



PURPOSE

The safe transportation of members of SCOUTS South Africa (SSA) and equipment is an important aspect of our Safe Scouting Policy.

The purpose of this Practice Note is to explain the key aspects of the National Road Traffic Act (NRTA). It also provides guidance on Best Practice for Activity Leaders when planning and running an activity in which Scouts and equipment will be transported.

The provisions contained in this Practice Note, should be read together with SCOUTS South Africa's Safe Scouting Policy.

Please note that Practice Notes and any appendices associated with the Safe Scouting Policy are operational in nature and may change from time to time as required. Any changes will be communicated through the structures of SCOUTS South Africa, and the most up to date version will always be available on the national website.

PROVISIONS

1.1 Legislation

- 1.1.1. The National Road Traffic Act (NRTA) (No 93 of 1996) is the relevant legal framework that applies to use of the road, as well as to the driver and vehicle requirements. Some of the important provisions of the act are summarised in this Practice Note but do not supersede it in any way.
- 1.1.2. Please note that there are continuous amendments to the Act, which may have occurred after this Practice Note was published.

1.2 Safely Transporting People and Equipment

- 1.2.1. Ensuring transport happens safely and responsibly requires three things:
 - common sense
 - a driver that is alert and not tired
 - exercising reasonable judgement (which is always open to some level of subjectivity)
- 1.2.2. The Activity Leader should therefore ensure that all reasonable precautions are taken to prevent harm.
- 1.2.3. It is recommended that Activity Leaders allow the parents to take responsibility for the arranging of, pooling or sharing of, and the transportation of their children to the activity. However, it is recognised that this may not be possible in all circumstances, and there may be occasions where adult leaders need to co-ordinate the transport arrangements.

1.3 Drivers and Vehicles

- 1.3.1. The duty is always on the driver to have the correct licence and to ensure that the vehicle is roadworthy with the required equipment.
- 1.3.2. Accidents: More than 85% of all road crashes are caused by human error (Road to Safety, RTMC, 2019) and driver fatigue is often a factor. The Activity Leader and the Scouter responsible for the Unit shall not allow SCOUTS to travel in any vehicle where they are concerned about:
 - the competency of the driver (age, abilities, experience, accident record or suspected use of intoxicating substances or substance abuse) or
 - the vehicle (condition, age, suitability for task or apparent roadworthy defects).
- 1.3.3. Behaviour: The driver is responsible for obeying the rules of the road at all times and must not be reckless, negligent or drive in an unsafe manner.
- 1.3.4. Intoxicating substances: The driver should not have recently been drinking any alcohol and certainly must not be under the influence of any intoxicating substance that can affect their driving (alcohol, drugs, medication, or any other substance).
- 1.3.5. Fatigue: This is a particular risk at the end of an activity, where the driver may have had limited sleep, and the journey is more than say two hours. It is recommended to arrange for two drivers where possible.
- 1.3.6. Roadworthiness: Whilst the OWNER is responsible for the roadworthiness of the vehicle to be used – a DRIVER is legally bound NOT to knowingly drive an unroadworthy vehicle on a public road. The driver MUST refuse to drive an unroadworthy vehicle.
- 1.3.7. Valid licence: the driver must have a valid license for the class of vehicle being driven. Restrictions on licences are important and can include:
 - Requirement to wear glasses
 - Can only drive an automatic transmission vehicle
 - Restrictions for towing (if no "E" before the license class)
 - Endorsements (due to Court order)
 - Demerit Point status (current number of points)

1.4 Professional Driving Permit (PrDP)

- 1.4.1 The situations where a PrDP is required are summarised below. The regulations are contained in the National Road Traffic Act (NRTA), Act 93 of 1996 (as amended).
- 1.4.2 The Driver is required to hold a Professional Driving Permit (Passengers) PrDP (P) in the following circumstances:
- 1.4.3 Any vehicle designed or adapted to convey more than 09 persons (this means all vehicles that will have a total of 10 persons including the driver).

- 1.4.4 For clarification – a vehicle that has three rows of seats which can seat 03 persons in each row (the front includes the driver) – will NOT require a PrDP (P).
- 1.4.5 You require the PrDP (P) for the class of vehicle – whether or not there are passengers in the vehicle whilst being driven on a public road,
- 1.4.6 Whether the passengers pay or not, the driver needs a PrDP (P) if there are 10 or more people in the vehicle.
- 1.4.7 Should you wish to operate without a PrDP (P) SCOUTS will need to be transported in vehicles with a maximum of nine (09) seats, including the driver.
- 1.4.8 The drivers of the following vehicles are REQUIRED to hold a PrDP
 - All Passenger Vehicles used to convey persons for reward or operated in terms of an operating license issued in accordance with the National Land Transport Act (NLTA), Act 5 of 2009 (as amended)
 - This applies to commercial passenger vehicles that are hired / rented out, e.g., taxis, various sizes of busses.
 - These vehicles will also be marked with the yellow contour tape (see later below).
- 1.4.9 If you are donated or lent one of these vehicles (but must supply your own driver) the driver will require a PrDP (P).
- 1.4.10 If you are not carrying passengers for reward, the vehicle is not licenced to carry passengers for reward, and there are not more than 9 people in the vehicle, then you **do not need** a PrDP (P).

1.5 Transporting Passengers in Load Areas

- 1.5.1 The load area of a bakkie or truck, is the area behind the cab, whether it is enclosed by a canopy or not.
- 1.5.2 The NRTA does not prohibit the carrying of persons in a load area – but it does specifically prohibit SCHOLARS from being transported in load areas (for the specific purpose of scholar transport).
- 1.5.3 Notwithstanding this, except in an emergency, SCOUTS may not be transported on a public road in load areas (open or closed) of any vehicle.
- 1.5.4 If necessary, SCOUTS may be transported seated, not standing, in the load area of a bakkie or truck on farm roads. In such circumstances the driver is responsible for the safety of the SCOUTS and ensuring the vehicle is not overloaded.
- 1.5.5 Adults riding in a load area do so of their own accord and at their own risk.
- 1.5.6 Travelling in a caravan whilst it is being drawn (towed) is illegal (NRTA).

1.6 Transporting Equipment

- 1.6.1 The situations with respect to transporting goods are summarised below. The regulations are contained in the NRTA.
- 1.6.2 If the gross vehicle mass (GVM) of the vehicle exceeds 3 500 kg then the driver needs a PrDP (G) specifically for transporting goods.
- Note: you cannot use a PrDP (P) to drive a vehicle designed solely to transport goods, or a PrDP (G) where a PrDP (P) is required.

1.7 Licences and Brakes for Trailers

- 1.7.1 The licence required to tow a trailer and the brakes required on a trailer both depend on the ratio of the licenced Gross Vehicle Mass (GVM), to the Tare (licenced unladen mass) of the towing vehicle. GVM is therefore the total mass (weight) of the trailer and the maximum load it is licenced to carry.
- 1.7.2 If you are not sure of these masses you should consult the owner's handbook for the tare of the towing vehicle and the plate on the Trailer for its Gross Vehicle Mass (GVM).
- 1.7.3 The load on a trailer should not be such that the GVM of the trailer is exceeded.
- 1.7.4 Trailer up to 750 kg GVM (a standard luggage trailer).
- Drivers Licence: B, C1 or C
 - Brakes:
 - if the GVM of the trailer does not exceed 50% of the Tare of the towing vehicle it does not have to have any brakes. However, a parking brake or means to stop the trailer rolling away is recommended.
 - If the GVM of the trailer exceeds 50% of the Tare of the towing vehicle it must have a parking brake AND either an overrun or a service brake (linked to tow vehicle brakes)
 - If the GVM of the trailer exceeds the Tare of the towing vehicle it must have a parking brake and a service brake.
- 1.7.5 Trailer exceeds 750 kg GVM but does not exceed 3 500kg GVM.
- Drivers Licence: EB, EC1 or EC
 - Brakes:
 - if the GVM of the trailer does not exceed the Tare of the towing vehicle it must have a parking brake AND either an overrun brake or a service brake.
 - If the GVM of the trailer exceeds the Tare of the towing vehicle it must have a parking brake and a service brake.

1.7.6 Trailer exceeds 3 500kg GVM

- Drivers Licence: EB, EC1 or EC
- Brakes: it must have a parking brake AND a service brake

1.8 Vehicle Equipment Requirements

- 1.8.1 As of 1 July 2004 – the driver of any motor vehicle (irrespective of class or use) is personally responsible for ensuring that all occupants use safety belt devices (seat belts or child restraints). The driver of the vehicle will be prosecuted for non-adherence by other occupants of the vehicle. Thus, you cannot carry more people than there are seats with seatbelts.
- 1.8.2 It is important to note that compulsory equipment is required for vehicles which includes some common items (safety belts, brakes, lights, indicators, warning triangles, etc.) or is of a specific nature (contour marking, parking lamps, speedometers, warning triangles, fire extinguishers, exit markings, window hammers, etc.). It is important to ensure that all vehicles used for SCOUT activities are verified roadworthy in terms of these requirements by the OWNER / OPERATOR. But remember the driver MUST refuse to drive an unroadworthy vehicle.
- 1.8.3 Contour marking (the reflective yellow tape) is required on all trailers – irrespective of size, length, width and carrying capacity or date of registration (yes, those luggage trailers too), as well as any other motor vehicle that requires the driver to hold a PrDP (note the reflective tape seen on all trucks, mini-bus taxis, larger buses and any other commercially operated vehicle).

1.9 Insurance

- 1.9.1 The Road Accident Fund (RAF) provides cover for injuries or death to 3rd Parties, which includes passengers in the vehicle, provided it is not being used for commercial gain, i.e. the passengers are not fare paying.
- 1.9.2 It is recommended that anyone transporting Scouts has Passenger Liability insurance if possible. An insurer may provide this on a short term basis, if it is not already part of your standard policy. Private comprehensive insurance policies normally include Passenger Liability, but it is worth checking.
- 1.9.3 It is also recommended that members of SSA do not transport non-family members in a vehicle which does not have Passenger Insurance, although the RAF does cover a 3rd party for injury or death.
- 1.9.4 Third Party Fire and Theft insurance does not include Passenger Liability.
- 1.9.5 SSA does not carry any insurance which covers the transport of members or their equipment.

- 1.9.6 On Rental vehicles the option for Passenger Liability insurance should always be selected if available
- 1.9.7 When hiring vehicles with a driver (e.g. Bus) – ask the operator who is hiring you the vehicle to give you a written undertaking that the driver’s licence and their vehicle insurance is in compliance with the law.
- 1.9.8 The RAF does cover claims for injury or death of 3rd Parties that are caused by a trailer, even if it has come unhitched.
- 1.9.9 The RFA only covers injuries or death to people and does not cover any damage to any property or vehicles.

2.1 General Guidelines

- 2.1. Vehicles are sometimes used during activities, for example to pull rafts or boats out of dams and to help in raising pioneering structures. In such circumstances, the following guidelines should be considered;
 - Only the tow hitch of the vehicle should be used as a pulling point. Where possible the item being pulled should be directly attached to the tow hitch.
 - Where a rope or tow strap is used, it is essential that it is in good condition and that it is not loaded to a point that it may break.
 - When a rope or tow strap breaks under load, it may whip around and injure anyone nearby. For this reason, any spectators should be a safe distance away.
 - It is recommended that wire cables be avoided. Wire cables breaking under load can cause severe injury and damage to property.

AMENDMENT SUBMISSION CONTACT DETAILS

While every attempt is made to ensure that the contents of this Practice Note are correct and consistent at the time of publication, the changing nature of SCOUTS South Africa and the communities that we serve is acknowledged, and as living documents this Practice Note should and will require correction and amendment from time to time.

Any proposals for amendment of the contents of this Practice Note should be submitted in line with the process described in the standing Organisation Rules in effect at the time of submission of the proposed amendment.

The proposed amendments for this document should be submitted to:

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