



NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION
DEPARTMENT OF SOCIAL SCIENCES

QUALIFICATION: BACHELOR OF TRANSPORTATION MANAGEMENT	
QUALIFICATION CODE: 07BTMM	LEVEL: 6
COURSE CODE: TTL621S	COURSE NAME: TRAFFIC AND TRANSPORTATION LEGISLATION
SESSION: NOVEMBER 2024	PAPER: THEORY AND CASE STUDIES
DURATION: 3 HOURS	MARKS: 100

FIRST OPPORTUNITY EXAMINATION	
EXAMINER(S)	Mariette Hanekom
MODERATOR:	Ester Kuugongelwa

INSTRUCTIONS
<ol style="list-style-type: none">1. The paper has 6 main questions.2. ALL the questions are compulsory.3. Read carefully before answering.4. Write clearly and neatly.5. Number the answers clearly and according the structure in the examination question paper.6. Write full sentences. Candidates will be penalised for incorrect spelling and illegible handwriting, as well as for the inappropriate use of "bullet points".

ANNEXURE

None

PERMISSIBLE MATERIAL

The Namibian Constitution

THIS EXAMINATION PAPER CONSISTS OF 8 PAGES (Including this front page)

QUESTION 1

1.1

Geelbooi Mishe, a 45 years old San man, was arrested and detained on the charges of housebreaking with intent to steal and theft in Tsumkwe on 28 February 2023. He only speaks his mother tongue and little bit of Afrikaans that he has learnt when he was working at Farm Abenab in Grootfontein District during the early 2000's. He was informed of the reasons of his arrest in Rukwangali by Constable Mugara Stentu who has arrested him. During the interrogation he was kicked and hit with a baton because he was experienced to be stubborn. He was brought to before a Magistrate in Okahandja on the 28 May 2023 as the Magistrate in Tsumkwe was on a honeymoon. Mr Mishe wanted to get a Legal Aid lawyer but the magistrate told him that he will refuse the request because the Government does not have money. The trial was conducted in English and Mr. Mishe could not follow the proceedings because of the language barrier. He was nevertheless found guilty and sentenced to three months imprisonment. Which rights have been violated?

- A. Article 7 (Protection of Liberty); Article 8 (Human Dignity); Article 11 (Arrest and Detention); Article 12 (Fair Trial)
- B. Article 6 (Protection of Life); Article 8 (Human Dignity); Article 11 (Arrest and Detention); Article 12 (Fair Trial)
- C. Article 7 (Protection of Liberty); Article 8 (Human Dignity); Article 11 (Arrest and Detention); Article 12 (Fair Trial); Article 18 (Administrative Justice)
- D. Article 7 (Protection of Liberty); Article 8 (Human Dignity); Article 11 (Arrest and Detention); Article 12 (Fair Trial); Article 10 (Equality and Freedom from Discrimination)

1.2

What is the difference between road traffic and road transport?

- A. Road traffic refers to the flow of traffic and interaction between pedestrians, drivers and vehicles on the road network whereas road transport refers to the conveyance of passengers and freight on the road network between origins and destinations by means of road transport vehicles.
- B. Road transport refers to the flow of traffic and interaction between pedestrians, drivers and vehicles on the road network whereas road traffic refers to the conveyance of passengers and freight on the road network between origins and destinations by means of road transport vehicles.
- C. Road traffic includes pedestrians and other road users whereas road transport refers only to road transport vehicles used to convey passengers and freight.
- D. Road transport includes pedestrians and other road users whereas road traffic refers only to road transport vehicles used to convey passengers and freight.

1.3

Choose the MOST CORRECT statement: Major characteristics of a sovereign state are:

- A. A defined territory; a President; independence from other states and powers; and the capacity to enter into relations with other sovereign states.
- B. A defined territory; the authority to govern itself; a permanent population and the capacity to enter into relations with other sovereign states.
- C. A defined territory on which the state exercises internal and external sovereignty; a permanent population; a government under the control of a foreign power; independence from other states and powers; and the capacity to enter into relations with other sovereign states.
- D. A defined territory on which the state exercises internal and external sovereignty; a President; a permanent population; a government, not under the control of a foreign power; independence from other states and powers; and the capacity to enter into relations with other sovereign states.

1.4

Human Rights are said to be inherent. This means that ...

- A. Human Rights can only be limited for a specific reason or a specified period of time.
- B. Human Rights have existed for as long as human beings have existed and were thus not created by the State or government.
- C. Human Rights are a privilege.
- D. They were created in the Namibian Constitution.

1.5

Equality and freedom from discrimination means that ...

- A. All persons must be allowed to get a driving license.
- B. People found guilty of a crime must always get the same punishment.
- C. All of these statements.
- D. None of these statements.

1.6

How does the Roads Authority assist with road safety in Namibia?

- A. By prescribing minimum standards and measures for the management and maintenance of Namibian roads.
- B. By establishing the National Road Safety Council.
- C. By way of advertising and awareness campaigns.
- D. They do not; this is not their job.

1.7

Section 11 of the RTTA was amended in 2008 by way of the Road Traffic and Transport Amendment Act 6 of 2008. The effect of this amendment is that:

- A. Local authorities can now also appoint authorised officers.
- B. Authorised officers no longer have to be issued with a Certificate of Appointment.
- C. An authorised officer no longer needs to produce his/her certificate of appointment when requested to do so.
- D. None of these answers.

1.8

The following is NOT one of the powers of a traffic officer:

- A. Require the person in charge of a vehicle to provide his name and address.
- B. Drive any vehicle which is being examined by him or her, provided he or she is licensed to drive a motor vehicle of the particular class.
- C. Temporarily forbid a person to continue driving and make arrangements for the safe disposal or placement of the vehicle.
- D. Test an applicant for a learner's licence or driving licence.

1.9

May a traffic officer dismantle a vehicle?

- A. Only if he is a qualified motor mechanic or also holds an appointment as a vehicle examiner.
- B. Only if he is a qualified motor mechanic and also holds an appointment as a vehicle examiner.
- C. Only if he is in uniform.
- D. No, never.

1.10

What is the difference between the "tare" and the "gross vehicle mass" of a vehicle?

- A. The tare is the mass of the unladen vehicle and the GVM is the maximum permissible mass of the vehicle plus the load.
- B. The tare is the mass of the unladen vehicle and the GVM is the mass of a fully loaded vehicle.
- C. The GVM is the mass of the unladen vehicle, and the tare is the maximum permissible mass of the vehicle plus the load.
- D. The tare excludes the load.

1.11

One of the strategic goals of the SADC Protocol on Transportation, Communication and Meteorology is:

- A. The management of road transport to ensure that it is undertaken in the most efficient and economic manner to the satisfaction of the users thereof.
- B. To promote economic and social development in the SADC region.
- C. The elimination or reduction of hindrances and impediments to the movement of persons, goods, equipment and services between the member states.
- D. All of these statements.

1.12

The SADC Protocol on Transportation is based on two principles. Name these principles.

- A. Sovereignty and cooperation.
- B. Development and prosperity.
- C. Independence and partnerships.
- D. Regional and global character.
- E. Economic growth and development.

1.13

In terms of the Roads Ordinance 17 of 1972, there are certain things that may not be done without prior approval. **Choose the INCORRECT statement:**

- A. Infringe any proclaimed road by erecting any building or structure on such road.
- B. Wilfully or negligently cause water to run over a proclaimed road.
- C. Offer or solicit transportation, irrespective of whether such transportation is for reward or not.
- D. Wilfully or unnecessarily obstruct or endanger the free flow of traffic on a proclaimed road.

1.14

Certain pieces of pre-Independence legislation contained provisions that were contrary to the Human Rights guaranteed by the Namibian Constitution. **Choose the CORRECT statement:**

- A. These laws lapsed when Namibia became independent.
- B. They are still binding today, because all laws that applied to the then Territory of South West Africa before Independence have remained in force.
- C. Legislation which conflicts with fundamental rights and freedoms protected in the Constitution must be declared invalid and replaced by a competent Court.
- D. None of these statements.

1.15

Pepe is arrested for drunken driving by a Traffic Officer. Pepe requests to see the Traffic Officer's Certificate of Appointment, which the Traffic Officer is unable to produce. **Choose the MOST CORRECT statement.**

- A. The arrest will be valid if the Traffic Officer was never issued with a Certificate of Appointment.
- B. The arrest will be invalid.
- C. The arrest will be valid provided the traffic officer is in uniform.
- D. The arrest will be valid because the Road Traffic and Transportation Act was amended.

Two marks each. [30]

QUESTION 2

Discuss 5 (five) duties of the operator as contained in the Road Traffic and Transportation Act 22 / 1999.

[10]

QUESTION 3

Superfuel is a Namibian company that undertakes the distribution of petrol and similar substances across the SADC-region. They offer you employment as driver. You will be tasked with delivering fuel by road from their depot in Walvis Bay to various filling stations belonging to Fuel'A in Namibia and Botswana.

Answer the following questions:

- 3.1 Why is fuel classified as “dangerous goods”? (4)
 - 3.2 A “competent authority” is charged with the enforcement of the regulations governing the transportation of dangerous goods. What is a “competent authority”? (2)
 - 3.3 Certain categories of dangerous goods may be transported without complying to the regulations regarding the transportation of dangerous goods. (4)
 - 3.4 What is the minimum age that you must be in order to be appointed as driver for Fuel'A? (1)
 - 3.5 One of the documents that you must have in your vehicle at all times is a Tremcard. What is this? (4)
 - 3.6 In addition to the Tremcard, list 3 (three) documents that you must always have available in your vehicle. (3)
 - 3.7 You are charged with driving a tanker that contains both petrol and diesel. What is this type of load called? (1)
 - 3.8 Special care be taken when transporting the load referred to in question 3.6 above. Why is this necessary and what steps should be taken? (3)
 - 3.9 On route from Walvis Bay to Windhoek an incident occurs and you are stopped by a dangerous goods inspector. What is an “incident”? (3)
- [25]**

QUESTION 4 FOLLOWS ON THE NEXT PAGE

QUESTION 4

On 15 March 2024 Ramo, an elderly man who speaks only Otjiherero, was stopped at the road block outside Windhoek by an English-speaking Traffic Officer. He tried to explain to the Traffic Officer that he could not understand him, and the next moment found himself handcuffed and thrown into the back of a Police van. He taken to the Windhoek Police Station, where he was kept in a holding cell. The said cell was without any form of sanitation facilities as these facilities had been demolished by previous prisoners. Ramo was given no food for two days and finally, out of desperation and hunger, he signed a confession that he had stolen a vehicle. Ramo was brought before the Magistrate's court on 22 March and the Magistrate indicated that, instead of a bail hearing, the trial would proceed immediately.

Discuss the above case study with reference to the Namibian Constitution. Refer to the exact Articles that have been infringed.

Note: Marks will be deducted for irrelevant references to the Namibian Constitution.

[10]

QUESTION 5

Briefly answer the following short questions.

- 5.1 What is the purpose of the Transportation Commission of Namibia? (3)
- 5.2 List the 5 (five) strategic goals of the SADC Protocol on Transport, Communication and Meteorology. (5)
- 5.3 Distinguish between intermodal transport and multimodal transport. (2)
- 5.4 Identify the following concept as defined in the SADC Protocol on Transport, Communication and Meteorology:
"The control and management of road transport to ensure that such transport is undertaken in the most efficient and economic manner to the satisfaction of the users thereof." (1)
- 5.5 Distinguish between a driving inspector and a vehicle inspector. (2)
- 5.6 The Geneva Convention on Road Traffic of 1949 came into force on 26 March 1952, yet Namibia only acceded to it on 13 October 1993. Why was Namibia not one of the original parties to the Convention? (2)

[15]

QUESTION 6

- 6.1 Mr Rich owns a number of taxis. He employs various taxi-drivers. On 3 May 2018 Mathew, one of his drivers, is apprehended at a road block by Inspector Chicken, because the vehicle he was driving was not road-worthy. Who can be held liable in this instance? Motivate your answer. (4)
- 6.2 Mr. X is caught by a Traffic Officer driving without a licence. The Traffic Officer fines Mr. X N\$ 2000 for driving on a public road without a valid driver's licence. Mr. X was driving on a public road from one part of his farm to another part, which is less than one kilometre away. Must Mr. X pay the fine? Motivate your answer. (3)
- 6.3 One morning Innocent wakes up to discover that her brand-new motor vehicle has disappeared. She reports the matter to the Police. Three days later the Police, acting on a tip-off, go to arrest Veri Scaly at his house. They discover that his garage is crammed with motor vehicle parts that are identified to belong to various motor vehicles that were reported stolen during the past six months. Name the legislation that the Police can use to secure a conviction in this regard. (1)
- 6.4 On 15 February 2024 the Namibian parliament, in an attempt to combat gender-based violence, passes a law stating that the death penalty can be imposed in instances where an accused is convicted of rape. In March 2024 Tsotsiman is arrested and subsequently found guilty of rape. Can he be sentenced to death? Motivate your answer. (2)
- [10]**

TOTAL MARKS 100