Cape Town, South Africa

Traffic By-law, 2021

Legislation as at 29 July 2026

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PDF created on 27 September 2026 at 08:29.

Collection last checked for updates: 25 September 2026.

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Cape Town
South Africa

Traffic By-law, 2021

Published in Provincial Gazette 8640 on 29 July 2022

Commenced on 29 July 2022

[This is the version of this document from 29 July 2026 and includes any amendments published up to 25 September 2026.]

[Amended by Traffic Amendment By-law, 2026 on 29 July 2026]

To provide for the regulation of public transport, municipal roads and traffic and safety on public roads in the area of jurisdiction of the City of Cape Town; and to provide for matters connected therewith.

[Preamble substituted by section 1 of the Traffic Amendment By-law, 2026]

WHEREAS section 156(2) of the Constitution provides that a City may make and administer by-laws for the effective administration of the matters it has the right to administer;

WHEREAS municipal public transport is listed as a local government matter in Part B of Schedule 4, to the extent set out in section 155(6)(a) and (7) of the Constitution;

WHEREAS municipal roads, traffic and parking are listed as local government matters in Part B of Schedule 5, to the extent set out in section 155(6)(a) and (7) of the Constitution;

WHEREAS the City intends to achieve better driver behaviour and in so doing alleviate danger to passengers, drivers and pedestrians;

WHEREAS the City seeks to achieve the safety of traffic on public roads and regulate the conduct of any user of such road and the use of any such road by any vehicle;

WHEREAS the City aims to impound vehicles being driven in a manner which endangers the safety of passengers, drivers and pedestrians making use of public roads and the control of nuisances emanating from the operation of public transport vehicles within the jurisdiction of the City of Cape Town;

WHEREAS by virtue of the Declaration of Peace Officers in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), law enforcement officers appointed by a municipality are provided with certain powers in relation to road traffic and road transportation legislation that is operative in the area of a municipality;

WHEREAS by virtue of section 80A of the National Road Traffic Act, the City may make by-laws not inconsistent with that Act in respect of matters related to the safety of traffic on public roads, the duties of drivers and the use of vehicles on public roads, the provision of services involving the plying for hire or transporting of passengers for reward, the use of warning devices, the use of a public road by traffic in general, the limitation of age of drivers of vehicles drawn by animals, and any form or token deemed expedient and the nature and extent of information to be furnished for that purpose;

Chapter 1:
Interpretation

1. Definitions

In this By-law, an expression defined in the Act and its Regulations has that meaning unless the context indicates otherwise and—

"**Act**" means the National Road Traffic Act, 1996 (Act 93 of 1996);

"**authorised official**" means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-Law and includes any employee delegated to carry out or exercise the duty, function or power;

[definition of "authorised official" substituted by section 2 of the Traffic Amendment By-law, 2026]

"**bus**" means a motor vehicle designed or adapted for the conveyance of more than 16 persons, including the driver;

"**City**" means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or any structure or employee of the City acting in terms of lawfully delegated authority;

"**City manager**" means the person appointed as the accounting officer of the City in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"**electronic hailing service**" means a public transport service operated by means of a motor vehicle, which—

(a) is available for hire while roaming; and

(b) is equipped with an electronic e-hailing technology-enabled application,

and the term "e-hailing" and "e-hailing vehicles" has the same meaning;

"**e-hailing tag**" means a tag issued in terms of section 13(1);

"**holding area**" in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

"**holder**" in relation to a rank token, means the owner to whom a rank token has been issued in terms of section 4(2);

"**law enforcement officer**" means a law enforcement officer appointed by the City in under Proclamation No. 1114 of 19 October 2018 promulgated under section 334(1) of the Criminal Procedure Act,1977 (Act 51 of 1977) to enforce applicable road traffic and road transportation legislation that is operative in the municipal area of the City;

"**licensing authority**" means a registering authority appointed in terms of section 3 of the Act;

"**motorcycle**" means a motor vehicle which has two wheels and includes any vehicle having a sidecar attached but, for the purposes of this By-law, does not include an electric bicycle using rechargeable batteries that assist the bicycle's pedal power;

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

"**motor vehicle**" does not include an electric bicycle using rechargeable batteries that assist the bicycle's pedal power;

"**operating licence**" means an "operating licence" as defined in section 1 of the National Land Transport Act, 2009 (Act 5 of 2009);

"**pedal cycle**" means any bicycle or tricycle designed for propulsion primarily by means of human power and includes an electric bicycle using rechargeable batteries that assist the bicycle's pedal power;

"**permit**" means a "permit" as defined in section 1 of the National Land Transportation Act, 2009 (Act 5 of 2009);

"**ply for hire**" means the use of a vehicle for conveying passengers for hire or reward;

"**prescribed**" means prescribed by the City manager;

"**public transport conductor**" means a person who, in a place or on a public road, renders a conductor service to public transport drivers and passengers, including—

(a) soliciting and touting for business;

(b) controlling and managing access to vehicles; and

(c) collecting fares;

"**public transport facility**" means any space demarcated for specific public transport vehicles;

"**public transport vehicle**" means a public motor vehicle used for the conveyance of passengers for hire or reward and includes buses, taxis and e-hailing vehicles;

"**public transport service**" means a scheduled or unscheduled service for the carriage of passengers by road whether subject to contract or not, and where the service is provided for a fare or any other consideration or reward, and except where clearly inappropriate;

"**rank**" includes—

(a) a public transport interchange or a place upon a public road from which a public transport service may ply for hire or convey and drop off passengers for reward; and

(b) any place designated or demarcated as a rank for the exclusive parking of specific public transport vehicles by a road traffic sign;

"**rank token**" means a rank token issued in terms of section 4;

"**Regulations**" means the regulations promulgated under the Act;

"**stopping place**" in relation to—

(a) a taxi, means a place designated by the City where a taxi may stop to pick up or drop off passengers, and

(b) a bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

"**taxi**" means a public transport motor vehicle, other than a public bus, used for the conveyance of passengers excluding an e-hailing vehicle;

"**taxi facility**" means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the City for the exclusive use of taxis;

"**taxi rank**" means any place designated or demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign; and

"**traffic officer**" means a traffic officer appointed by the City in terms of section 3A of the Act and any member of the Cape Town Metropolitan Police Force approved by the member of the Executive Council in terms of section 64A(4) of the South African Police Service Act, 1995 (Act 68 of 1995).

Chapter 2
Powers and duties of authorised officials

2. Powers and duties of authorised official

(1) An authorised official may for the purposes of enforcing this By-law—

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

(b) drive any vehicle where necessary in the performance of duties if, in the case of a motor vehicle, the official is licensed to drive a motor vehicle of the class concerned;

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

(d) regulate and control traffic upon any public road, and give such directions as may appear necessary for the safe and efficient regulation of the traffic, which may include the closing of any public road, and, if it appears 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 the road and to follow another route with the vehicle;

(e) require any person to furnish their name and address and other particulars that are required for identification or for any process if the officer reasonably suspects this person of having committed an offence in terms of this By-law or any other law or, if in the opinion of the officer, that person is able to give evidence in regard to the commission of any such offence;

(f) demand the owner, operator or driver of any motor vehicle to produce any document prescribed in terms of this By-law or any other law; and

(g) impound any document produced in terms of paragraph (f), which may afford evidence of a contravention of or failure to comply with any provision of this By-law or any other law related to road traffic matters and if a document is impounded, the official must issue a receipt in respect of the documents to the person concerned.

(2) For the purposes of this section—

(a) a law enforcement officer may only exercise such powers conferred on the officer under his or her certificate of appointment within the municipal area of the City;

(b) a traffic officer, other than a member of a municipal police service, may only exercise powers within the municipal area of the City otherwise in accordance with an appointment under section 3A(1)(d) or (2) of the Act; and

(c) a member of a municipal police service may only exercise powers within the municipal area of the City otherwise in accordance with section 64F(3) of the South African Police Service Act,1995 (Act 68 of 1995).

Chapter 3
Plying for hire and ranking requirements

3. Parking and plying for hire

(1) Subject to subsection (2), a driver of a public transport vehicle who plies for hire or picks up or drops off passengers may park the vehicle at a rank or any parking place demarcated for public transport vehicles.

(2) Despite subsection (1), the City may, in emergencies or at recreational and other similar functions, set aside temporary public transport facilities identified by the authorised official as suitable for the parking and stopping of public transport vehicles.

(3) No driver of a public transport vehicle may park the vehicle at a stopping place or any other place not demarcated for public transport vehicles.

(4) A driver of a public transport vehicle may only, in exceptional circumstances or with the written authorisation of the relevant operating licensing entity, deviate from the allocated route and take short cuts through community roads to ply for hire or drive to pick up or drop off passengers.

4. Rank tokens

(1) No person may rank with a taxi at a rank unless a rank token in respect of the vehicle has been issued to that person in terms of subsection (6).

(2) No person may be issued with a rank token unless in possession of a valid operating licence.

(3) No person may be issued with a rank token if that person has outstanding warrants for the non-payment of traffic fines.

(4) The rank token referred to in subsection (1) is valid for as long as the operating licence is valid.

(5) An application for approval for a rank token must be submitted to the authorised official—

(a) by the owner; and

(b) in a form determined by the City.

(6) The authorised official, subject to subsections (2) and (3), must issue a rank token in respect of a taxi specifying—

(a) the rank at which the rank token applies;

(b) the period for which the rank token is granted;

(c) the registration number allotted to the vehicle concerned;

(d) the make of the vehicle;

(e) in respect of metered taxis, the number of the taxi meter approved for use in that vehicle;

(f) the operating licence number of the vehicle; and

(g) the routes for which the vehicle has authority to ply for hire.

(7) The authorised official may issue one rank token for each taxi.

(8) Subject to section 77 of the National Land Transport Act, 2009 (Act 5 of 2009), the owner of the vehicle in respect of which a rank token has been issued must, in writing, advise the authorised official of—

(a) any change of address during the operating period for which the rank token was issued;

(b) the disposing of or otherwise ceasing to be the owner of the vehicle during the period for which the token was granted;

(c) the name and address of the person to whom the vehicle was disposed of; and

(d) the reasons for disposing of or ceasing to be the owner of the vehicle within 7 days of the event.

(9) The owner contemplated in subsection (8) must pay the City the prescribed charge for the use of each rank token issued in terms of this section.

(10) No person may forge, imitate, deface, mutilate, alter or make a mark upon a rank token.

5. Display of rank token

No person may—

(a) affix a rank token to any vehicle other than the vehicle in respect of which it is issued; or

(b) ply for hire with a taxi—

(i) unless the rank token issued in respect of the vehicle for the current year is affixed to the left-hand side of the windscreen so that its face is clearly visible from outside;

(ii) with any rank token affixed other than the rank token issued in respect of that vehicle for the current year; or

(iii) with any rank token that has ceased to be valid affixed to that vehicle.

6. Rank token to be produced on demand

(1) The holder of a rank token issued in terms of this By-law must—

(a) maintain the rank token in a good condition; and

(b) keep and display it on the motor vehicle to which it relates at all relevant times when it is being operated as a public transport vehicle.

(2) Any authorised official may call upon the driver of a taxi to stop and may demand the driver—

(a) to produce the rank token required under the provisions of this By-law; and

(b) to supply their full name and address and the name and address of the owner or operator of the public transport service.

(3) Any authorised official may demand from the driver of any taxi in a public transport facility to produce the rank token and supply the information referred to in subsection (2).

(4) No driver referred to in subsection (2) and (3) may, when called upon to do so by any authorised official—

(a) refuse to stop;

(b) refuse to supply full name and address;

(c) refuse to supply the correct name and address of the owner or operator of the vehicle in the driver's charge;

(d) refuse to produce a rank token; or

(e) give a false name or address.

(5) For the purpose of sub-section (3), "authorised official" includes an employee employed by the rank.

7. Suspension or withdrawal of a rank token

(1) If the holder of a rank token has been found guilty of contravening this By-law, and in addition to any other penalty that has been imposed by a court of law, the City may, subject to section 8, after all the circumstances of the case have been taken into consideration, act in terms of subsection (2).

(2) The City may, after considering all the circumstances of the case, suspend a rank token for a period determined by the authorised official or withdraw the rank token or tokens if—

(a) the owner of the taxi—

(i) does not comply with an instruction issued in terms of this By-law;

(ii) does not maintain the public transport vehicle at all times in a sanitary state and in a roadworthy condition; or

(iii) has outstanding arrest warrants for the payment of traffic fines;

(b) an authorised official inspects the taxi and finds that the vehicle—

(i) is constructed in such a way or is in such a condition that the public transport vehicle is unsafe for the number of passengers it is authorised to carry; or

(ii) does not comply with the conditions specified in this By-law or the Act.

(3) No person may use or allow a vehicle to be used as a taxi at a public transport facility if that vehicle's rank token has been suspended, withdrawn or has expired.

(4) If an operating licence has been suspended, cancelled or withdrawn by the relevant licensing authority, the rank token issued by the City is automatically suspended, cancelled or withdrawn.

(5) If the holder of an operating licence appeals the suspension, cancellation or withdrawal to the City manager in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the City manager—

(a) may, given the grounds of the suspension, cancellation or withdrawal, determine that that suspension, cancellation or withdrawal remains in force pending the appeal; and

(b) must, if the suspension, cancellation or withdrawal of an operating licence is reversed, re-issue the rank token subject to any conditions the City Manager may specify.

8. Procedure for suspension, cancellation or withdrawal of a rank token

(1) A rank token may not be suspended or withdrawn unless—

(a) the authorised official has given the holder of a rank token and any public transport association or council of which the holder is a member, at least 14 days' written notice by registered mail of the intention to suspend, cancel or withdraw the rank token, and the notice must give—

(i) the reasons for the proposed action and an adequate statement setting out the action's nature;

(ii) an invitation to the rank token holder to make written representations on the matter; and

(iii) an address for the submission of the representations as contemplated in sub-paragraph (ii).

(2) The authorised official may, if considered necessary, give the holder of the rank token an opportunity to make further representations either in writing or in person.

(3) The authorised official must give a ruling on whether to suspend, cancel or withdraw the rank token with reasons for the ruling in writing not later than 14 days after the date of representations contemplated in subsection (1) or 2 as the case may be.

9. Change of address

The holder of a rank token must give written notice to the City of any change of address and proof of such address within 14 working days by pre-paid registered post, telefax, hand delivery or by electronic mail.

10. Amendment and replacement of a rank token

(1) If the particulars reflected on a rank token are incorrect due to a change in particulars or for any other reason, the rank token holder must submit the token to the City for amendment or inform the City of the amendment.

(2) If a rank token is damaged so that the particulars cannot reasonably be ascertained, the holder of a damaged rank token must submit it to the City and an authorised official may replace it at the rank token holder's cost.

11. Use of ranks

(1) The driver of a taxi must, when plying for hire at a rank, do so in an orderly manner.

(2) No person may park or stop a taxi that is not in good working order as required by the Act, in a rank, or cause or permit the vehicle to remain in a rank.

(3) No person may park or stop any vehicle in a rank except a taxi for which a rank token, specifying the rank and the period of its validity, has been issued in terms of section 4.

(4) No person may wash any taxi at a rank, except at a wash bay at the facility specially constructed for this purpose.

12. Right of entry

An authorised official may, in enforcing the provisions of this By-law, at any reasonable time and without prior notice—

(a) enter a public transport facility to inspect it;

(b) enter any public transport vehicle or vehicle used to transport members of the public for reward; and

(c) make enquiries from a person connected with the facility.

13. E-hailing vehicle tags

(1) An e-hailing vehicle operating in the City's jurisdiction must display a tag in the prescribed form and in the prescribed place on the vehicle.

(2) An e-hailing vehicle may only be driven by a driver who is a holder of a valid operating licence, which must be displayed on the front window of the vehicle.

(3) The provisions of section 7 and 8 apply to the suspension or withdrawal of an e-hailing tag with the changes required by context.

Chapter 4
Licence and operating licence

14. Driver of motor vehicle to be licensed

No person may drive a motor vehicle on a public road—

(a) except under the authority of and in accordance with the conditions of a licence issued to the driver in terms of the Act or of any document deemed to be a licence for the purposes of the Act; and

(b) unless the driver keeps the licence or document or any other prescribed authorisation in the vehicle.

15. Motor vehicle to be licensed

Subject to the provisions of the Act, every motor vehicle in the City must, whether or not it is operated on a public road, be licensed by the owner of that motor vehicle, in accordance with the provisions of the Act, with the relevant licensing authority.

16. Driver to have operating licence

(1) Subject to the provisions of section 32 of the Act, a person may only drive a motor vehicle of a class prescribed in terms of that section on a public road if that person—

(a) has a professional driving permit issued in terms of the Act to drive a vehicle of that class;

(b) is in possession of that permit; and

(c) drives the vehicle in accordance with the conditions of that permit.

(2) Subsection (1) does not apply to the holder of a learner's licence for that class of vehicle, who drives the motor vehicle while being accompanied by a person registered as a driver in respect of that class of vehicle.

17. Operating licence to be produced on demand

(1) The holder of an operating licence must—

(a) maintain the operating licence in a good and legible condition; and

(b) keep the operating licence in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi, bus or e-hailing vehicle.

(2) An authorised official may call on the driver of a taxi, bus or e-hailing vehicle to stop and may demand that the driver—

(a) produce the operating licence; and

(b) give the driver's full name and address and also the full name and address of the owner of the taxi, bus or e-hailing vehicle.

(3) A driver referred to in subsection (2) may not—

(a) operate a public transport service without a valid operating licence; or

(b) allow the operating licence to be used for a vehicle other than that specified in the operating licence.

18. Unauthorised handing over or abandonment of public transport vehicle

No driver of a public transport vehicle may—

(a) abandon the vehicle being driven; or

(b) allow any other person to drive the vehicle under the driver's control without the written consent, in the prescribed form, of the holder of the operating licence or public permit concerned.

19. Display of licence number

No person may drive or operate a motor vehicle on a public road if it is not fitted with a number plate at—

(a) the rear of a trailor or a motor cycle; or

(b) the front and the rear of any other motor vehicle.

Chapter 5
Equipment on or in respect of vehicles

20. Lights on motor vehicles

No person may operate a motor vehicle on a public road unless—

(a) all lights are undamaged, properly secured and capable of being lit at all times; and

(b) the head lights, rear lights and number plate lights are kept lit between the period of sunset and sunrise and at any other time when visibility is reduced due to insufficient light, smoke or unfavourable weather conditions.

21. Lights on vehicles

No person may drive a vehicle on a public road without its lights fitted in accordance with the Regulations and in working order.

22. Reflectors on vehicles

No person may drive a vehicle on a public road unless it is fitted with reflectors in accordance with the Regulations and clean, in good condition and not obscured.

23. Direction indicators

No person may drive a motor vehicle on a public road unless its direction indicators are in working order.

24. Hooter or warning devices

No person may operate a vehicle unless it is equipped with a hooter or warning device that is in good working order and capable of emitting a sound that is clearly audible by a person of normal hearing.

25. General prohibitions

No person—

(a) who is the owner or operator, or is in charge or in control of a motor vehicle may employ or permit any other person to drive that vehicle on a public road unless that other person has—

(i) a valid driver's licence; or

(ii) a valid learner's licence and the learner driver is accompanied by a driver with a valid licence;

(b) who is the holder of a learner's or driver's licence may allow that licence to be used by any other person;

(c) may operate a motor vehicle of any class contemplated in section 45(1) of the Act as prescribed in the Regulations on a public road unless a valid operator card is displayed on that motor vehicle in the manner the Regulations require.

(d) may, subject to section 42(5) of the Act, operate a motor vehicle referred to in section 42(3) of the Act, unless a valid roadworthy certificate disc issued in terms of the Act is displayed in the manner the Regulations require;

(e) may drive a vehicle on a public road recklessly or negligently; for the purposes of this paragraph, without restricting the ordinary meaning of the word "recklessly", any person who drives a vehicle with wilful or wanton disregard for the safety of persons or property is deemed to drive that vehicle recklessly;

(f) may drive a vehicle on a public road without reasonable consideration for any other person using the road;

(g) may operate a motorcycle or a motor tricycle without wearing a protective helmet with the chin straps tied beneath the chin;

(h) may throw or drop any object out of the window or door of a vehicle including a burning match, cigarette, other burning or smouldering item or material or any item or material capable of spontaneous combustion or self-ignition or any item or material capable of causing the spontaneous combustion of any material in or along a road or any other place;

(i) may, subject to section 58(3) of the Act, while operating a vehicle ignore or disregard a road traffic sign, unless otherwise directed by an authorised official;

(j) may disregard any channelling lines while operating a vehicle;

(k) may, without reasonable cause or without consent of the owner, operator or person in lawful charge of a motor vehicle—

(i) set the vehicle in motion;

(ii) place the vehicle in gear;

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

(iv) enter or climb upon the vehicle;

(v) ride in or drive a vehicle without the consent of the owner, operator or person in lawful charge of the vehicle; and

(vi) without lawful excuse, tamper with a vehicle or with any part of the equipment or the accessories of the vehicle or wilfully damage it or throw any object at that vehicle;

(l) may make a declaration or furnish information that the person knows to be false or misleading;

(m) may refuse to make a declaration or furnish any information required in terms of this Act;

(n) may not use, display or manufacture any number plate that does not comply with the specifications prescribed in the Act; or

(o) may falsify or counterfeit or, with the intent to deceive, replace, alter, deface or mutilate or add anything to a certificate, licence or other document issued or recognised in terms of the Act or be in possession of a certificate, licence or other document that has been falsified or counterfeited or so replaced, altered, defaced or mutilated or to which anything has been added or produce any document to be used for the purposes of the Act which differs in format or in content from a document prescribed under the Act.

26. Seatbelts

(1) Unless a vehicle has been exempted from the requirements relating to seatbelts in terms of the Regulations, no person may, on a public road, operate a motor vehicle—

(a) that does not have seatbelts fitted for each seat in the vehicle;

(b) without wearing a seatbelt; and

(c) unless all passengers are wearing their seatbelts or, in the case of children under the age of seven, are restrained in a child restraining seat contemplated in subsection (3).

(2) The seatbelts must not be damaged and must be in good working order.

(3) All passengers in a vehicle on a public road below the age of seven must be restrained in a child restraining seat directly fixed onto a seat in the vehicle or mounted by means of a seatbelt specifically designed to protect children from injury or death in the event of a collision.

27. Tyres

No person may, on a public road, operate a vehicle if any of the tyres—

(a) are in such a state of disrepair, wear or damage that the metal part of the wheel to which the tyre is fitted may come into contact with the road surface;

(b) are in such a state of disrepair, wear or damage that the fabric or cord used in the construction of the tyre is exposed through the rubber;

(c) have a tread depth of less than one millimetre across the breadth and around the circumference of the tyre;

(d) have a tread depth that is level with a fitted tyre tread depth indicator; or

(e) have a lump or bulge.

Chapter 6
Conduct of drivers, conductors and passengers

28. Preventing engagement of public transport vehicle

No person may, by using force, intimidation, threat or any other means, prevent or try to prevent—

(a) any person from obtaining or engaging a public transport vehicle; or

(b) the driver of a public transport vehicle from taking on passengers.

29. Conveying dangerous or offensive articles in public transport vehicles

A person who is in charge of a public transport vehicle may not knowingly convey a person or thing or allow that person or thing to be conveyed in that vehicle, whether or not the public transport vehicle has been engaged, if that person or thing—

(a) is not permitted to be conveyed in terms of any law; or

(b) has obviously been exposed to or contaminated by an infectious or contagious disease as contemplated in the Act.

30. Boarding and disembarking of public transport vehicles

(1) No person may board a public transport vehicle until all persons desiring to disembark from such vehicle have done so.

(2) No person may insist on boarding a public transport vehicle where the number of passengers would be in excess of the total number of passengers the vehicle is authorised to carry.

(3) No person may board or alight or attempt to board or disembark from any public transport vehicle while the vehicle is in motion.

31. Queues at public transport facilities

(1) At any established ranking facility, the City may erect or cause to be erected a queue sign that consists of a notice board indicating the location and the manner in which persons waiting to enter a public transport vehicle must stop and form a queue, and such a sign may be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.

(2) Every passenger queuing must comply with the instructions given by a public transport conductor or authorised official on duty.

32. Garments and identification of public transport service conductor

Every public transport service conductor must, while on duty and presenting as available for service, be dressed in a retro-reflective bib or jacket and must ensure that an appropriately issued identification card in terms of any other law is visibly displayed.

33. Duty of care

The owner, driver and conductor of a public transport vehicle must, at all times, exercise a duty of care by maintaining the inside of that public transport vehicle in a sanitary state of affairs.

34. Payment of fares

A passenger on a bus or taxi must, on request, pay the determined fare for the journey.

35. Rights and duties of passengers when public transport vehicle becomes defective

(1) If a public transport vehicle becomes defective or, for any reason, is unable to proceed, the passengers must, at the request of the driver, disembark from the defective vehicle and the passengers are entitled to a refund of their paid fares.

(2) The driver must either refund the passengers their paid fares or arrange for the passengers to travel on the next available public transport vehicle for the remainder of their journey at the cost of the owner of the defective vehicle.

(3) A driver who does not comply with subsection (2) commits an offence.

36. Actions prohibited on public transport vehicle

(1) The following actions are prohibited on a public transport vehicle:

(a) smoking;

(b) playing offensive or excessively loud music;

(c) using obscene or offensive language;

(d) interfering with any passenger;

(e) damaging anything and interfering with the public transport vehicle's equipment;

(f) forcibly causing the driver to deviate from the authorised route;

(g) endangering the life of another person;

(h) interfering with the driver's actions; and

(i) riotous or indecent behaviour.

(2) Any person who commits any act referred to in subsection (1) may be removed from the vehicle and forfeits any fare paid.

37. Behaviour prohibited at public transport facility

A person who causes a disturbance or behaves in a riotous or indecent manner may be removed from the vicinity of a public transport facility by any authorised official.

38. Property left in public transport vehicles

The driver of a public transport vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must—

(a) deliver that property to the person who left it behind; or

(b) if the driver is unable to deliver that property to the person who left it behind—

(i) take the property, as soon as possible, to the lost property office of the driver's employer or at the nearest police station; and

(ii) obtain a receipt for it.

Chapter 7
Animals

39. Animals

No passenger may enter a public transport vehicle with any animal other than a guide dog assisting a blind person.

40. Animals on public road

(1) No owner of an animal may allow the animal to be untended on any section of a road reserve.

(2) Any untended animal found on the road reserve is presumed to have been left there or allowed to stray onto the road by the owner.

(3) No person may drive any animal on a public road, or any part of the road reserve without displaying a visible red light in front of and behind the animal to make it visible to traffic between the hours of sunset and sunrise.

(4) An authorised official may impound any animal found within a road reserve in contravention of subsection (1).

(5) An impounded animal must be held and released in terms of the City's Animal By-law, 2010 and any policies and procedures relating to animal impoundment.

Chapter 8
Road safety

41. Circumstances under which persons may be carried on goods vehicle

No person may operate a goods vehicle conveying persons on a public road—

(a) unless that portion of the vehicle in which the persons are being conveyed is enclosed to a height of 350 millimetres when seated and 900 millimetres when standing; and

(b) in which a person is conveyed in the goods compartment with any tools or goods (except for personal effects) unless that person is separated by means of a partition from the portion in which the goods are being conveyed.

42. Overloading of public transport vehicles

No driver of a public transport vehicle may allow more than the specified number of passengers as indicated in the permit onto the vehicle while in operation.

43. Obstruction and disruption of traffic

(1) No person may park or allow a public transport vehicle to park in a stopping place designated for another class of public transport vehicle.

(2) No public transport vehicle may traverse a pedestrian crossing when stopping to enable passengers to be picked up or dropped off.

(3) No public transport vehicle may park for to ply for hire in a demarcated parking bay any longer than is required to enable waiting passengers to be picked up or dropped off.

44. Duties of pedestrians

(1) A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 50 metres from the pedestrian crossing or intersection.

(2) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.

(3) Where a traffic-control light signal, which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which that pedestrian is proceeding.

(4) Where no pedestrian signals are operating at an intersection, but the intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which that pedestrian is proceeding.

(5) Where a traffic-control light signal, which embodies pedestrian signals, is operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which that pedestrian is proceeding.

(6) Pedestrians may not carelessly, negligently or recklessly disregard, or endanger their own safety, or the safety of a person or vehicle using a public road.

45. Use of hooter

No person may on a public road use the hooter or warning device of a vehicle except when necessary to comply with the provisions of this By-law or any other law or on the grounds of safety.

46. Vehicle causing excessive noise

No person may operate or permit to be operated on a public road a motor vehicle causing any excessive noise which could be avoided by the exercise of reasonable care.

47. Duty to indicate when changing lanes

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

(2) A driver may not turn from one lane into or across another lane without giving a conspicuous signal visible to any person approaching from the front, from the rear or from the side, and of a duration sufficient to warn that person of the driver's intention to turn.

48. Passing of vehicle

(1) Subject to sub-sections (2), (3) and (4), the driver of a vehicle intending to pass any other vehicle proceeding in the same direction on a public road—

(a) must pass to the right of it at a safe distance which in the case of a motor vehicle passing a pedal cycle must be at least one metre; and

(b) must not again drive on the left side of the roadway until safely clear of that vehicle.

(2) Subject to sub-section (3), a driver may pass a vehicle to the left of another vehicle on a public road if—

(a) it is safe for the driver, other drivers, pedestrians and any property that is on the road; and

(b) the vehicle being passed is turning to its right or the driver has signalled the intention to turn right; or

(c) the road—

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

(ii) is divided into traffic lanes by appropriate road traffic signs; or

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

(d) the roadway is of sufficient width for two or more lines of moving vehicles moving in each direction; or

(e) the driver is driving under the specific or general directions of an authorised official in accordance with those directions.

(3) Subject to section 49, no driver may pass another vehicle as contemplated in sub-section (2) by driving on the shoulders of the roadway or on the verge of that road.

(4) The driver of a vehicle may 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 the driver's 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) the driver can do so without encroaching on the right-hand side of the roadway; or

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

(5) A driver of a vehicle on a public road, upon becoming aware of other traffic proceeding in the same direction and wishing to pass, must drive the vehicle as near to the left edge of the roadway as is possible, if it is safe for the driver, other drivers, pedestrians and any property that is on the roadway, and may not accelerate the speed of the vehicle until the other vehicle has passed.

(6) When about to pass oncoming traffic on a public road, the driver of a vehicle must ensure that the vehicle does not encroach on the roadway to the right in a manner that may obstruct or endanger oncoming traffic.

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

49. Prohibition on driving on shoulder of public road

(1) Subject to sub-section (2) and section 115 (1) (e) of the Act, no person may drive a motor vehicle on the shoulder of a public road.

(2) Notwithstanding sub-section (1), the driver of a motor vehicle may, during the period between sunrise and sunset, drive a motor vehicle on the shoulder of a public road that is designated for one lane of traffic in each direction—

(a) while the motor vehicle is being overtaken by another vehicle;

(b) if it is safe for the driver, other drivers, pedestrians and any property that is on the road; and

(c) if persons and vehicles upon the road are clearly discernible at a distance of at least 150 metres.

50. Right of way at certain road junctions

When intending to enter any portion of a public road that constitutes a junction of two or more public roads where vehicular traffic is required to move around a traffic island within the junction, the driver of a vehicle on a public road must yield the right of way to all vehicular traffic approaching from the right within the junction, unless the entry into that junction is controlled by an instruction given by an authorised official or a direction conveyed by a road traffic sign requiring the driver to act differently.

51. Compulsory stops

(1) The driver of a vehicle on a public road must stop the vehicle—

(a) in compliance with any direction conveyed by a road traffic sign or given by an authorised official in uniform; or

(b) at the request or on the signal of a person leading or driving any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich on the road.

(2) A driver of a vehicle who disobeys a direction to stop in terms of subsection (1)(a) or attempts to evade or elude that officer, commits an offence.

52. Riding on pedal cycles

(1) Persons riding pedal cycles on a public road may ride in single file except while overtaking another pedal cycle; two or more persons riding pedal cycles may not overtake another pedal cycle at the same time.

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

(3) No person riding a pedal cycle on a public road may deliberately cause it to swerve from side to side.

(4) No person riding a pedal cycle on a public road may carry any person, animal or object that obstructs the cyclist's view or that prevents the cyclist from exercising complete control over the movements of the pedal cycle.

(5) A person riding a pedal cycle on a public road must do so with at least one hand on the pedal cycle's handle bars.

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

(7) 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, must do so with all the pedal cycle's wheels in contact with the surface of the road at all times.

53. Racing and sport on public roads

(1) For the purpose of this section, the expression "race or sport" includes—

(a) any race, speed trial, reliability trial, hill climbing competition or sports meeting; or

(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 driver may, without the prior written permission of the City, in or on a public road, public place or place to which the public has access—

(a) organise or take part in any race, speed test, or sport involving a motor vehicle;

(b) cause the vehicle's wheels to spin when pulling away from a stationary position;

(c) cause the vehicle's wheels to spin, causing the wheels to lose traction to make any part of the vehicle sway or drift while the wheels are spinning; or

(d) cause any of the wheels to lift off the ground while in motion.

(3) No person may stand in or along the side of a public road, public place or place to which the public has access to watch or encourage drivers involved in unauthorised racing, speed tests or sport involving a motor vehicle.

54. Hindering or obstructing traffic on public road

(1) No person may wilfully or unnecessarily prevent, hinder or interrupt the free and proper passage of traffic on a public road.

(2) No person may 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 the road.

55. Towing of vehicles

(1) No person may operate any motor vehicle on a public road while towing or drawing another vehicle —

(a) if the owner of the vehicle being towed does not have a driver's licence for the category of vehicle being towed;

(b) with a tow rope or chain that is longer than three and a half metres; and

(c) exceeding the speed of 30 kilometres per hour when towing with a rope or a chain.

(2) No operator of a motorcycle, motor tricycle, motor quad bike or pedal cycle may tow a vehicle, motorcycle, motor tricycle, motor quad bike or pedal cycle.

56. Parking of vehicles

(1) Unless in accordance with road traffic markings, road traffic signs or on instruction of an authorised official, no person may park a vehicle on a public road,—

(a) in contravention of a road traffic sign;

(b) in any position or place which, in the opinion of the authorised official, may constitute a danger or an obstruction to traffic or pedestrians;

(c) within any subway or tunnel or within six metres thereof;

(d) on the right-hand side of the road facing on-coming traffic;

(e) within the railway reserve at a level crossing;

(f) within nine metres on either side of a pedestrian crossing;

(g) 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 metres on either side of a fire hydrant;

(h) in a manner that obstructs any private or public vehicular entrance to the roadway;

(i) on a traffic island, in a pedestrian mall or pedestrian lane; or

(j) within five metres of an intersection.

(2) No person may park a vehicle in a parking bay reserved for disabled persons without displaying the official sticker issued by provincial authorities for the conveying of disabled persons that has been issued for that vehicle.

(3) No person may park a motor vehicle in a loading zone and leave it unattended for longer than—

(a) five minutes in the case of a vehicle other than a delivery vehicle; or

(b) 30 minutes in the case of a delivery vehicle.

(4) An authorised official may impound vehicles parked in contravention of subsection (1)(b), (e) and (g) in terms of section 62 of this Act.

57. General duties of driver or passenger of vehicle on public road

(1) No person driving a vehicle on a public road may—

(a) cause the vehicle to travel backwards unless it can be done in safety, or cause it to run 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 the other vehicle and the traffic on and the condition of the roadway, or more closely than is prescribed in these sections;

(c) permit any person, animal or object to occupy any position in or on the vehicle which may prevent the driver from exercising complete control over the movements of the vehicle or signalling the 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 the vehicle, occupy a position without having complete control over the vehicle or without a full view of the roadway and the traffic ahead of the vehicle;

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

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

(h) fail to give an immediate and absolute right of way to a vehicle sounding a device or displaying an identification light in terms of section 58(3) of the Act;

(i) allow any portion of the driver's body to protrude beyond the vehicle while it is in motion except to give any hand signal which the driver is required or authorised to give in terms of this section or unless the driver is engaged in examining or testing or parking the vehicle;

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

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

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

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

(n) unless lawfully overtaking another vehicle or as directed by an authorised official, drive in the oncoming lane.

(2) No person, other than the driver, may 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 the vehicle.

(3) No passenger in a vehicle on a public road may permit any body part to protrude beyond the vehicle.

(4) No person may enter or alight from any vehicle on a public road unless the vehicle is stationary and unless it can be done without endangering anyone.

(5) No person may drive, pull or push a vehicle upon a sidewalk.

58. Damage to public roads

No person may 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; or

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

59. Special provisions relating to freeways

(1) No person may operate on a freeway—

(a) a vehicle drawn by an animal;

(b) a pedal cycle;

(c) a skateboard, roller skates, roller blades or similar device;

(d) a motorcycle having an engine with a cylinder capacity not exceeding 50 cubic centimetres;

(e) a vehicle propelled by electrical power derived from storage batteries that is controlled by a pedestrian;

(f) any vehicle with a mass not exceeding 230 kilograms that is specifically designed and constructed, not merely adapted, for use by a person with a disability and which is used solely by that person;

(g) a motor tricycle or motor quad bike;

(h) a vehicle with a mass not exceeding 230 kilograms and specially designed, constructed or adapted for the use of a person suffering from a physical defect or disability; or

(i) a tractor or a haulage tractor.

(2) No person may—

(a) be on a freeway on foot except—

(i) within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign; or

(ii) for a cause beyond their control;

(b) leave or allow an animal—

(i) to be on a freeway except in or on a motor vehicle or within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign; or

(ii) leave an animal in a place from where it may stray onto a freeway;

(c) stop a vehicle on a freeway except—

(i) in compliance with a road traffic sign or a direction given by an authorised official;

(ii) within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign; or

(iii) for any cause beyond the driver's control; or

(d) give a hand signal when driving a motor vehicle on a freeway except for a cause beyond the driver's control.

(3) The provisions of—

(a) sub-section (1)(i) do not apply to a person who operates a tractor in connection with the construction or maintenance of a freeway;

(b) sub-section (2)(a) does not apply to—

(i) an authorised official in the performance of the official's duties;

(ii) a person engaged in rescue or salvage work;

(iii) a person engaged in the construction or maintenance of a freeway or the rendering of an essential public service; or

(c) sub-section (2) (c) does not apply to—

(i) the driver of—

(aa) an ambulance, fire-fighting vehicle or rescue vehicle; or

(bb) a breakdown vehicle while engaged in salvaging another motor vehicle;

(ii) an authorised official who drives a vehicle in the performance of the official's duties; or

(iii) a person who drives a vehicle while it is used in connection with the construction or maintenance of a freeway or the rendering of an essential public service.

Chapter 9
Mobile telephone

60. Prohibition on use of mobile telephones while driving

(1) For the purposes of this section, a 'mobile telephone'-

(a) includes a cellular telephone or other hand-held communication device;

(b) does not include a telephone or device that is—

(i) affixed to the vehicle or is part of the fixture in the vehicle and remains affixed while being used or operated; or

(ii) specially adapted or designed to be attached to the driver's ears as headgear to enable the driver to use or operate the telephone or device without holding it in one or both hands or any other part of the body;

(c) excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the vehicle's fixtures.

(2) Subject to any other law or subsection (9), no person may drive a vehicle on a public road while holding a mobile telephone in one or both hands or any other part of the body.

(3) Subject to subsection (4), an authorised official may, in the public interest and the safety of the public, impound a mobile telephone used in contravention of subsection (2).

(4) When impounding a mobile telephone, the authorised official must—

(a) inform the vehicle's driver of the reasons for impounding it;

(b) request the driver to shut the telephone down to prevent access to the phone's data;

(c) if the driver is not the owner, ask the driver for the owner's name and contact details;

(d) issue a receipt to the vehicle's driver stating the place at which the telephone may be retrieved;

(e) advise the vehicle's driver that if the telephone is not retrieved in three months from date of impoundment, it may, in accordance with the City's impoundment policies, be sold, donated or destroyed; and

(f) follow the Standing Operating Procedure on Impoundment of Goods and Animals.

(5) If the owner of the mobile telephone is not the driver, the authorised official must notify the telephone's owner at the contact address provided in subsection (4)(c), together with a receipt issued in subsection (4)(d)—

(a) where the telephone may be retrieved; and

(b) that if the telephone is not retrieved within three months from date of impoundment, it will be destroyed.

(6) The City may, upon prior written application, extend the three-month period referred to in subsections (4)(e) and (5(b) provided that an extension is not granted more than twice.

(7) The mobile telephone may only be retrieved by—

(a) the telephone's owner on proof of ownership of the telephone; or

(b) any other person upon presentation of—

(i) a letter of authorisation from the owner together with the owner's proof of ownership;

(ii) a certified copy of the owner's identity document or business registration; and

(iii) a certified copy of the identity document of the person collecting the telephone.

(8) If the mobile telephone is not retrieved within the three months, the City may—

(a) sell or donate the telephone provided that all the private data on the telephone is deleted; or

(b) destroy the telephone.

(9) Subsection (2) does not apply to the following persons in the execution of their duties:

(a) authorised officials;

(b) municipal police officers; and

(c) members of the South African Police Service; and

(d) drivers of vehicles contemplated in section 58(3) of the Act.

Chapter 10
Driving while under the influence

61. General provisions relating to driving under the influence

(1) In this chapter operating a vehicle includes sitting behind the steering wheel or operating mechanism of a motor vehicle while the engine is running and in the case of animal-drawn vehicles or pedal cycles while sitting on the seat and controlling the reins or handle bars.

(2) No person may operate a motor vehicle, pedal cycle or animal-drawn vehicle on a public road while under the influence of intoxicating liquor or a drug having a narcotic effect.

(3) If an authorised official reasonably suspects a driver of a vehicle of being under the influence of intoxicating liquor or a drug having a narcotic effect, the official may require the driver—

(a) to stop the vehicle; and

(b) to give a breath specimen using the prescribed equipment.

(4) An authorised official may arrest the driver of a vehicle contemplated in subsection (3) if—

(a) that driver refuses to stop;

(b) that driver refuses to give a breath specimen; or

(c) that driver's breath specimen exceeds the prescribed limit.

Chapter 11
Impoundment of vehicles

62. General provisions relating to impoundment of vehicles

(1) An authorised official may in the interest and safety of the public, without notice, impound a vehicle if—

(a) the vehicle is engaged in illegal street racing or any form of motor sport or performance with a vehicle conducted on a public road or public place without the necessary—

i) road closure;

ii) events permit; or

iii) other applicable permissions;

(b) the driver is operating the vehicle without a valid driving license or, where applicable, a valid professional driving permit;

(c) the vehicle is obstructing a public road or entrance to critical infrastructure or emergency services facilities, including fire stations, hospitals, and police stations;

(d) the vehicle is being driven on a public road in a manner that is reckless and poses an immediate or imminent danger to the life of passengers, road users, or pedestrians including:

(i) driving on the shoulder;

(ii) driving in an oncoming traffic lane;

(iii) driving in a manner that disregards traffic channelling lines;

(iv) driving in a manner that disregards traffic signals, stop streets or pedestrian-crossings;

(v) driving in a manner that hinders or obstructs traffic;

(vi) cutting into a lane immediately after passing a vehicle;

(vii) being overloaded by more than three passengers; or

(viii) overtaking on a solid barrier or a no overtaking line;

(e) the driver of the vehicle is arrested for being under the influence of intoxicating liquor or a drug having a narcotic effect;

(f) the driver has accumulated a certain number of demerit points as stipulated by the Administrative Adjudication of Road Traffic Offences Act 1998, (Act 46 of 1998) (AARTO);

(g) the driver did not stop when signalled to do so by an authorised official in uniform resulting in the driver having to be pursued and forced to stop; or

(h) the vehicle has repeated parking offences in terms of the provisions of the City's Parking By-law.

[subsection (1) substituted by section 3 of the Traffic Amendment By-law, 2026]

(2) An authorised official may, if satisfied on reasonable grounds and subject to verification, impound a vehicle—

(a) if it is operated on a public road and in respect of which a notice to discontinue operation in terms of section 44(1) of the Act has been issued and that notice has not been complied with;

(b) if it is operated on a public road by a driver who is not a holder of—

(i) a valid driving licence;

(ii) professional driving permit; or

(iii) the necessary operating licence or permit;

(c) if it is operated on a public road contrary to the conditions of approval of its operating licence or permit or is off its approved route;

(d) that is not licensed or its licence disc has expired for more than 90 days;

(e) that is not registered in terms of section 15;

(f) where the—

(i) vehicle is not fitted with the minimum number of number plates as required by law;

(ii) the vehicle is fitted with false number plates; or

(iii) driver or owner of such vehicle is a repeat offender in terms of these provisions;

[paragraph (f) substituted by section 3 of the Traffic Amendment By-law, 2026]

(g) has been left abandoned;

(h) where the driver or operator of a motor vehicle operates a motor vehicle causing excessive noise in contravention of section 46 where the driver or owner of such a vehicle is a repeat offender, with two or more convictions for contraventions of section 46.

[paragraph (h) added by section 3 of the Traffic Amendment By-law, 2026]

(3) The authorised official must issue the vehicle's driver with a receipt for the vehicle being impounded, which must—

(a) (i) state the physical condition of the vehicle clearly identifying any dents or damage to the vehicle; and

(ii) include a list of accessories on and in the vehicle at the time of impoundment;

(b) state the address of the pound where the vehicle will be kept;

(c) state the operating hours for the release of vehicles from the pound;

(d) describe the costs that may be payable before the vehicle may be released;

(e) inform the driver that the driver or the owner may make written representations regarding the impoundment and provide the name and contact details of the official to whom representation regarding the impoundment may be made;

(f) set out the date and time by which representations must be made;

(g) inform the driver of the vehicle of the maximum period of storage;

(h) provide information on the application process for the extension of the maximum period of storage; and

(i) inform the driver of the vehicle that the vehicle may be sold or destroyed if not retrieved within three months of its impoundment.

(4) The authorised official must retain a copy of the receipt issued to the driver of the vehicle being impounded which serves as *prima facie* proof of the vehicle's condition at the time of impoundment.

(5) If the driver is not the vehicle's owner, the authorised official must serve a copy of the receipt on the vehicle's owner by registered mail at the address recorded against the owner's name in the register of vehicles in the National Traffic Information System as defined in section 1 of the Act.

(6) The City may charge a daily or monthly tariff for storage of impounded vehicles.

(7) The City may levy an impoundment fee for the vehicle's impoundment.

(8) The City may recover from the vehicle's owner costs and fees relating to impoundment, transport and storage of the vehicle in terms of its Credit Control and Debt Collection Policy and the Credit Control and Debt Collection By-law, 2006.

(9) Owners of impounded vehicles will have three months from the date of impoundment within which to retrieve their impounded vehicles.

(10) The City may, upon the owner's written application, extend the storage period before the end of the three-month period referred to subsection (9) provided that extension is not granted more than twice.

63. Release of impounded vehicles

(1) Subject to subsections (5) and (6), vehicles impounded by the City—

(a) for illegal street racing in terms of section 62(1)(a), may only be released to the vehicle's owner or driver, if successful representations are made to the delegated authority, or after the first appearance in court by the person accused of illegal street racing, whichever occurs first;

[paragraph (a) substituted by section 3 of the Traffic Amendment By-law, 2026]

(b) for being unlicensed or if the licence disc has expired for more than 90 days in terms of section 62(1)(b), may only be released to the vehicle's owner or driver upon presentation of a valid licence disc;

(c) for being unregistered in terms of subsection 62(1)(c), may only be released to the vehicle's owner or driver upon proof of registration and a valid licence disc being presented;

(d) for not displaying number plates in terms of section 62(2)(f), may only be released to the vehicle's owner or driver upon presentation of valid number plates and having them affixed to the vehicle; or

[paragraph (d) substituted by section 3 of the Traffic Amendment By-law, 2026]

(e) for not being roadworthy and may only be released to the vehicle's owner or driver upon presentation of a roadworthy certificate issued by a City-operated Vehicle Testing Centre.

[paragraph (e) substituted by section 3 of the Traffic Amendment By-law, 2026]

(2) (a) A vehicle that the City has impounded may be temporarily released at the owner's expense to effect the required repairs to the vehicle to—

(i) a tow truck operating company to transport the vehicle to a vehicle repair centre on a flatbed trailer or with a tow bar or an A-frame;

(ii) a mechanic;

(iii) a panel beater;

(iv) an auto electrician; or

(v) another motor repair specialist.

(b) A vehicle that has been temporarily released for repair in terms of subsection (2)(a) must be returned to the pound by the relevant mechanic, panel beater, auto electrician or other motor repair specialist who collected the vehicle once the necessary repairs have been done for inspection, testing where necessary and release of the vehicle to the vehicle's registered owner or driver.

(3) If a vehicle needs to be transported to multiple venues to carry out the repairs, transportation may only be effected via a flatbed trailer, tow bar or A-frame up until the vehicle is roadworthy, registered, licensed and with the licence plates affixed to the vehicle.

(4) It is an offence to remove an impounded vehicle from a pound without the proper authorisation to do so in the case of repairs, or without the relevant release papers issued by an authorised official.

(5) An authorised official may grant an exemption from payment of the costs and fees relating to impoundment, transport and storage of the vehicle—

(a) if charges against the driver or owner have been withdrawn;

(b) if the driver or owner is found not guilty of the charges; or

(c) on good grounds based on representations made by the owner or driver in the prescribed form.

(6) Subject to subsection (5), vehicles the City has impounded may only be released to the vehicle's owner or driver upon proof of payment of all costs relating to the impoundment, transport and vehicle storage;

(7) An authorised official may only release the vehicle from a pound to the vehicle's owner on proof of ownership and valid proof of address.

(8) An authorised official may only release an impounded vehicle to another person upon presentation of—

(a) a letter of authorisation from the owner together with the owner's proof of ownership; or

(b) if the owner is deceased, a certified copy of the death certificate from the estate administrator;

(c) a certified copy of the owner's identity document; and

(d) a certified copy of the identity document of the person collecting the vehicle.

64. Sale or destruction of impounded vehicle

(1) If a vehicle is not retrieved or released within the three-month period referred to in section 62(8) or the extended period contemplated in section 62(9), an authorised official must notify the vehicle's owner in the prescribed form that—

(a) the City intends to—

(i) sell the vehicle to recover the its costs and fees relating to impoundment, transport and vehicle storage; or

(ii) destroy the vehicle; and

(b) if the owner intends to oppose the vehicle's sale or destruction, the owner must either—

(i) retrieve the vehicle after paying the City's costs; or

(ii) apply to court to stay the vehicle's sale or destruction within 30 days of the notice.

(2) If the owner fails to retrieve the vehicle or apply to court to stay the vehicle's sale or destruction, the City—

(a) must appoint an independent valuator to determine the value of the impounded vehicle;

(b) may—

(i) sell the vehicle by public auction with a reserve price determined by the valuator to recover the its costs including the auction costs; or

(ii) destroy the vehicle based on the valuator's valuation.

(3) If the vehicle contemplated in subsection (2)(b)(i) is not sold at or above the reserve price, the City must—

(a) apply to court for an order permitting the vehicle to be sold below the reserve price or be destroyed; and

(b) serve a copy of the application on the owner.

(4) If the vehicle is sold and, after the costs have been deducted, a balance remains in favour of the vehicle's owner, the City must—

(a) notify the owner of the balance; and

(b) pay the balance to the owner if the owner claims it.

(5) For the purposes of this section, service and notification on the owner must take place either personally or by registered mail at the address recorded against the owner's name in the register of vehicles in the National Traffic Information System as defined in section 1 of the Act.

Chapter 12
General provisions

65. Contravention and penalties

(1) Any person who contravenes or fails to comply with any provision of this By-law, or with any direction, condition, demand, requirement or request made under it, commits an offence.

[subsection (1) substituted by section 3 of the Traffic Amendment By-law, 2026]

(2) A person who commits an offence referred to in subsection (1) is, on conviction, liable for a fine or a term of imprisonment not exceeding any limit imposed for a similar offence in terms of section 89 of the Act.

66. Indemnity

The City and any authorised official is not liable for any damages caused by anything lawfully done or omitted by the City or the authorised official in carrying out any function or duty in terms of this By-law.

67. Repeal

The City of Cape Town: Traffic By-law, 2011 is hereby repealed.

68. Short title

This By-law is called the City of Cape Town: Traffic By-law, 2021, and shall come into operation on the date of publication in the *Provincial Gazette*.