



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA

1. FOREIGN LICENCES AND INTERNATIONAL DRIVING PERMITS

1.1 Fit to drive

A person must be a fit and proper person to drive a motor vehicle in the Republic of South Africa (RSA).

A person is disqualified from driving in the RSA:

- (a) if he or she-
 - (i) in the case of any licence for a motor cycle, motor tricycle or motor quadrucycle having an engine with a cylinder capacity not exceeding 125 cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of "motor vehicle", is under the age of 16 years;
 - (ii) in the case of a learner's licence for a light motor vehicle, being a motor vehicle not of a class referred to in subparagraph (i) and the tare of which does not exceed 3500 kilograms or, where such motor vehicle is-
 - (aa) a bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms;
 - (bb) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kilograms,
 is under the age of 17 years; or
 - (iii) in the case of any other licence, is under the age of 18 years;
- (b) during any period in respect of which he or she has been declared by a competent court or authority to be disqualified from obtaining or holding a licence to drive a motor vehicle, while such disqualification remains in force;
- (c) where a licence to drive a motor vehicle held by him or her has been suspended by a competent court or authority, while such suspension remains in force;
- (d) where a licence to drive a motor vehicle held by him or her has been cancelled by a competent court or authority, for such period as he or she may not apply for a licence;

- (e) if he or she is suffering from one of the following diseases or disabilities:
- (i) Uncontrolled epilepsy;
 - (ii) sudden attacks of disabling giddiness or fainting due to hypertension or any other cause;
 - (iii) any form of mental illness to such an extent that it is necessary that he or she be detained, supervised, controlled and treated as a patient in terms of the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (iv) any condition causing muscular incoordination;
 - (v) uncontrolled diabetes mellitus;
 - (vi) defective vision ascertained in accordance with a prescribed standard;
 - (vii) any other disease or physical defect which is likely to render him or her incapable of effectively driving and controlling a motor vehicle of the class to which such licence relates without endangering the safety of the public: Provided that deafness shall not of itself be deemed to be such a defect;
- (g) if he or she is addicted to the use of any drug having a narcotic effect or the excessive use of intoxicating liquor; or
- (h) in such other circumstance as may be prescribed, either generally or in respect of a particular class of learner's or driving licence.

1.2 Foreign driving licences

A driving licence issued in any country other than South Africa (RSA), is valid to drive with in the RSA if:

- The foreign driving licence was issued on a date on which the holder thereof has not been permanently or ordinarily resident in the RSA. A person is permanently resident in the RSA if he/she is a RSA citizen, or disposes over the right to permanently reside in the RSA based on an official document issued by the Department of Home Affairs, and he/she resides in the RSA. A person is ordinarily resident in the RSA if he/she is in the RSA on an extended visit of more than three months on a contract of employment (not just visiting). The permanent residence requirement does not apply to a holder of a diplomatic permit or a treaty permit; and
- The licence is in English OR a translation of the licence in English is attached to the licence OR a certificate of authenticity or validity in English which was issued by a competent authority (e.g. the Embassy or Consulate) of the country concerned, is attached to the licence. The legislation does not prescribe who should attach a translation or a certificate of authenticity or validity to a driving licence, how it should be attached or when it should have been attached. The legislation also does not prescribe that the translation should state the capacity of vehicle the licence authorises. The code of the licence does not necessarily relate to a South African licence code, and therefore should describe the capacity of vehicle the licence authorise; and
- The licence contains or has attached thereto the photograph and signature of the holder thereof. The legislation does not prescribe who should attach a photograph and signature to a driving licence, how it should be attached or when it should have been attached. The rule of thumb here should be that if a licence does not have the holder's photograph or signature contained on it, some other formal document like a passport that contain the person's photograph or signature should accompany the licence; and

- The licence is valid in the country or territory of issue.

A foreign driving licence remains valid until:

- In the case where the holder of such foreign licence is an RSA citizen or a person that already have permanent residence, the person returns to the Republic to resume permanent residence and has been permanently resident for a continuous period of 1 year in the RSA; or
- In the case of another person, the person obtains permission in terms of any law for permanent residence in the Republic and has taken up permanent residence and has been permanently resident for a continuous period of 1 year in the RSA. The question is raised whether contract workers and visitors can be regarded as permanently resident in the RSA. If contract workers and visitors do not comply with the aforementioned conditions, regardless of the length of their stay in the RSA, they are not permanently resident in the RSA. The permanent residence requirement does not apply to a holder of a diplomatic permit or a treaty permit.

The holder of a foreign driving licence (excluding a provisional (or learner's) licence) issued in a prescribed territory (the Southern African Development Community member states, including Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia, Zimbabwe and Tanzania) as referred to above may drive:

- A motor vehicle of the appropriate class for own use; and
- A motor vehicle for which a professional driving permit is required in the RSA if the foreign licence allows the person concerned to drive such a motor vehicle without any other authorisation in his/her territory. Should a further authorisation be required to drive such a motor vehicle in his/her country then the person should also have such an authorisation with him/her when driving such a vehicle. Any document issued by a competent authority in any prescribed territory and serving in that territory a purpose similar to that of a professional driving permit shall, subject to the conditions thereof and to such conditions as may be prescribed, be deemed to be a professional driving permit for the purposes of the Act.

A professional driving permit is required for the driving of:

- a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;
- a breakdown vehicle;
- a bus;
- a minibus—
 - (i) the gross vehicle mass of which exceeds 3 500 kilograms; or
 - (ii) which is designed or adapted for the conveyance of 12 or more persons, including the driver;
- a motor vehicle used for the conveyance of persons for reward or is operated in terms of a operating licence issued in accordance with the NLTTA;
- a motor vehicle used for the conveyance of dangerous goods; and
- a motor vehicle conveying 12 or more persons including the driver.

The holder of a foreign driving licence (excluding a provisional (or learner's) licence) issued in any other country (excluding a prescribed territory) as referred to above may drive a motor vehicle of the appropriate class for own use. The person concerned may not drive a motor vehicle for which a professional driving permit is required.

1.3 Provisional or Learner's licence

In the case of a provisional (or learner's) licence:

- The person concerned may not drive a motor vehicle carrying passengers and in respect of which a professional driving permit is required; and
- The person concerned must be accompanied in or on that vehicle by, and be under the direct personal supervision of a person seated next to him or her, or immediately behind him or her, where such person cannot be seated next to him or her, and who is in possession of a licence, other than a learner's or similar licence, authorising him or her to drive that class of motor vehicle. This is not applicable in the case where the provisional licence relates to a motor vehicle having no seating accommodation for a passenger or to a motor cycle. In the case of a goods vehicle in respect of which a professional driving permit is required, the person supervising the learner driver must also hold a valid professional driving permit; and
- The person concerned may not drive a motor cycle while carrying another passenger.

1.4 International Driving Permit

An International Driving Permit (IDP) issued in any country other than South Africa (RSA), is valid to drive with in the RSA if:

- The IDP was issued on a date on which the holder thereof has not been permanently or ordinarily resident in the RSA. A person is permanently resident in the RSA if he/she is a RSA citizen, or disposes over an official document issued by the Department of Home affairs that grants the right to permanently reside in the RSA, and he/she resides in the RSA. Contract workers and visitors are not permanently resident in the RSA if they do not comply with the aforementioned conditions, regardless of the length of their stay in the RSA and therefore the IDP will be valid until expiry. A person is ordinarily resident in the RSA if he/she is in the RSA on an extended visit of more than three months on a contract of employment (not just visiting); and
- The IDP is accompanied by the driving licence on the authority of which such permit was issued. The driving licence may have been issued at any time even if the person resided permanently in the RSA at the time the licence was issued and may be in any foreign language and without a photograph and signature; and
- The IDP is valid (i.e. it has not expired yet).

An IDP remains valid until the expiry date of the IDP OR until the driving licence on the authority of which such permit was issued is no longer valid OR until the holder thereof has been permanently resident for a continuous period of 1 year in the RSA, whichever is earlier.

The holder of an IDP may drive a motor vehicle of the appropriate class for own use. The person concerned may not drive a motor vehicle for which a professional driving permit is required.

2. CONVERSION TO SOUTH AFRICAN LICENCE

The holder of a valid foreign driving licence or international driving permit as described above may at any time, during the one year of validity thereof after the person obtained permanent residence, apply for a RSA driving licence in substitution of his/her foreign driving licence or international driving permit. However, in the case of the holder of a diplomatic permit, the person may apply for such a substitution even if the person does not have permanent residence. The question is also raised whether contract workers and visitors can be regarded as permanently resident in the RSA. If contract workers and visitors do not comply with the aforementioned conditions, regardless of the length of their stay in the RSA, they are not permanently resident in the RSA and hence may not convert their foreign licence.

Therefore, once permanent residency has been obtained, holders of a foreign licence (or IDP) have one year in which to convert their foreign driving licence to a RSA licence after which failure to convert will render the licence invalid to convert or to drive with.

A person in possession of a foreign licence may convert their foreign driving licence at the appropriate Driving Licence Testing Centre where residency was obtained, in the RSA.

The driving licence testing centre concerned shall authorize the issue and issue the driving licence in the prescribed manner, when —

- it is satisfied that the applicant is the holder of the foreign driving licence;
- it is satisfied that the foreign driving licence is still valid in the country or territory of issue; and
- in the case of an application for the exchange of a driving licence obtained in the Republic of Bophuthatswana, the Republic of Ciskei, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa, QwaQwa, the Republic of Transkei or the Republic of Venda, if the MEC concerned confirms in writing that the applicant is the holder of a valid licence.

Persons in possession of a foreign driving licence, who wish to convert, will require the following:

- 1.1 Identification document and a certified copy thereof;
- 1.2 4 photographs;
- 1.3 Current foreign driving licence;
- 1.4 Proof of permanent residency in the RSA;
- 1.5 Proof that he/she was not permanently or ordinarily resident in the RSA at the time the said licence or permit was issued (for example a passport, permanent residence permit or visa);
- 1.6 A letter of translation of the licence by a competent authority if the licence is not in one of the official languages of the RSA;
- 1.7 Confirmation from a Driving Licence Issuing Authority that the person is in possession of a valid driving licence (stating the codes and relevant categories of vehicles that the person is permitted to drive), that has not been cancelled or suspended;
- 1.8 In the case of a IDP, the driving licence on the authority of which such permit was issued; and
- 1.9 An appropriate card fee.

3. SURRENDER OF FOREIGN LICENCE

Section 15 (1) (e) of the National Road Traffic Act, Act no 93 of 1996 stipulates:

“A person shall be disqualified from obtaining or holding a learner's or driving licence if such licence relates to a class of motor vehicle which he or she may already drive under a licence held by him or her.”
For this reason a person will be expected to hand in their foreign driving licence and international permit when such licence or permit is converted to a RSA licence.