**Report of the** **Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure on Draft Regulation 116A in terms of section 75(6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996), dated 15 June 2022:**

The Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure, having considered the subject of *Draft Regulation 116A in terms of section 75(6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996),* referred to it, reports that it has not agreed to thedraft regulation**.**

1. **Process followed by the Committee**
2. In terms of section 75(6) of the National Road Traffic Act, before the Minister makes any regulation, the Minister may, if he or she deems it expedient, cause a draft of the proposed regulation to be published in the Gazette together with a notice calling upon all interested persons to lodge in writing, and within a period specified in the notice, but not less than four weeks as from the date of publication of the notice, any objections or representations which they would like to raise or make, with the Director-General for submission to the Minister: Provided that, if the Minister thereafter decides to alter the draft regulation as a result of any objections or representations submitted thereafter, it shall not be necessary so to publish such alterations before making the regulation.
3. Draft Regulation 116A was referred to the Committee on 22 April 2021.
4. The Department of Transport briefed the Committee on 10 November 2021 and the Committee agreed that:

* Members should take the draft regulation to their respective party caucuses for guidance.
* The draft regulation should be sent back to the department to incorporate issues raised by the Committee and the department should conduct further extensive consultations.
* Parliament’s Constitutional and Legal Services Office should be requested to provide a legal opinion on the constitutionality of section 32(3)(a) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and whether the draft regulation is in line or in conflict with related SADC treaties.

1. On 23 April 2022, the Committee received and deliberated on the legal opinion from Parliament’s Constitutional and Legal Services Office.
2. The Committee welcomed the legal opinion and resolved that the Department of Transport withdraw the draft regulation and allow the parliamentary processes to amend the National Road Traffic Act, 1996 (Act No. 93 of 1996) to be completed. This will also cover the areas which draft regulation seeks to address through the National Road Traffic Amendment Bill [B 7 – 2020], which is currently being processed by the Portfolio Committee on Transport in the National Assembly.
3. The Committee did not agree to Draft Regulation 116A referred to it.

**B. Recommendation**

The Select Committee on Committee on Transport, Public Service and Administration, Public Works and Infrastructure recommends that the Council adopts this report on Draft Regulation 116A.

Report to be considered.