

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 78 OF 2017

The Road Traffic Act
(Act No. 11 of 2002)

The Road Traffic (Public Service Vehicle) (Restriction on Night Driving) (Amendment) Regulations, 2017

IN EXERCISE of the powers contained in section 233 of the Road Traffic Act, 2002, and on the recommendation of the Agency, the following Regulations are made:

- | | |
|---|---|
| 1. These Regulations may be cited as the Road Traffic (Public Service Vehicle) (Restriction on Night Driving) (Amendment) Regulations, 2017, and shall be read as one with the Road Traffic (Public Service Vehicle) (Restriction on Night Driving) Regulations, 2016 in these Regulations called the principal Regulations. | Title

S.I. No. 76 of 2016 |
| 2. Regulation 2 of the principal Regulations is amended by the insertion of the following new definitions in the appropriate places:
“Director” has the meaning assigned to the word in the Road Traffic Act, 2002;; and
“specified vehicle” means a motor vehicle with a gross weight of six thousand five hundred kilograms or more;. | Amendment of Regulation 2

Act No. 11 of 2002 |
| 3. The principal Regulations are amended by the deletion of Regulation 3 and the substitution therefor of the following: | Amendment of Regulation 3 |
| 3. These Regulations apply to a public service vehicle and a specified vehicle. | Application |
| 4. (1) A person or an owner of a public service vehicle or a specified vehicle shall not use the public service vehicle or specified vehicle or cause or permit the public service vehicle or specified vehicle to be used between 2100 hours and 0500 hours. | Restriction on night driving |

(2) An owner or person in control of a vehicle in transit shall not drive or use the vehicle in transit on the road between 2100 hours and 0500 hours.

Application
for
exemption
from
restriction
on night
driving

5. (1) Despite regulation (4), a person or an owner of a public service vehicle or specified vehicle for the carriage of goods may apply to the Director for exemption from the application of Regulation 4 in Form I set out in the Schedule.

(2) The Director may, within twenty-one days of receipt of the application —

(a) approve the application for a person to use a public service vehicle or a specified vehicle for the carriage of goods between 2100 hours and 0500 hours on terms and conditions that the Director may specify; or

(b) reject the application for exemption where the applicant fails to meet the terms and conditions as the Director may specify.

(4) The Director shall, where the Director approves an application for exemption, issue a notice of exemption in Form II set out in the Schedule.

(5) The Director shall, where the Director rejects an application under this Regulation, notify the applicant of the rejection in Form III set out in the Schedule.

(6) Where the Director does not make a decision on the application within the period specified in sub-regulation (2), the exemption shall be considered to have been issued.

(7) An exemption issued by the Director under these Regulations shall be valid

(a) in the case of an applicant who has a road service licence, for the period of validity of the road service licence and any other relevant document unless the permit is revoked in accordance with regulation 7; and

(b) in the case of an applicant who has a specified vehicle, for a period not exceeding one year.

6. Regulation 5 does not apply to the use of a public service vehicle on a local route within a local authority area, except that a driver of a public service vehicle shall not drive the vehicle out of a local authority area after 2100 hours if the nearest local authority area where the driver is heading to is not the local authority area of final destination.

Restriction
not to apply
on local
route

7. The Director may revoke the exemption that is issued under Regulation 5 on the ground that any term or condition subject to which the exemption was issued has not been complied with.

Revocation
of exemption

8. A person who contravenes these Regulations commits an offence and is liable, upon conviction, to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding three months, or both.

Offence

FIRST SCHEDULE
(Regulation 5)

FORM I
(Regulation 5(1))




ROAD TRANSPORT AND SAFETY AGENCY

The Road Traffic Act
(Act No. 11 of 2002)

**The Road Traffic (Public Service Vehicle) (Restriction on Night Driving)
Regulations, 2017**

APPLICATION FOR AN EXEMPTION FROM RESTRICTION ON USE OF TO DRIVE A PUBLIC SERVICE VEHICLE OR A SPECIFIED VEHICLE FOR THE CARRIAGE OF GOODS BETWEEN 2100 HOURS AND 0500 HOURS			
Please write in BLOCK LETTERS	Shaded fields for official use only	Application No.:	
		Date of submission	
Information Required	Information Provided		√
NOTES 1. This application must be signed by the person requiring the permit or, if made by any corporate body or partnership firm, by a person duly authorised in that behalf by such body, or partnership firm, as the case may be. 2. The information required below must be given as it is not sufficient to write "as before", etc. Any information may be given on a separate piece of paper if there is insufficient space on the form.			
Applicant's Details			
1.	(a) Name(s) of Applicant		
	(b) Nationality:		
	(c) Physical Address:		
	(d) Postal Address:		
	(e) Telephone No.:		
	(f) Email Address:		
2.	Type of Cargo that is usually transported	(a) Dry Cargo	
		(b) Perishables	
		(c) Petroleum Products	
3.	Number of vehicles for the applicant (list the registration numbers)		

4.	Attachments:		
	(a)	The applicant's Fleet Safety Management Policy	
	(b)	Fleet Safety Management Assessment Form conducted by RTSA or its authorised agents.	
	(c)	Copy of NRC if the applicant is an individual and a certificate of registration/incorporation if the applicant is a business entity	
	(d)	Copy of valid Road Service Licence held by the Applicant	
<p>DECLARATION</p> <p>I declare that to the best of my knowledge and belief all the statements in this application and accompanying documents are true.</p> <p>.....</p> <p style="text-align: center;"><i>Signature of Applicant</i> <i>Date</i></p>			
<p>FOR OFFICIAL USE ONLY</p> <p>I have examined the application by the Applicant and confirm that the requirements of the Workplace Fleet Safety Standards have been complied with. The Assessment Form is attached.</p> <p>.....</p> <p style="text-align: center;"><i>Licensing Officer</i> <i>Date</i></p> <div style="text-align: center; margin-top: 20px;">  <p>OFFICIAL STAMP</p> </div>			



ROAD TRANSPORT AND SAFETY AGENCY

The Road Traffic Act
(Act No. 11 of 2002)

**The Road Traffic (Public Service Vehicle) (Restriction on Night Driving) Regulations,
2017**
**NOTICE OF EXEMPTION FROM RESTRICTION ON USE OF PUBLIC SERVICE
VEHICLE OR A SPECIFIED VEHICLE FOR THE CARRIAGE OF GOODS
BETWEEN 2100 HOURS AND 0500 HOURS**

- (1) Here insert name and address of the applicant *To* (1).....
.....
(2) Here insert the reference No. of the application *IN THE MATTER OF* (2).....
you are notified that your application for (3)
(3) Here insert type of application has been approved by the Authority on the following terms and conditions:
(a).....
(b).....
(c).....
(d).....

Dated this day of 20.....

(4) Signature
of
Director-
General

(4).....
Director

OFFICIAL
STAMP



ROAD TRANSPORT AND SAFETY AGENCY

The Road Traffic Act
(Act No. 11 of 2002)

**The Road Traffic (Public Service Vehicle) (Restriction on Night Driving) Regulations,
2017**

NOTICE OF REJECTION TO ISSUE PERMIT

- (1) Here insert name and address of the applicant *To* (1).....
.....
- (2) Here insert the reference No. of the application *IN THE MATTER OF* (2).....
you are notified that your application for (3)
has been approved by the Authority on the following terms and conditions:
(a).....
(b).....
(c).....
(d).....

Dated this day of 20.....

(4) Signature
of
Director-
General

(4).....
Director

OFFICIAL
STAMP

LUSAKA
4th December, 2017
[MTC.102/1/17]

B. MUSHIMBA,
*Minister of Transport
and Communication*

