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Roadside Checks: Notes for the cubby-hole – 3 June, 2016 (No.15)

- These guidelines are intended for the general motoring public, and certain sections may not apply to Public Service Vehicles (PSV), (buses and kombis).
- See footnote for sources and references.

BACKGROUND TO THIS UPDATE

Statutory Instrument 129/2015: Road Traffic (Construction, Equipment and Use) regulations replaced SI 154/2010, and came into operation on 14 December, 2015.

ZRP Traffic – Highway Patrol were issued with an updated Schedule of Deposit Fines in February, 2016. Big Sky received our copy from ZRP Traffic in April.

For the guidance of motorists, this update reflects the most frequently encountered requirements of the various acts, including SI 129/2015 (Construction, Equipment and Use) Regulations, and the relevant Deposit Fines.

DEPOSIT FINES

The Zimbabwe Republic Police (ZRP) apply a Schedule of Deposit Fines for a range of vehicle equipment, use, licensing, etc., offences discovered during roadside checks. The most common examples are listed here. The maximum deposit fine a police officer can legally impose is \$20 per offence. (A level 3 fine). A fine higher than level 3 can only be imposed by a magistrate after a court appearance.

Deposit fines are imposed per offence, and if found with more than one 'issue', the police officer can 'add them up'. The deposit fines listed in this document will assist with calculations.

HOWEVER – ZRP may not "double up" the fines listed. For example Sect. 39(2) No white front reflectors - \$20. The maximum fine that can be imposed is \$20, NOT \$20 per non-compliant reflector, i.e. \$40.

The ZRP member will complete an Admission of Guilt form (Z.R.P. N.TFC), with particular attention to the Charge (Section and Statutory enactment) field, which details the regulations being contravened. A copy of the legible and completed Z.R.P. N.TFC form is essential for any motorist who wishes to query the deposit fine. **Form 265, providing the facility of paying a fine within 7 days, is NOT currently allowed as an option.**

ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE) REGS., SI 129/2015

Motorists should be aware of this note appearing in the Schedule of Deposit Fines (page 4):

Quote

Note:- The deposits as listed in this item* are to be regarded as maximum fine for offence committed. Where the offence has occurred for example on a bright moonlight, or in a clearly lit area, **the deposit may be halved.**

Unquote *(Big Sky – infringements to do with lights)

Pass-lamps or fog-lamps – Sect. 19

1. A motor vehicle may, in addition to headlamps, be equipped with not more than two “pass-lamps” or “fog-lamps”
2. To be fitted at height not exceeding 600 mm above the ground, and so focused and directed as to avoid dazzling the vision of the driver of any approaching vehicle on a level road.

Note: *The Schedule of Deposit Fines states: c.s 19(2) Use fog or pass lamps together with headlight, per lamp - \$20. Motorists are being fined \$20 per lamp, total \$40, for a) use of fog lamps and headlamps simultaneously, b) in daylight and c) at night*

The opinion of Big Sky and our advisors:

1. *There is no reference under Sect. 19 to it being an offence to use Fog lamps and Headlamps simultaneously, either during daylight hours (6:30am to 5:30pm) or at night.*
2. *ZRP might be relying on RGN 412/1972 which stated "The driver of a motor vehicle on a road shall not use pass-lamps or fog-lamps at night when the headlamps of such vehicle are being used." However, RGN 412/1972 was repealed by SI 154/2010 and subsequently by the current SI 129/2015.*
3. *Therefore the fine listed in the Schedule of Deposit Fines has no legal basis and should be removed. Finally, although academic, a fine of \$20 per lamp, a total of \$40, exceeds the Level 3 fine limit of \$20; and cannot be imposed as a roadside fine but only by a magistrate after a court appearance.*

Stop lights (brake lights) – Sect. 24

All motor vehicles and trailers are to be equipped with at least two red stop lights. To be kept clean, undamaged, properly secured and in working condition.

Rear registration plate light – Sect. 26

All motor vehicles, motor cycles or trailers are to be equipped with at least one white lamp capable of illuminating the rear registration plate. To be kept clean, undamaged, properly secured and in working condition.

Reversing-lamps – Sect. 27

1. A motor vehicle shall be equipped with not more than two reversing lamps
2. The reversing lamp will have a minimum power output of 15 watts, only emit when the vehicle is in reverse gear, and be kept clean, undamaged and properly secured and in working condition.
3. This section will not apply to vehicles manufactured before 1990.

Note: *There is no reference under Sect. 27 to it being an offence an offence for a vehicle to be equipped with LESS than two reversing lamps. Therefore being equipped with only one reversing lamp is NOT an offence.*

Deposit fine:

c.s 27(2) No reversing lamp

\$10

Spot lights – Sect. 28

1. A motor vehicle may be equipped with not more than two spot lights, fitted at the front of the vehicle at a height below the headlamps (headlamps are referred to in Sect. 18).
2. A spot light fitted to a vehicle and used solely for the purpose of “hunting, searching and night repair work” may be fitted above the height of the headlamps.

Note: There is no reference under Sect. 28 to it being an offence to use Spot lights during daylight hours (6:30am to 5:30pm).

Deposit fines:

c.s 24(1) No serviceable stop lights [motor vehicles]	\$10
c.s 26 No rear number plate light	\$20
c.s 28(2)(a) Spot lights above height of headlamps	Not stated
c.s 28(3)(a) Vehicle equipped with more than two spot lights	Not stated
c.s 28(3)(b) Use spotlight unlawfully at night	\$15

EMERGENCY EQUIPMENT

Warning triangle (referred to as visual warning device) – Sect. 52

1. Two red triangles are mandatory.
2. To be reflective both sides.
3. Length of sides: 42,5 cm
4. To be marked with the manufacturer’s name, a serial number and year of manufacture.
5. A pair is required for a trailer as well as for the towing vehicle.

Note: Triangles are not required to be SAZ approved. As long as the triangle is stored in an easily accessible “light-tight” compartment, it is not essential that the triangle is carried in an opaque container.

Deposit fines (repeated verbatim):

Sect. 52 (1) appears twice in the Schedule of Deposit Fines. A fair outcome is the lower amount:

c.s 52(1) Owner fail to carry 2 Red warning Triangle in case trailers Every trailer must have its own (page 7)	\$15
c.s 52(1) Insufficient triangles (two for each drawn vehicle/trailer) (page 8)	\$10

Sect. 52 (4) appears in the Schedule of Deposit Fines three times. Fines don’t differ:

c.s 52(4) Fail to display Red Triangle (page 7)	\$10
c.s 52(4) (Owner) Fail to carry red warning triangles (one only) (page 8)	\$10
c.s 52(4) Fail to display red triangle as prescribed at night (one rear) (page 8)	\$10

Spare wheel, tools and fire extinguisher: all vehicles – Sect. 53

It is mandatory for a motor vehicle to carry:

1. A serviceable spare wheel **Sect. 53(1)(a)**
2. An efficient jack **Sect. 53(1)(b)**
3. A wheel-brace or wheel-spanner capable of undoing the vehicle’s wheel nuts **Sect. 53(1)(c)**

Deposit fines (both Light Motor Vehicles and Heavy Vehicles):

c.s 53(1)(a) a.r.w. 14(6)(a) No serviceable spare wheel [all motor vehicles]	\$10
c.s 53(1)(b) No serviceable jack	\$10
c.s 53(1)(c) No wheel spanner or wheel brace	\$10

Note: An addition to the current version of the Schedule of Deposit Fines is the cross-reference of the spare wheel to Sect. 14(6)(a), which reads:
(6) No person shall drive on any road a vehicle if – (a) any tyres on any one axle of the vehicle are of a different size or type or construction.

The opinion of Big Sky and our advisors:

1. There is no specific reference to it being an offence to carry a 'space saver' spare wheel.
2. Sect. 53(1)(a) states the spare wheel must be serviceable, in the same way a fire extinguisher must be serviceable. If your spare wheel is inflated, has sufficient tread and is suitable for use, ZRP should accept it.
3. However ZRP is applying Sect. 14(6)(a) A motorist would only be using a tyre of a different size or type or construction if the space-saver tyre was being USED in the event of an emergency.
4. In practice, while the space-saver is stored in its compartment, the motorist is complying with both Sect. 14 and Sect. 53.
5. **The greater risk to life for motorists is driving with full size, unsecured wheels in small passenger compartments, in an attempt to comply.**
6. If the Minister of Transport has the safety and wellbeing of our country's motorists as his first priority, he should exempt vehicles using space-saver wheels, run-flat tyres and other modern variations.
7. The Minister can apply Sect. 85(1) of SI 129/2015, which reads:
"Subject to this section, the Minister may exempt any vehicle or class of vehicles from any provision of these regulations, and may impose conditions upon such exemption to ensure the safety of the public or the preservation of roads."
8. If ZRP are true to their stated objective to "reduce road carnage"; and the safety and wellbeing of our country's motorists is their first priority, ZRP will comply with the Minister's exemption.

Fire extinguisher – Sect. 53(1)

1. Mandatory. 0,75kg (light vehicles) and 1,5kg minimum (heavy vehicles). 0,75kg are not generally available so 1kg units are commonly purchased.
2. To be SAZ approved "or any other International Standards Authority", and displaying the mark of the applicable Standards Authority.
3. To be serviceable.

Note: The colour of the fire extinguisher is not specified. Our understanding of "serviceable" is the extinguishers must be refillable. There is no legislation we are aware of requiring the above units to be serviced, however regular servicing is recommended. To be professionally refilled when in the red, i.e. above or below pressure.

The provisions of Sect. 53 – Spare wheels, tools and fire extinguishers – do not apply to foreign registered vehicles that are in transit or on a temporary entry permit.

Deposit fines:

c.s 53(1)(d) No serviceable fire extinguisher light m/v (0.750kg)(Big Sky: light motor vehicle) \$10
c.s 53(1)(d) No serviceable fire extinguisher heavy m/v (1.5kg) (Big Sky: heavy vehicle) \$10

Fluorescent safety jacket – Sect. 74(4)(b)

Mandatory for pedal cyclists and motor cyclists at night, and must be SAZ approved.

Note: Carrying a fluorescent safety jacket is NOT mandatory for motorists but recommended for personal safety. (It is mandatory in Mozambique).

Deposit fine:

c.s 74(4)(b) Not carrying a fluorescent safety jacket (pedal and motor cyclists) Not stated

VEHICLE LIVERY

Retro reflector: general requirements – Sect. 32

1. "Retro reflector" (or reflective tape), shall be of the honeycomb grade (high intensity grade) or diamond grade.
2. To be circular, rectangular or circular in shape.
3. If circular, at least 60mm in diameter. A triangular or rectangular shape must have a minimum area of 3 000 mm².

Note: SI 129/2015 refers to Honeycomb grade OR Diamond grade tape. "Diamond Grade" is a trademark of 3M Corporation, and is manufactured with the Honeycomb pattern. Therefore the terms are interchangeable. Plain, no pattern Engineering Grade is not accepted and if fitted, expect to be fined. As the width of reflective tape is typically 55mm, a piece of tape 55 X 60mm gives an area of 3 300 mm² (10% above the required minimum).

Heavy vehicles – Sect. 36 & 37:

1. Must have a continuous strip of White retro reflector at the front, extending horizontally to within 400mm of each side of the vehicle. **Sect. 36**
2. Heavy vehicles must be fitted with a rear warning sign (a red/yellow chevron plate) at the rear of the vehicle, extending horizontally to within 400mm of each side of the vehicle. **Sect. 37**
3. GVM/NVM information to be displayed on the left side. **Sect. 72 (4)**

Deposit fines:

c.s 36(1) No continuous White retro reflector in front	\$15
c.s 37 No continuous red retro reflector on the rear (Big Sky: should read warning sign [chevron])	\$20
c.s 72(4) Fail to display gross & nett mass on left side of the vehicle (trailer)	\$10

Note: The Nett Vehicle Mass stated on the left hand side of a heavy vehicle MUST MATCH the Nett Mass (kg) appearing on the vehicles' licence disc. The Deposit Fine is \$10.

Commercial vehicles – Sect. 38 & 39:

1. Must have 2 White retro reflectors at the front, within 400mm of each side of the vehicle. **Sect. 39**
2. To display continuous Red retro reflector at the rear of the vehicle, extending horizontally to within 400mm of each side of the vehicle. **Sect. 38**
3. GVM/NVM information to be displayed on the left of commercial vehicles (see registration book for details). **Sect. 72 (4)**

Deposit fines:

c.s 39(2) No white front reflectors	\$10
c.s 38(1) No continuous rear red reflective warning sign (Big Sky: should read retro reflector)	\$15
c.s 72(4) Fail to display gross & nett mass on the left side of the vehicle	\$10

Note:

1. "Commercial vehicles" include vanettes, pick-ups and double-cabs, not exceeding 2 300kg NVM. SUV's (station-wagons) are not classified as commercial vehicles.
2. The requirements under "commercial vehicles" apply whether or not the vehicle is in private use.
3. The Nett Vehicle Mass stated on the left hand side of a commercial vehicle MUST MATCH the Nett Mass (kg) appearing on the vehicles' licence disc. The Deposit Fine is \$10.

The provision of Sect. 38 – Retro reflectors: rear of commercial motor vehicles – do not apply to foreign registered vehicles that are in transit or on a temporary entry permit. Sect. 38(1)(d)

Light motor vehicles - Sect. 39

Must have two White honeycomb retro-reflectors at the front, and two Red honeycomb retro-reflectors at the rear, within 400mm of the sides.

Deposit fines:

c.s 39(1) No red rear reflectors \$10

c.s 39(1) No white front reflectors \$10

Retro reflectors: sides of vehicles – Sect. 40

Are required when a vehicle or a vehicle towing a trailer has an overall length exceeding 8 metres: continuous Amber retro reflectors, horizontally to within 400mm of the outer edges of the vehicle (front and back). Required on all heavy vehicles.

Deposit fine:

c.s 40(1) No continuous Amber reflector on sides of vehicle (towing, length exceeding 8m)Not stated

Trailers – Sect. 41

1. All trailers to have a White T (extreme right, front) and Red T (extreme right, rear).
Sect.41(3)
2. A light trailer (load capacity which does not exceed 550 kg) to display a continuous Red retro reflector at the rear of the vehicle, horizontally to within 400 mm of each side of the trailer.
Sect. 41(1)
3. 'Heavy' trailers (load capacity exceeding 550 kg) must be fitted with a rear warning sign (a red/yellow chevron plate). **Sect. 38.**
4. GVM/NVM information to be displayed on the left side. **Sect.72**

Deposit fines:

c.s. 41(1) No continuous red rear reflectors (light trailer) \$10

c.s 41(2) No chevron on the rear (heavy trailer) Not Stated

c.s 41(3)(a) No white front reflective "T" (except construction trailers) \$10

c.s 41(3)(b) No red rear reflective "T" (except construction trailers) \$10

c.s 72(4) Fail to display gross & nett mass on left side of the vehicle(trailer) \$10

Note: A light trailer has a load capacity which does not exceed 550 kg. However, the "Schedule of Deposit Fines" states that trailers with a factory rated load capacity of 545 kg or more are classified as "HEAVY". A load capacity not exceeding 550 kg is the correct description of a light trailer. 1. A light trailer is not required to display GVM/NVM information or to be braked.

The Nett Vehicle Mass stated on the left hand side of a trailer MUST MATCH the Nett Mass (kg) appearing on the trailers' licence disc. The Deposit Fine is \$10.

Reflectors in vehicle doors: There is no reference in SI 129/2015 or anywhere else to this being a requirement.

WINDSCREENS – Sect. 54 (3) (a)

All glass must allow "no interference with the driver's vision" and where the glass is tinted, it must ensure a safe degree of visibility.

Deposit fines:

c.s 54(3) No maintaining windscreen in transparent condition \$10

USE OF ROADS AND VEHICLES

Towing – Sect. 69

1. The space between the vehicles towing may not exceed 4 metres
2. The nett mass of the vehicle being towed may not exceed the nett mass of the towing vehicle
3. Unless the vehicle being towed is connected to the towing vehicle using a rigid tow bar, the maximum permissible speed is 30 km
4. A motor vehicle may not tow more than 3 trailers

Note: The SI does not stipulate use of a rigid tow bar; only that "the towing vehicle ... is to be under proper control". A rigid bar does provide the best control and is recommended.

Deposit fines:

c.s 69(1)(a) Tow another vehicle with tow rope longer than 4m	\$10
c.s 69(1)(b) Tow a motor vehicle using a motor vehicle of lesser nett mass	\$10
c.s 69(1)(c) Tow another vehicle which is not under proper control	\$10
c.s 69(2) Tow more than three trailers	\$10
c.s 69(3) Towing exceeding 30km, no rigid tow bar, draw bar or craned	Not stated

Projecting loads – Sect. 78

If a vehicle's load projects more than 600 mm beyond the back of a vehicle:

- Daylight hours (6:30am to 5:30pm) – a flag of bright red cloth, at least "600 millimetres square" must be attached at the extreme rear of the load
- At night (5:30pm to 06:30am) – a bright red light must be attached at the extreme rear of the load. A solid square or circular of retro reflector (*honeycomb*), may be used instead of a bright red light.

Note: Based on our research, we understand the red cloth should be 600 mm x 600 mm. The current SDC regulations for the Conveyance of Loads, refers to 600 mm x 600 mm. As Zimbabwe is adopting SDC signs, etc., we can expect this is and will remain the required minimum.

Deposit fines:

c.s 78(1) Insufficient or no red flag on extended load of 600mm or more at rear by day including stationary vehicles (Minimum size for red-flag-600mm sq.)	\$20
c.s 78(2) Insufficient or no bright red light or red reflector on extended load of 600mm or more at rear at night, including stationary vehicles, (Round reflector 250mm diameter, Square reflector 250mm sides)	\$20

SAFETY BELTS

Road Traffic (Safety-belt) Regulations, 1987, SI 147/1987

1. Both a driver and passenger occupying the front seat of a light motor vehicle shall wear a safety belt while driving on a road.
2. "Safety-belt" includes both a lap or diagonal strap.

Note: No reference is made to the wearing of seat-belts in the rear seat, however where these are available, they should be worn for safety reasons and expect to be fined if not being used.

Deposit fines:

c.s 6(1) Driver fail to wear safety belt	\$10
c.s 6(2) Passenger fail to wear safety belt	\$10

SPEEDING OFFENCES

Road Traffic Act, Chapter 13:11 - All Light Motor Vehicles (Urban and rural)

1 to 5 km/h in excess of speed limit.....	Caution
6 to 15 km/h in excess of speed limit.....	\$5
16 to 25 km/h in excess of speed limit.....	\$10
26 to 35 km/h in excess of speed limit.....	\$15
36 to 50 km/h in excess of speed limit.....	\$20
Over 50 km/h in excess of speed limit.....	Court

THE THIRD PLATE

Vehicle Registration and Licensing Act (Chapter 13:14), SI 427/1999 – Sect. 11

1. Vehicles - To date the Third Plate had to be fixed behind the windscreen, however SI 43/2016 (issued 15 April, 2016) provides for placing on the "quarter glass or side window".
2. Trailer or motorcycle – Shall display a Third Plate carried in a conspicuous position in a waterproof holder.

Note: For ease of inspection we recommend displaying all discs on the left hand side. Where a Third Plate is lost or damaged, the Registrar may issue a duplicate upon payment of an appropriate fee. (Our comments on the Third Plate and details how to arrange replacement are available on request from info@bigsky.co.zw).

Deposit fines:

<i>c.s 11(4)(b) Tempering with third number plate or deface third number</i>	<i>\$20</i>
<i>c.s 11(4)(a) Fail to maintain third plate in its self-adhesive laminate</i>	<i>\$20</i>
<i>c.s 11(4)(b) Fail to affix third plate in a water proof holder</i>	<i>\$20</i>

DISTRACTED DRIVING KILLS - DON'T USE A CELLPHONE WHILE DRIVING!!

Road Traffic Act (Rules of the Road) (Amendment) Regs, SI 299/2002 – Sect. 16(b)

1. No person shall drive a vehicle on a public road while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body
2. While using or operating a ...device unless such ... device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used...
3. Headgear' includes a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that the driver does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted or attached to one or both ears of the driver."

Deposit fines:

<i>c.s 16(b)(1) Use cellphone whilst driving</i>	<i>\$20</i>
<i>c.s 16(b)(2) Hold cellphone whilst driving</i>	<i>\$20</i>

HOW DO YOU KNOW IF A ZRP TRAFFIC CHECK POINT IS LEGITIMATE?

A Security Roadblock:

- Is static, in one position
- Will make use of barricades and signs
- Manned by a minimum of five personnel

A Traffic Blitz:

- Is roving, not restricted to one position
- Will not usually display any signs
- Motorcycle – A minimum of two personnel
- On foot – A minimum of three personnel
- Car – A minimum of two personnel

WHAT TO LOOK FOR?

In all cases, ZRP personnel MUST:

- Be carrying an identification card, which will confirm the name and number of the ZRP detail who is completing the 'ticket'. (The distribution of name and number badges to personnel across the country is an ongoing exercise)
- Be wearing reflective clothing (sleeves, vests, etc.) or if the activity necessitates, not wearing reflective clothing but MUST BE IN POSSESSION of the clothing.
- Form Z69, which is the fine/receipt for deposit fines. An A4 book.
- Be carrying a copy of the Schedule of Deposit Fines (issued Feb-16)

Properly organised ZRP check points will also be carrying a Book 52, for reporting of accidents.

IS SOMETHING NOT RIGHT? WHAT TO DO ...

- Remain calm and patient
- Exercise your right to phone for assistance. Keep a current copy of the ZRP Contact Details in your vehicle at all times. Download a copy from <http://www.bigsky.co.zw/emergency-numbers> (Do it! We know of many motorists who have been successfully assisted over the phone)
- Alternatively request that the matter be dealt with at the local Police Station. Drive your vehicle there and do not allow any individuals to travel in the vehicle with you.

Note: It is not a legal requirement for a female ZRP detail to be present at any check point. As it is, there are not enough women in ZRP Traffic to make this possible.

VISITORS TO ZIMBABWE

Exclusions – these provisions do not apply to foreign registered vehicles that are in transit or on a temporary entry permit:

1. Sect. 53 – Spare wheels, tools and fire extinguishers
2. Sect. 38 – Retro reflectors: rear of commercial motor vehicles

Embassy contact numbers:

Zambia – (04) 773 777/80

Botswana – (04) 794 645/7/8

S.A – (04) 760404 / 706136

Mozambique – (04) 255871 /72 /73

CONTACT DETAILS – ZRP TRAFFIC – FEBRUARY, 2016

Police General Headquarters – Complaints desk – (04) 703631 (24-hour)

ZRP Public Relations Assistant – Sergeant Govere – 0772 969 485

Spokesperson – ZRP Traffic HQ – Inspector Chigome – 0782 951 537

Officers' Commanding, ZRP Traffic:

- Bulawayo - Chief Superintendent Nyathi (09) 887916 Cell: 0712874452
- Harare - Chief Superintendent Marufu (04) 777642 Cell: 0716 360 698

Sources:

- Statutory Instrument 427 of 1999 – Vehicle Registration and Licensing Regulations, 1999
- Statutory Instrument 129 of 2015 – Road Traffic (Construction, Equipment and Use) Regulations
- Statutory Instrument 147 of 1987 – Road Traffic (Safety-belt) Regulations, 1987
- The Road Traffic Act
- The “National Schedule of Deposit Fines”, February, 2016

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- Bill Watch, published by Veritas veritas@mango.zw
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This information is provided for guidance only. Any comments, corrections or queries* are welcome, please email info@bigsky.co.zw or follow us on Facebook.com/BigSkySupplies and www.bigsky.co.zw/cubbyhole-notes

*Queries regarding fines that have been paid should be accompanied by a copy of the Admission of Guilt form (Z.R.P. N.TFC)

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