

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

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CONTENTS

No.		Page
	PART B - ACT	
8.	The Shop Trading Hours Act, 2011	S1
9.	The Trading Licences (Amendment) Act, 2011	S3
	PART C - LEGAL NOTICE	
173.	The Road Transportation Public Passenger Liability Cover Regulations 2011	S6
174.	The Appointment of Inter - Agency Task Force for the Prevention of People Trafficking and People Smuggling (Amendment) Notice, 2011.....	S13

LEGAL NOTICE NO. 173 OF 2011**THE ROAD TRANSPORTATION ACT, 2007
(Act No. 5 of 2007)****THE ROAD TRANSPORTATION PUBLIC PASSENGER
LIABILITY COVER REGULATIONS 2011
(Under Section 20)*****Arrangement of regulations***

1. Short title and commencement.
2. Interpretation.
3. Purpose of regulations.
4. Passenger Liability Cover.
5. Scope of cover.
6. Claim against passenger liability cover.
7. Declaration.
8. Self adhesive disc.
9. Advertising on declaration and self adhesive disc.
10. Insure to keep records.
11. Cancellation, suspension or transfer of policy.
12. Suspension or cancellation of licence.
13. Schedule: Passenger Liability Cover Declaration: Form A
14. Schedule: Passenger Liability Cover Self Adhesive Dick: Form B

In exercise of the powers conferred by Section 36 of the Road Transportation Act, 2007, the Minister for Public Works and Transport makes the following Regulations.

Citation and Commencement

1. (1) These Regulations may be cited as the Road Transportation Public Passenger Liability Cover Regulations, 2011.
- (2) These Regulations shall come into operation on a date to be determined by the Minister in the Gazette.

Interpretation

2. In these regulations unless the context otherwise requires expressions used in the Act have the same meaning as in these Regulations, and-

"declaration" means a declaration in terms of regulation 7;

"insurer" has the same meaning as provided by the Insurance Act No.7 of 2005;

"passenger" means a person who is boarding or has boarded a public service vehicle and has paid, promised or intends to pay a fare for using the vehicle;

"passenger liability cover" means an insurance cover provided by an insurer to an operator to cover the operator from civil liability resulting from the use of that operator's public service vehicle by a passenger;

"public service vehicle" means-

- (a) any motor vehicle or trailer used for the carriage or haulage of passengers on hire or reward on one or more occasions, but does not include -
 - (i) a motor vehicle which is the property of the Government;
 - (ii) a motor vehicle driven by a public servant in the course of duties or on behalf of the Government;
 - (iii) an ambulance, a fire engine or hearse; or
 - (iv) a motor vehicle in transit through Swaziland on condition that there are no persons to be left or picked up in Swaziland; or
- (b) any motor vehicle or class of motor vehicle used for or in connection with any trade or profession which, although not used for hire or reward as is referred to in paragraph (a), is declared by the Minister under the provisions of section 25 of the Road Transportation Act No.5 of 2007 to be a public service vehicle; and

"vehicle" means a public passenger service motor vehicle.

Purpose of the regulations

3. The purpose of these regulations is to-

- (a) ensure that operators of public service vehicles secure passenger liability cover in respect of vehicles that are used to carry passengers;
- (b) enable a-
 - (i) passenger to claim for personal injury or medical expenses;
 - (ii) relative of a deceased passenger to claim for funeral expenses; or
 - (iii) dependant of a deceased passenger to claim damages for the death of that passenger-

resulting from the use of a vehicle by that passenger.

Passenger Liability Cover

4. (1) No person shall operate or cause another person to operate a public service vehicle unless that vehicle has a passenger liability cover.

(2) The passenger liability cover for each vehicle shall not be less than one million Emalangeni.

(3) A person who contravenes this regulation commits an offence and shall be liable, on conviction to a fine not exceeding five thousand Emalangeni or to imprisonment for a period not exceeding two years or to both.

(4) A court convicting a person in terms of this regulation shall, in addition to the sentence, order the suspension of the licence of that public service vehicle until these regulations are complied with.

(5) The duration of the passenger liability cover shall correspond with the duration of the licence of the vehicle.

Scope of insurance cover

5. (1) The passenger liability cover shall insure an operator of a vehicle or any person or class of persons mentioned in the insurance policy against any liability which may be incurred by the operator or person or class of persons in respect of-

- (a) medical expenses;
- (b) expenses;
- (c) death;
- (d) bodily injury;
- (e) disability; or
- (f) loss of earnings

of a passenger arising out of the use of that public service vehicle.

(2) A passenger liability cover shall not extend to cover liability in respect of an injury or death of a person who was in the course and scope of employment of the person insured under these regulations.

Claim against passenger liability cover

6. (1) A claim against the passenger liability cover prescribed by these regulations shall not be successful unless-

- (a) a previous claim in respect of the same damages has been unsuccessful; or
- (b) the claim is of a greater amount than the amount paid-

under the Motor Vehicle Fund.

(2) Subject to sub-regulation (1) a claim against a passenger liability cover shall not exceed the amount insured.

Declaration

7. (1) Where an operator has secured a passenger liability cover with an insurer, the insurer shall issue to the operator a completed declaration signed by the insurer and operator or a duly authorised agent of the operator declaring the existence of the passenger liability cover.

(2) Where an operator has obtained a passenger liability cover in respect of more than one vehicle, the insurer shall issue a separate declaration for each vehicle.

(3) The declaration shall be in accordance with Form A of the schedule.

(4) A person who intentionally-

(a) provides or causes another to provide; or

(b) writes or causes another to write-

false information in the declaration, commits an offence and is liable on conviction to a fine not exceeding five thousand Emalangeni or to imprisonment for a period not exceeding three years or to both.

Self adhesive disc

8. (1) Where a passenger liability cover has been secured with an insurer the insurer shall issue to the operator a self adhesive disc as prescribed by Form B of the schedule.

(2) An operator shall display or cause to be displayed the self adhesive disc on the windscreen of the vehicle below or above the clearance certificate.

(3) The size of the self adhesive disc shall not be larger than the size of a motor vehicle clearance certificate.

(4) The self adhesive disk shall be fitted and protected in the same manner as a motor vehicle clearance certificate.

Advertising on declaration and self adhesive disc

9. (1) An insurer shall not issue a declaration or self adhesive disc which contains advertising matter printed or stamped either in the face or on the back of the declaration.

(2) For the purpose of this regulation-

(a) the name and address of the insurer or insurance broker; or

(b) any reproduction of seal or monogram of the insurer or insurance broker;

appearing on the declaration or self adhesive disc shall not constitute advertising.

Insurer to keep records

10. (1) An insurer shall, on issuing a passenger liability cover policy, make and keep a record containing the following particulars-

(a) the full name and address of the person to whom the policy is issued;

(b) a full description of the vehicle covered by the policy including the-

(i) registration plate number;

(ii) engine number;

(iii) vehicle identification number; and

(c) the date on which the cover comes into force and the date on which the cover expires.

(2) The record of insurance shall be kept by the insurer for a period of not less than three years from the date of the expiry of the policy of insurance.

(3) Any insurer who is required under this regulation to make and keep a record shall, upon request, furnish without charge to the Minister any particulars contained in any record kept by that insurer under these regulations.

Cancellation, suspension or transfer of policy

11. (1) Where an operator intends to cancel, suspend or transfer a passenger liability cover issued before the expiry of its time, the operator shall apply to the Accountant General, or the Accountant General's duly authorised agent, who shall, upon proof that the purpose of these regulations will not be defeated by that cancellation, suspension or transfer, issue a consent letter to the cancellation, suspension or transfer of the passenger liability cover not later fourteen days from the date of receipt of the application.

(2) An insurer shall not at the request of an operator cancel, suspend or transfer a passenger liability cover under this regulation unless the insurer has been furnished with a consent letter of the Accountant General or a duly authorised agent of the Accountant General.

(3) Where an insurer acting within the scope of the operator's policy intends to cancel, suspend or transfer a passenger liability cover policy existing under these regulations, the insurer shall give notice of its intention to the operator, Accountant General or Accountant's General's duly authorised agent stating the reasons for the cancellation, suspension or transfer.

(4) Where there is a just cause for the cancellation, suspension or transfer of the cover the Accountant General shall issue the letter of consent to the insurer.

(5) A notice in terms of sub-regulation (4) of this regulation shall be served at least fourteen days before the cancellation, suspension or transfer of the passenger liability cover policy.

(6) A person who, otherwise than under a provision of this regulation, cancels, suspends or transfers a policy issued under these regulations, commits an offence and shall be liable on conviction to a fine not exceeding four thousand Emalangeni or to imprisonment for a period not exceeding two years or to both.

Suspension or cancellation of licence

12. (1) Where a passenger liability cover policy has been cancelled, suspended or transferred in terms of regulation 10 the Accountant General or the Accountant General's duly authorised agent shall, after consulting the Road Transportation Department-

(a) suspend the licence issued in terms of section 20 (1)(c) of the Act until the requirements of regulation 4 (1) and (2) are complied with; or

(b) cancel that licence.

(2) Nothing in these regulations shall prevent an applicant from applying for a new licence that complies with the requirements of the Act and these regulations.

S11

SCHEDULE

FORM A

(Under Regulation 7)

PUBLIC PASSENGER LIABILITY COVER DECLARATION

(Under Section 20(1) (C))

1. Declaration number Policy number Permit number
2. Description of vehicle-
 - (a) MAKE:
 - (b) TYPE:
 - (c) COLOUR:
 - (d) YEAR OF MANUFACTURE:
 - (e) ENGINE NUMBER:
 - (f) VEHICLE IDENTIFICATION NUMBER:
 - (g) REGISTRATION BOOK NUMBER:
3. Number of passengers entitled to carry and covered by policy
4. Name of policy holder
5. Name of Insurer
6. Date of the commencement of insurance
7. Date of expiry of insurance
8. Persons or classes of persons entitled to drive:
9. **DECLARATION: I/WE DECLARE THAT A PUBLIC SERVICE LIABILITY COVER IN RESPECT OF THE ABOVE MENTIONED PUBLIC SERVICE VEHICLE IS IN FORCE**

(The Declaration is enjoined by section 20(1) (c) of the Road Transportation Act 5 of 2007.)

INSURER STAMP DATE

NAME SIGNATURE

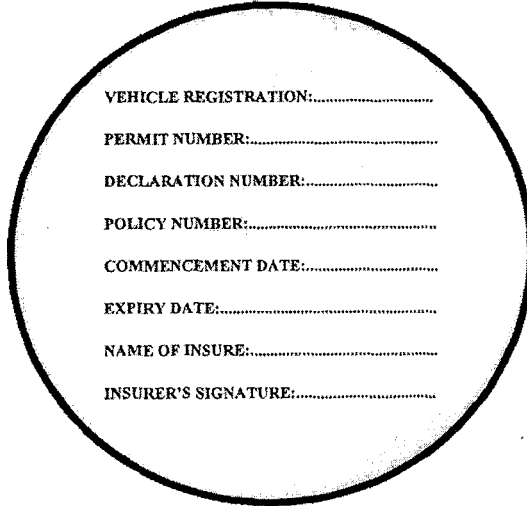
INSURED

NAME SIGNATURE

S12

FORM B

PASSENGER LIABILITY COVER SELF ADHESIVE DISC
(Under Regulation 8)



VEHICLE REGISTRATION:.....
PERMIT NUMBER:.....
DECLARATION NUMBER:.....
POLICY NUMBER:.....
COMMENCEMENT DATE:.....
EXPIRY DATE:.....
NAME OF INSURE:.....
INSURER'S SIGNATURE:.....

NTUTHUKO DLAMINI
MINISTER FOR PUBLIC WORKS AND TRANSPORT

LEGAL NOTICE NO. 174 OF 2011

THE PEOPLE TRAFFICKING AND PEOPLE SMUGGLING
(PROHIBITION) ACT, 2009
(Act No.7 of 2009)

THE APPOINTMENT OF INTER - AGENCY TASK FORCE FOR THE
PREVENTION OF PEOPLE TRAFFICKING AND PEOPLE
SMUGGLING (AMENDMENT) NOTICE, 2011
(Under Section 6)

In exercise of the powers conferred by Section 6 of the People Trafficking and People Smuggling (Prohibition) Act, 2009, the Prime Minister issues the following notice-

Citation and Commencement

1. This notice may be cited as the appointment of Inter - Agency Task Force for the Prevention of People Trafficking and People Smuggling (Amendment) Notice, 2011.

Amendment of Legal Notice No. 27 of 2010

2. (1) Legal Notice No. 27 of 2010 is amended in section 2 by deleting the name-

- (a) **Mr Mbuso Dlamini** and replacing it with the name **Ms. Sindi Mabuza** with effect from 1st March, 2011 ;
- (b) **Ms. Nompumelelo Lukhele** from 30th September, 2010 and replacing it with the name **Ms. Lomvula Hlophe** with effect from 1st March, 2011 ;
- (c) **Ms. Leckina Magagula** and replacing it with the name **Ms. Sibongile Motsa** with effect from 1st March, 2011;and
- (d) **Ms. Sibongile Hlatshwayo** and replacing it with the name **Ms. Mary S. Dube** with effect from 1st March, 2011.

(2) **Ms. Nompumelelo Lukhele** is appointed as secretary with effect from 1st October, 2010.

DR. B. SIBUSISO DLAMINI
PRIME MINISTER