NOTE: This form to be submitted quarterly to the Director of Road Traffic

DRS 6

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

RECORD TO BE KEPT BY HOLDER OF DRIVING SCHOOL LICENCE

Name of holder of driving school licence .....

No. of Driving School licence .....

Driving School located at .....

Name of student	Date of arrival	Class of driver's licence for which instruction given	Period of instruction	Class of driver's licence for which official test taken	Result of test	Date of departure	Fees paid	Remarks
-----------------	-----------------	---	-----------------------	---	----------------	-------------------	-----------	---------

Date .....

.....

Signature of Licence Holder or Authorized Representative

NOTE: This form to be submitted quarterly to the Director of Road Traffic.

FORM 4

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATIONS 3)

PAGE 1

MALAWI

INTERNATIONAL MOTOR TRAFFIC

INTERNATIONAL DRIVING PERMIT

(CONVENTION OF INTERNATIONAL ROAD TRAFFIC OF 1949)

Issued at .....

Date .....

Seal or stamp of authority

Signature or seal of issuing authority

PAGE 2

This permit is valid in the territory of all the contracting States, with the exemption of the territory of the contracting State where issued, for the period of one year from the date of issue, for the driving of vehicles included in the category or categories mentioned on the last page of this permit.

List of contracting States (optional)

It is understood that this permit shall in no way affect the obligations of the holder to conform strictly to the laws and regulations relating to residence or to the exercise of a profession which are in force in each country through which he travels.

FORM OF INTERNATIONAL DRIVING PERMIT UNDER CONVENTION OF 1949

PART I

PAGE 3

.....	Particulars	concerning	the
driver:Surname	.....1	Other	names
.....2	Place	of	birth
.....3	Date	of	birth
.....4	Permanent	place	of residence
.....5			

Vehicles for which the permit is valid

.....

Motorcycles, with or without side-car, invalid carriages and three-wheeled motor vehicles with an unladen weight not exceeding 400 kilos (900 lbs) .....A

.....  
Motor vehicles used for the transportation of passengers and comprising in addition to the driver's seat, at most eight seats, or those used for the transport of goods and having a permissible maximum weight not exceeding 3,500 kilos (7,700 lbs). Vehicles in this category may be coupled with a light trailer .....B

.....  
.....  
Motor vehicles used for the transportation of goods and of which the permissible weight exceeds 3,500 kilos (7,700 lbs). Vehicles in this category may be coupled with a light trailer .....C

.....  
Motor vehicles used for the transportation of passengers and comprising, in addition to the driver's seat, more than eight seats. Vehicles in this category may be coupled with a light trailer .....D

.....  
More vehicles of categories B, C or D, as authorized above, with other than a light trailer .....E

.....  
"Permissible maximum weight" of a vehicle means the weight of the vehicle and its maximum load when the vehicle is ready for the road.

"Maximum load" means the weight of the load declared permissible by the competent authority of the country of registration of the vehicle.

"Light trailers" shall be those of a permissible maximum weight not exceeding 750 kilos (1,650 lbs)

Holder of this permit is deprived of the right to drive in (country) .....

.....  
by reason of .....

Seal or stamp of authority: Place ..... Date  
..... Signature .....



Should the above space be already filled, use any other space provided for "Exclusion"

.....

The entire last page (Parts 1 and 11) shall be drawn up in French. Additional pages shall repeat in other languages the text of Part 1 of the last page. They shall be drawn up in English, Russian, Chinese and Spanish, and other languages may be added.

## PART II

1. ....2.  
.....3.  
.....4.  
.....5.  
.....A. Seal or stamp of  
authority.....PhotographB. Seal or stamp of  
authority .....C. Seal or stamp of authority .....D. Seal or  
stamp of authority .....E. Seal or stamp of authority  
.....F. Seal or stamp of authoritySignature of holderOr  
thumb impression\* ..... EXCLUSIONS(Countries)I .....V  
.....II .....VI .....III  
.....VII .....IV .....VIII  
.....

MALAWI GOVERNMENT

ROAD TRAFFIC ACT

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS

(REGULATION 3)

PAGE 1

FORM

FORM OF INTERNATIONAL DRIVING PERMIT UNDER CONVENTION OF 1926

MALAWI

INTERNATIONAL MOTOR TRAFFIC

INTERNATIONAL DRIVING PERMIT

(INTERNATIONAL CONVENTION OF 24TH APRIL, 1926)

ISSUE OF PERMIT

Issued at .....

Date .....

Seal of authority

.....

(Signature of issuing authority)

PAGE 2

The present permit is valid in the territory of all the under mentioned contracting States for the period of one year from the date of issue, for the driving of vehicles included in the category or categories mentioned in page. This should be a reference to the last page of the permit.\*Here insert list of contracting states.

It is understood that this permit in no way diminishes the obligation of the holder to conform strictly to the laws and regulations relating to residence or to the exercise of a profession which are in force in each country through which he travels.

PAGE 3

PARTICULARS CONCERNING THE DRIVER

.....

Photograph

Seal of authority

.....

Surname: ..... (1)

Other names: ..... (2)

Place of birth: ..... (3)

Date of birth: ..... (4)

Home address: ..... (5)

N.B. The above particulars concerning the driver, except the photograph, should be repeated in as many languages as may be necessary to enable the international permit to be used in all contracting States mentioned above.

PAGE 4

(Name of Country)

exclusion

M. (Surname and other names) .....

.....

authorized as above by the authority of (country) .....

is deprived of the right to drive in (country) .....

by reason of .....

Seal of authority: Place: .....Date:  
.....Signature: .....

Page 5 and following pages should repeat the particulars given on page 3 translated into as many languages as may be necessary to enable the international permit to be used in all the contracting States mentioned on page 2.

Here began last page.

.....

A (1)B (2)C (3)Seal of authoritySeal of authoritySeal of authority

.....

(1) A. Motor vehicles of which the laden weight does not exceed 3,500 kilos (in all languages).

(2) B. Motor vehicles of which the laden weight exceeds 3,500 kilos (in all languages).

(3) C. Motorcycles, with or without side-car (in all languages).

1. ....

2. ....

3. ....

4. ....

5. ....

ROAD TRAFFIC (SPEED LIMITS) REGULATIONS

## ARRANGEMENT OF REGULATIONS

### REGULATION

#### PART I

##### PRELIMINARY

1. Citation
2. Interpretation

#### PART II

##### SPEED LIMITS

3. Prohibition of exceeding speed limit
4. General speed limits
5. Speed limit for particular class of vehicle
6. Speed limit in relation to tyres
7. Speed limit in relation to braking capability
8. Offences and penalties

## ROAD TRAFFIC (SPEED LIMITS) REGULATIONS

under s. 181

G.N. 21/2000

#### PART I

##### PRELIMINARY

1. Citation

These Regulations may be cited as the Road Traffic (Speed Limits) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“agricultural vehicle” means a vehicle designed or adapted solely for agricultural activities and includes a farm tractor but does not include a goods vehicle;

“articulated motor vehicle” means a combination of motor vehicles consisting of a truck-tractor and semi-trailer;

“articulated passenger vehicle” means an articulated vehicle constructed or adapted for use primarily for the carriage of passengers;

“construction trailer” means a trailer incorporating water-boring machinery or construction machinery of the nature of a crane, grader, shovel, scraper, pipelayer, cablelayer, compressor or a trailer incorporating plant or equipment of the following nature—

bitumen or tar heater, bitumen, tar or water sprayers or distributors, crushers, extending towers or ladders, rippers or rooters, road sweepers or power brooms, rollers, sand and stone driers, soil, concrete, tar or bitumen mixers, stone, spreaders or distributors, water pumps, water tanks, welding units:

“construction vehicle” means any vehicle which is—

- (a) a drilling machine, mobile crane or a fork lift or straddle truck;
- (b) a roadmaking, earthmoving, excavation, construction or loading machine; or
- (c) determined by the Director to be a construction vehicle;

“highway” means a road having a paved and tarred surface of a width not less than 5.5 metres;

“light trailer” means a trailer fitted with pneumatic tyres, the gross weight of which does not exceed one thousand kilograms;

“public service vehicle” means any vehicle carrying passengers for hire or reward and includes—

- (a) a bus;
- (b) a contract car;
- (c) a hire car;
- (d) a taxi; and
- (e) a goods vehicle adapted for the carriage of passengers;

“tractor” means a farm tractor of the type commonly used for agricultural purposes.

## PART II

## SPEED LIMITS

### 3. Prohibition of exceeding speed limit

No person shall operate on a public road any motor vehicle at a speed exceeding—

- (a) the speed limit indicated by appropriate road traffic signs in respect of such public road;
- (b) the general speed limit which in terms of regulation 4 applies in respect of such public road; or
- (c) the speed limit which in terms of regulation 5 applies in respect of the class of motor vehicle concerned.

### 4. General speed limit

A general speed limit of—

- (a) 50 kilometres per hour shall apply in respect of every public road or section thereof, situated within an urban or built up area;
- (b) 80 kilometres per hour shall apply in respect of every public road or section thereof, other than a highway, situated outside an urban or built up area; and
- (c) 100 kilometres per hour shall apply in respect of any highway situated outside an urban or built up area.

### 5. Speed limit for particular class of vehicle

(1) Under section 92 of the Act, a speed limit of—

- (a) 80 kilometres per hour shall apply in respect of—
  - (i) a goods vehicle the gross vehicle mass of which exceeds 9,000 kilograms;
  - (ii) a combination of motor vehicles consisting of a goods vehicle, being the drawing vehicle, and one or two trailers of which the sum of the gross vehicle mass of the goods vehicle and of the trailer or trailers exceeds 9,000 kilograms;
  - (iii) an articulated motor vehicle, of which the gross combination mass of the truck-tractor exceeds 9,000 kilograms;
  - (iv) an articulated passenger vehicle; and
  - (v) a bus with seating capacity for 27 or more passengers excluding the driver;
- (b) 40 kilometres per hour shall apply in respect of—
  - (i) a construction vehicle;

- (ii) a motor vehicle drawing a construction trailer;
  - (iii) an agricultural vehicle whether drawing a trailer or not;
- (c) 90 kilometres per hour shall apply in respect of—
  - (i) a minibus; or
  - (ii) any motor vehicle not described in paragraphs (a) and (b) when drawing a light trailer.

(2) There may be displayed on the rear of a motor vehicle contemplated in subregulation (1), a sign denoting that such goods vehicle is subject to a speed limit of 80 kilometres per hour, and such sign shall comply with the requirements of the Standard Specification of the Malawi Bureau of Standards, “Retro-reflective and fluorescent warning sign for road vehicles” Part III “Signs other than triangles, chevron signs and abnormal load vehicle signs”.

#### 6. Speed limit in relation to tyres

Notwithstanding the provisions of regulations 4 and 5, no person shall operate on a public road a public service vehicle or goods vehicle, and which is fitted with pneumatic tyres, at a speed in excess of the speed referred to in the Standard Specification of the Malawi Bureau of Standards, “Motor Vehicle Tyres and Rims: Dimensions and Loads”, Part I-1992 or as approved by the manufacturer of the tyre concerned.

#### 7. Speed limit in relation to braking capability

(1) No person shall operate on a public road a combination of vehicles including a tractor drawing any capability trailer not equipped with either service brakes or an over run brake—

- (a) at a speed in excess of 15 kilometres per hour; and
- (b) unless there is displayed on the rear most vehicle of such combination, a sign denoting that such trailer or combination is limited to a speed of 15 kilometres per hour.

(2) A sign referred to in subregulation (1) shall comply with the requirements of the Standard Specification of the Malawi Bureau of Standards, “Retro-reflective and fluorescent warning sign for road vehicles”, Part III “Signs other than triangles, chevrons signs and abnormal load vehicles signs”.

#### 8. Offences and penalties

(1) Any person who contravenes or fails to comply with any provision of these Regulations shall be guilty of an offence.

(2) Any person convicted of an offence under any provision of these Regulations shall be liable to a fine not exceeding K10,000 or to a period of imprisonment not exceeding three years or both such fine and imprisonment.

## ROAD TRAFFIC (OPERATOR AND ROAD SERVICE PERMIT) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

#### PART I

##### PRELIMINARY

1. Citation
2. Interpretation

#### PART II

##### FORMS AND FEES

3. Forms
4. Fees
5. Particulars in applications, etc.

#### PART III

##### REGISTRATION OF OPERATOR AND ROAD SERVICE PERMITS

6. Classes of motor vehicles in respect of which an operator shall be registered
7. Category of road service permit
8. Application for registration as an operator
9. Manner of registration of an operator and issue of road service permit
10. Short-term and special journey road service permit
11. Period of validity of road service permit
12. Suspension of road service permit
13. Application for and issue of duplicate road service permit



14. Procedure of change of particulars of registered operator
15. Road service permit issued in prescribed territory
16. Manner in which road service permit is to be displayed on motor vehicle
- 16A. Manner in which operator permit registration number is to be displayed on motor vehicle
17. Appeal to the Minister

## ROAD TRAFFIC (OPERATOR AND ROAD SERVICE PERMIT) REGULATIONS

under s. 181

G.N. 22/2000

39/2004

### PART I

#### PRELIMINARY

##### 1. Citation

These Regulations may be cited as the Road Traffic (Operator and Road Service Permit) Regulations.

##### 2. Interpretation

“Contract car” means a public service vehicle having seating accommodation for not more than nine persons in addition to the driver which is let out on hire for a period which is not less than twenty-four hours to a hirer who drives the vehicle himself or who provides the driver;

“hire car” means a public service vehicle having seating accommodation for not more than nine persons in addition to the driver which is let out on hire with a driver under contract for a period which is not less than twenty-four hours for the carriage of passengers otherwise than at separate fares;

“public service vehicle” means any vehicle carrying passengers for hire or reward and includes—

- (a) a bus;
- (b) a contract car;
- (c) a hire car;
- (d) a taxi; and

(e) a goods vehicle adapted for the carriage of passengers;

“registered operator” means an operator registered in terms of regulation 9;

“road service permit” means a permit referred to in regulation 7 which has been issued to a registered operator,

“short-term road service permit” means a permit referred to in regulation 10;

“special journey road service permit” means a permit referred to in regulation 10;

“taxi” means a public service vehicle having seating accommodation for not more than nine persons in addition to the driver which is let with a driver over a period less than twenty-four hours for the carriage of passengers otherwise than at separate fares.

## PART II

### FORMS AND FEES

#### 3. Forms

The forms as approved by the Minister shall be used in all cases to which they are respectively applicable in carrying out the Act and these regulations.

#### 4. Fees

The fees specified in the second column of the Schedule to the (Miscellaneous Fees) Regulations shall be charged in respect of the matters set out in the first column of the said Schedule.

#### 5. Particulars in applications, etc.

The particulars to be entered on or contained in any application, permit and any other documents to which these regulations apply shall, unless otherwise set forth in these Regulations, be such as are necessary from the respective form of such application, permit or document as approved by the Minister.

## PART III

### REGISTRATION OF OPERATOR AND ROAD SERVICE PERMITS

#### 6. Classes of motor vehicles in respect of which an operator shall be registered

(1) An operator shall be registered in respect of—

(a) any goods vehicle registered in Malawi, the owner or operator of which intends to use such motor vehicle for the carriage of goods for hire or reward;

(b) any breakdown vehicle registered in Malawi; and

(c) any motor vehicle registered in Malawi, the owner or operator of which intends to use such motor vehicle for the carriage of passengers for hire or reward.

(2) The provisions of subregulation (1) shall not apply to a motor vehicle referred to in subregulation (1) that is—

(a) owned by the Government of Malawi;

(b) operated on a public road under the authority of a temporary or special permit or a motor trade number;

(c) not operated on a public road and for the purpose of this paragraph, the words “operated on a public road” shall not be construed to include the presence of such motor vehicle on a public road for the purpose of—

(i) being driven to the premises of the owner in order to take delivery thereof;

(ii) crossing a public road from one premises of the owner to another, over a distance of not more than one kilometre; or

(iii) proceeding to or from a place where repairs are to be or have been effected to such motor vehicle.

#### 7. Category of road service permit

(1) A road service permit shall be issued for—

(a) the public service vehicle category and such permit shall be marked with the letter “A” whereas, a contract car shall be endorsed with letter “H” and a hire car shall be endorsed with letter “T”; and

(b) the goods vehicle for hire category and such permit shall be marked with the letter “B”.

(2) A road service permit as referred to in subregulation (1) shall authorize the holder thereof to operate the applicable vehicle for hire or reward on a public road.

#### 8. Application for registration as an operator

(1) An application for registration as an operator of a motor vehicle referred to in regulation 6, shall be made, subject to subregulation (4), in duplicate by the owner of such motor vehicle on Form RSP as approved by the Minister, to the Director, and such form shall be signed by such owner and the operator applicant, or in the case of the owner or operator applicant being a body of persons by the proxy of such body of persons.

(2) In the case where details relating to the operator applicant and the owner are the same in respect of more than one motor vehicle—

(a) Form RSP as approved by the Minister may be completed once only and the full details in respect of each additional vehicle for which such operator is applying for at the same time, shall be appended to such form; and

(b) the documentation referred to in subregulation (3) (a) need only be submitted once by the operator applicant.

(3) The application in respect of registration as an operator referred to in subregulation (1) shall be accompanied by—

(a) acceptable identification of the operator applicant, proxy, representative and signers of such document, and a form of proxy in the case of the owner or operator applicant being a person or body of persons, as well as copies of such identification and form of proxy; and

(b) the valid registration certificate of each motor vehicle for which in respect of such motor vehicle an application is made for a road service permit; or

(c) the appropriate fee for a road service permit applicable to each motor vehicle as shown in the Schedule.

(4) No person shall make application for registration as an operator of a motor vehicle contemplated in regulation 6 (1) (c) which is a—

(a) hire car or contract car unless such motor vehicle is less than six years old; or

(b) goods vehicle adapted for the carriage of passengers unless such goods vehicle is presented for inspection to a motor vehicle examiner at the time application is made for a road service permit.

9. Manner of registration of an operator and issue of road service permit

(1) The Director shall, upon receipt of the application for registration as an operator made in terms of regulation 8, satisfy himself that—

(a) the information provided in terms of regulation 8 is complete and correct;

(b) no road service permit issued to the operator applicant, is suspended in terms of regulation 12 and section 86 of the Act.

(2)(a) If the Director is satisfied in terms of subregulation (1), he shall register the applicant as the operator of the motor vehicle concerned by recording the particulars of such person in the register of operators;

(b) if the Director is not satisfied in terms of subregulation (1), he shall refuse the application and notify the applicant accordingly.

(3) Subject to the provisions of section 81 (4) of the Act, the Director shall, if satisfied in terms of subregulation (1) issue a road service permit on Form A or B as the case may be, in respect of each motor vehicle included in the application submitted by the operator registered in terms of subregulation (2) (a).

(4) Subject to regulation 14 (5) a road service permit shall not be transferred or assigned.

(5) The counterfoil of the road service permit shall be kept at the business address of the operator.

(6) No person shall operate a motor vehicle of any class contemplated in regulation (6) on a public road unless a valid road service permit is displayed on such motor vehicle.

10. Short-term and special journey road service permit

(1) The Director may issue to any applicant—

(a) a short-term road service permit for the carriage of goods; or

(b) a special journey road service permit for the carriage of passengers, for any vehicle registered in Malawi, subject to such conditions as may be specified in the permit.

(2) No permit contemplated in subregulation (1) shall be issued in respect of any motor vehicle unless such motor vehicle complies with all regulations concerning such vehicle and its carriage of goods or passengers:

Provided that in special circumstances the Minister may authorize the Director to waive or modify such regulations.

(3) The Director shall not issue to any one applicant within a twelve-month period more than—

(a) one short-term road service permit; and

(b) four special journey road service permits.

11. Period of validity of road service permit

(1) The period of validity of—

(a) a public service vehicle category road service permit shall be six months unless such permit has been suspended in terms of the Act;

(b) a goods vehicle for hire category road service permit shall be twelve months unless such permit has been suspended in terms of the Act;

(c) a short-term road service permit shall be as indicated on the permit for any period not exceeding three months unless such permit has been suspended in terms of the Act; or

(d) a special journey road service permit shall be as indicated on the permit for any period not exceeding seven days unless such permit has been suspended in terms of the Act.

(2) Notwithstanding anything contained in subregulation (1), any road service permit, short-term road service or special journey road service permit issued under the Act now repealed shall remain valid until the expiry date of such permit unless such permit has been suspended in terms of the Act.

12. Suspension of road service permit

(1) The Director may, if the record of an operator indicates that such operator does not comply with the provisions of this Act, by written notice notify such operator—

(a) that a road service permit shall only be issued to him on such conditions as the Director may deem fit;

(b) that no further road service permit shall be issued to him for such period as the Director may specify in the notice; or

(c) that the road service permit or permits pertaining to such motor vehicle or motor vehicles as the Director may determine in respect of which he is registered as the operator is or are suspended until the Director is satisfied that the grounds for such suspension have fallen away:

Provided that—

(i) the period of any suspension under paragraph (c) shall not exceed the period in respect of such road service permit contemplated in regulation 11; and

(ii) the Director shall include in any written notice to an operator his reasons for serving such notice.

(2) The operator shall, upon receipt of a notice of suspension in terms of section 86 of the Act, immediately return the road service permit and the counterfoil of such permit to the Director.

(3) The Director shall after receipt of the permit and counterfoil referred to in subregulation (2), keep such permit and counterfoil in the manner and for the period required.

(4) Upon the expiry of any period of suspension referred to in subregulation (1), the Director shall restore to the person entitled thereto, the road service permit and counterfoil surrendered to him in terms of subregulation (2), if the validity thereof has not expired.

13. Application for and issue of duplicate road service permit

(1) An application for a duplicate road service permit shall be made to the Director, on Form RSP as approved by the Minister, and shall be accompanied by—

(a) the appropriate fee for a duplicate road service permit as shown in the Schedule;

- (b) acceptable identification of the signer thereof; and
- (c) the counterfoil of the original road permit or a declaration in respect of the original road service permit in such form as approved by the Minister.

(2) Upon receipt of the application referred to in subregulation (1) the Director shall satisfy itself that the applicant is the registered operator in respect of the vehicle concerned and shall issue a duplicate road service permit to the applicant.

(3) No person shall fail to notify the Director within seven days of any loss of a valid road service permit and to apply for a duplicate thereof.

14. Procedure of change of particulars of registered operator

(1) If the postal or physical address of the proxy or the representative of a registered operator changes, such operator shall, within a period of fourteen days after such change, notify the Director of such change on Form RSP as approved by the Minister.

(2) If the name as reflected in the acceptable identification of the registered operator changes, such registered operator shall within fourteen days from such change—

- (a) notify the Director of such change on Form RSP as approved by the Minister;
- (b) submit the new acceptable identification; and
- (c) submit to the Director the counterfoil of every original road service permit issued to him.

(3) Where the proxy or representative of the registered operator changes, the notice referred to in subregulation (1), shall be accompanied by the acceptable identification of the new proxy or representative and a new letter of proxy.

(4) On receipt of the notification referred to in subregulation (1) or (2), the Director shall—

- (a) ensure that such notification is in order;
- (b) update the particulars in relations to the persons or body of persons concerned in the register of operators; and
- (c) in the case of a notification in terms of subregulation (2), issue a new road service permit to the holder upon payment of the appropriate fees for the issue of a duplicate document as shown in the Schedule.

(5) If a road service permit 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 a business from the estate of a deceased spouse and a road service permit is in force in respect of such business, every such permit shall, notwithstanding any provisions to the contrary contained in this Part, remain in force

for the unexpired period of the road service permit concerned, in respect of such business and the new owner of the business shall be deemed to be the holder of the road service permit.

15. Road service permit issued in prescribed territory

A permit which has a similar purpose to that of a road service permit, and which is issued in a prescribed territory in accordance with the laws of such territory, shall be deemed to be a road service permit for the purposes of this Part when such permit is displayed on or carried in a motor vehicle which is operated on a public road in Malawi.

16. Manner in which road service permit is to be displayed on motor vehicle

A road service permit issued in terms of regulation 9 in respect of a motor vehicle shall be displayed—

(a) if such motor vehicle is fitted with a transparent windscreen in front, by affixing such road service permit by means of the gum thereon in an upright position on the inside of the windscreen in such manner that the print on the face of the permit is clearly legible from the outside to a person standing in front or to the left front of such motor vehicle; or

(b) if the motor vehicle is not fitted with a transparent windscreen in front, by affixing such road service permit—

(i) in a conspicuous position on the front side of the vehicle in such manner that the print of the face of such road service permit is clearly legible from that side; and

(ii) if such road service permit is exposed to the weather be protected by affixing such road service permit by means of the gum thereon on the inside of the transparent front of a durable watertight holder; and

(c) if such motor vehicle is a trailer or semi-trailer on such trailer or semi-trailer or on or in the motor vehicle drawing such trailer or semi-trailer at the time.

16A. Manner in which operator permit registration number is to be displayed on motor vehicle

An operator permit registration number issued in terms of section 81 of the Act in respect of a motor vehicle shall be displayed in conspicuous positions on both the front side and rear side of the motor vehicle in such a manner that the print of such operator permit registration number is legible from that side. G.N. 39/2004

17. Appeal to the Minister

(1) Any person who is aggrieved at the refusal of the Director to register him as an operator or at the suspension or cancellation of his registration or the conditions on which a road service permit is issued or at the suspension of any road service permit may, within twenty-one days after such action is taken by the Director, appeal against such refusal, suspension, cancellation or conditions to the



Minister in accordance with and upon payment of the appropriate fees for such appeal as set forth in the Road Traffic (Appeals) Regulations and shall at the same time submit a copy of such appeal to the Director.

(2) After receipt of the copy of appeal referred to in subsection (1), the Director shall forthwith furnish the Minister with his reasons for the refusal, suspension, cancellation or conditions to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he may deem fit.

#### ROAD TRAFFIC (SADC DRIVING LICENCE) REGULATIONS

under s. 181

G.N. 4/2002

1. Citation

These Regulations may be cited as the Road Traffic (SADC Driving Licence) Regulations.

2. Valid and recognized driving licence

The valid and recognized driving licences in the Republic of Malawi shall be the SADC model type licence and every driver licensed in Malawi shall use the SADC model type licence.

3. Offence

Any person who fails to comply with regulation 2 commits an offence and shall be liable to a fine of K2,000, payable on the spot.

#### ROAD TRAFFIC (VEHICLE AGE LIMIT FOR CERTIFICATE OF FITNESS INSPECTION) REGULATIONS

under s. 181

G.N. 12/2003

1. Citation

These Regulations may be cited as the Road Traffic (Vehicle Age Limit for Certificate of Fitness Inspection) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

“date of manufacture” means the date of manufacture stipulated in the manufacturer’s vehicle data sheet or registration certificate.

3. Age limit of vehicles for certificate of fitness inspection

Every vehicle whose age is more than five years from the date of manufacture shall be subject to a certificate of fitness inspection.

## ROAD TRAFFIC (HONORARY TRAFFIC ASSESSORS) REGULATIONS

under s. 181

G.N. 2/2004

### 1. Citation

These Regulations may be cited as the Road Traffic (Honorary Traffic Assessors) Regulations.

### 2. Appointment of honorary traffic assessors

(1) The Director may, by notice published in the Gazette, appoint honorary traffic assessors to assist in carrying into effect the provisions of the Act.

(2) The appointment of an honorary traffic assessor shall be—

- (a) made for a period of four years but shall be renewable; and
- (b) subject to such conditions as the Director shall impose in the instrument of appointment.

### 3. Qualifications

(1) No person shall be appointed as an honorary traffic assessor unless he is of good standing in society, willing and committed to assist in carrying out into effect the provisions of the Act.

(2) Notwithstanding subregulation (1), no person shall be qualified to be appointed as an honorary traffic assessor who—

- (a) owes allegiance to a foreign country;
- (b) is, under any law in force in the Republic, adjudged or otherwise declared to be mentally incompetent;
- (c) has, within the past seven years, been convicted by a competent court of a crime—
  - (i) under the Act; or
  - (ii) involving dishonesty or moral turpitude, or
- (d) is undischarged bankrupt under any law in force in the Republic.

### 4. Application for appointment

(1) Any person who wishes to be appointed as an honorary traffic assessor shall make an application to the Director through the Office of the District Commissioner for the area in which he resides.

(2) An application referred to under subregulation (1) shall contain the following particulars of the applicant—

- (a) name;
- (b) date and place of birth;
- (c) contact address;
- (d) occupation;
- (e) nationality; and
- (f) conviction, if any, of a crime.

(3) The application referred to under subregulation (1) shall be in the form set out in the Schedule.

#### 5. Duties of an honorary traffic assessor

(1) The duties of honorary traffic assessor shall be to assist in carrying into effect the provisions of the Act.

(2) Without prejudice to the generality of subregulation (1), the duties of an honorary traffic assessor shall be to—

- (a) protect road infrastructure;
- (b) check and prevent vandalism of road furniture;
- (c) report any contravention of the Act;
- (d) sensitize the general public on traffic safety; and
- (c) advise relevant authorities on traffic management and control matters.

#### 6. Identity cards for honorary traffic assessors

(1) The Director shall cause each honorary traffic assessor to be issued with an identity card in a form approved by the Director.

(2) Where a person in possession of an identity card issued to him under subregulation (1) ceases to be honorary traffic assessor, he shall forthwith surrender the identity card to the Director.

(3) An honorary traffic assessor shall, when practicable and if so requested, produce his identity card when exercising his duties under these Regulations or the Act, as the case may be.

SCHEDULE reg. 4 (3)

ROAD TRAFFIC ACT

(CAP. 69:01)

ROAD TRAFFIC (HONORARY TRAFFIC ASSESSORS) REGULATIONS

APPLICATION FOR APPOINTMENT AS AN HONORARY TRAFFIC ASSESSOR

#### SECTION A

1. Name of Applicant (in Full, Surname First): .....

2. Date and Place of birth: ..... Gender:

Female/Male: .....

3. Nationality: ..... ID No. (if any): .....

4. Residential address: .....

5. Contact telephone: .....

6. Occupation: .....

7. Have you ever been convicted of any crime .....

#### SECTION B

8. FOR DISTRICT COMMISSIONER

I, ....., District Commissioner for .....

District, hereby confirm that the applicant is of Malawian origin and resides in/at (Area)  
.....

9. Eligible/Not eligible for appointment

Name: .....

Signed: .....

Official Stamp: .....

#### SECTION C

FOR OFFICIAL USE BY ROAD TRAFFIC DIRECTORATE

Reference Number: .....

Date Registered: ..... and

ID No. allocated: .....

Name of Authorizing Officer: ..... Signature .....

NOTE: (1) This position is on voluntary basis and, therefore, there is no remuneration whatsoever for the duties performed once appointed.

(2) Completed application should be forwarded through the District Commissioner to the Director of Road Traffic, Private Bag 257, Lilongwe, with two passport size photographs of the applicant duly certified by the District Commissioner for Oaths.

ROAD TRAFFIC (REGISTRATION AND CLASSIFICATION OF MOTOR VEHICLE INSPECTION STATIONS)  
NOTICE

under s. 64

G.N. 36/2004

1. Citation

This Notice may be cited as the Road Traffic (Registration and Classification of Motor Vehicle Inspection Stations) Notice.

2. Registration and classification

The motor vehicle inspection stations specified in the Schedule have been registered and classified in accordance with the provisions of section 63 and section 64 of the Act.

SCHEDULE para. 2

RegionCentreld CodeClassificationSouthern Region Balaka/Liwonde-P.V.H.O. V15-BLK AZomba-P.VH.O. V15-ZA AMangochi-P.V.H.O. V15-MH AMwanza-DRIMP V15-MN ALuchenza-P.V.H.O. V15-TO AMulanje-P.V.H.O. V15-MJ ANgabu-P.V.H.O. V15-CK ANsanje-P.V.H.O. V15-NE ACentral Region Mchinji-P.VH.O. V15-MC AKasungu-P.VH.O. V15-KU ASalima-P.V.H.O. V15-SA ANkhotakota-P.VH.O. V15-KK ADedza-P.V.H.O. V15-DZ ANorthern RegionChitipa-P.VH.O. V15-CP BKaronga-P.VH.O. V15-KA ARumphi-P.VH.O. V15-RU AMzimba-P.V.H.O. V15-MZ A

ROAD TRAFFIC (CERTIFICATION AND CLASSIFICATION OF MOTOR VEHICLE INSPECTORS) NOTICE

under s. 32

G.N. 37/2004

1. Citation

This Notice may be cited as the Road Traffic (Certification and Classification of Motor Vehicle Inspectors) Notice.

2. Certification and Classification

The motor vehicle inspectors specified in the Schedule have been certified and classified in accordance with the provisions of regulation 32 of the Road Traffic (Certificate of Fitness) Regulations. G.N. 26/2000

SCHEDULE para. 2

Number	Name	Id Code	Classification
1.	Chagoma M. H.	V15/MVI 11-04	A2
2.	Chasweka E. N.	V15/MVI 12-04	A3
3.	Chilumba K. H.	V15/MVI 13-04	A4
4.	Chiumia C. K.	V15/MVI 14-04	A5
5.	Chirwa A. L. M.	V15/MVI 15-04	A6
6.	Chawayula N. W.	V15/MVI 16-04	A7
7.	Dambule M. K. R	V15/MVI 17-04	A8
8.	Kachala V. F.	V15/MVI 18-04	A9
9.	Kamanga L.E.	V15/MVI 19-04	A10
10.	Katunau M.	V15/MVI 20-04	A11
11.	Kawelama H. B.	V15/MVI 21-04	A12
12.	Khomba S. B.	V15/MVI 22-04	A13
13.	Kwacha H. F.	V15/MVI 23-04	A14
14.	Makowa F. E.	V15/MVI 24-04	A15
15.	Miss Mkandawire	V15/MVI 25-04	B16
16.	Mkwapatira W. F.	V15/MVI 26-04	A17
17.	Mliuli A.	V15/MVI 27-04	A18
18.	Mlozi A. A.	V15/MVI 28-04	A19
19.	Mtambo A. B.	V15/MVI 29-04	A20
20.	Mtameni F.	V15/MVI 30-04	A21
21.	Mtumodzi J. M..	V15/MVI 31-04	A22
22.	Mulambya S. T. D.	V15/MVI 32-04	A23
23.	Nkhoma G A	V15/MVI 33-04	A24
24.	Nyika A. L. W.	V15/MVI 34-04	A25
25.	Nyirongo G. F.	V15/MVI 35-04	A26
26.	Pemba E. N.	V15/MVI 36-04	A27
27.	Sakala A. R.	V15/MVI 37-04	A28
28.	Sawala R .D. M.	V15/MVI 38-04	A