

SOUTH AFRICAN VINTAGE & VETERAN ASSOCIATION
SOUTH AFRICAN MARQUE CLUB ASSOCIATION
JAMES HALL MUSEUM OF TRANSPORT

REPORT REQUESTING DISPENSATION ON LEFT HAND DRIVE VEHICLE

STRATRGIC THRUST

It has been brought to the attention of SAVVA and SAMCA that there are a number of community members, enthusiasts, collectors and museums that own Left Hand Drive vehicles manufactured prior to the July 2004 limitation and are unable to register these vehicles for road use. The above organizations have conducted various research initiatives to ascertain specific and vital information to assist in resolving the current impasse; these statistics will be provided further in this document to substantiate our plan of action.

OBJECTIVE

The objective of this report is to make the National Department of Transport aware of the individual motoring concerns and to work towards a mutually acceptable solution enabling the registration, roadworthy and licensing of vehicles which were at some stage present in South Africa prior to 24 July 2004.

It is important to point out that we are only concerned with LHD vehicles that were in South Africa prior to the 2004 cut off and which were previously registered in the country. All vehicles are required to have some form of prior documentation that it was a registered vehicle: - de-registration papers, cancelation papers or previous registration documentation as proof.

BACKGROUND

In 2008 legislation was promulgated wherein Left Hand Drive vehicles were no longer to be registered if brought into South Africa after the determined cutoff date of 24 July 2004. However all previous LHD vehicles would and could be used on S.A. roads. Perhaps the defined outcome of this legislation was not made completely clear and the public whom have LHD vehicles were not aware of the entire content of this legislation. It is suggested that the proposed legislation was not public knowledge. We acknowledge the public should have taken the initiative to be aware of the legislation. In the light of these circumstances some were under the impression that LHD vehicles in S.A. prior to the 2004 date could still be registered while others who had documentation for their vehicle/s were under the impression that their vehicles could still be registered at a later date.

Generally there has been a lot of confusion and only now as and when these vehicles are presented to be registered do the problems become apparent thereby causing dissention and conflict. Special meetings have been called throughout the various communities, clubs and organizations across the country to get some form of action and agreement on this matter - some have proposed that a media launch be initiated, while others have suggested legal action through the courts. SAVVA and SAMCA have spoken to all these concerned community members and role players and proposed that a report and presentation be made to National Department of Transport in order to consult and arrive at a mutual solution before any hasty or radical action be taken as SAVVA and SAMCA have been fortunate to attend NDoT meetings and raise issues over Vintage vehicle concerns which have been presented, discussed and resolved. It would be unfortunate not to be able to meet or present the current pressing concerns and to debate them in order to find a mutual understanding and outcome.

SUMMARY ON RESEARCH/DATA

SAVVA and SAMCA have embarked on a data research project to gather as much information as possible regarding LHD vehicles for this report -the first being that we have run a campaign country wide, to register all LHD vehicles onto the SAVVA website, the information that has been collected is as follows:

Name, ID number, Contact details, e-mail address, Vehicle make and model, Date, Status of the vehicle and community or club member. This project ran from January to 15th April in order to have statistics on hand specifically for this presentation, the information is in annexure A.

The second information gathering exercise was to establish the insurance status relating to LHD vehicles:

How many are insured, claims made relating to LHD vehicles and accident claims made over a period of the last five to eight years.

All of these statistics can be seen in annexure B; however they are not open to public scrutiny as we have made it clear to the various owners/role players that it would be kept confidential.

POLICY

We are not requesting any change to the legislation, but rather a policy decision whereby a concession or dispensation could be given to LHD vehicles up to 24 July 2004 and that were previously in S.A. prior to 2004. Should a full dispensation concession/ not be possible - then perhaps for minimum period of five years, whereby owners of these vehicles could register, roadworthy and license such vehicles.

LEGAL & CONSTITUTIONAL IMPLICATIONS

There has been suggestion from community members and clubs - members to take the matter up legally and if need be to go to the Constitutional Court and Department of Trade and Industry. SAVVA and SAMCA have deferred this suggestion and proposed that we follow the route of a presentation to NDoT and follow this process first.

PRECEDENTS

It is important to note that there are various precedents that have been made and these should be taken into account for the future of our heritage vehicles.

- *It is important to note that during the initial talks between Government and previous role players and/or stake holders in 2008 held in Durban, it was duly noted that there had been no data or research available to base the restriction on vintage and classic vehicles. It was suggested at the time that some sort of survey should be conducted, but this was never done.*
- *There are instances where LHD vehicles have been roadworthy after the pre-determined time frame of July 2004.*
- *There are NO documented instances where a Vintage LHD Vehicle has been the cause of an accident/incident in or on S.A. roads.*
- *Vintage LHD vehicles are used under specific circumstances and do not cover a distance of more than 2,500 Km per year.*
- *The LHD issue was introduced specifically for the benefit of the Trucking industry and to curtail the importation of LHD vehicles to S.A. (this should NOT include Vintage / Classic LHD vehicles) as they form part of our heritage.*
- *Presently LHD vehicles can be registered on the system, but cannot receive a roadworthy certificate for use on public roads.*
- *The import of LHD vehicles still continues? Who is responsible to stop these imports if they cannot be used?*

FINANCIAL IMPLICATION

There are two trains of thoughts regarding financial implications and these are:

- *Job Creation and the impact this industry has on the economy. Currently we have conducted a brief survey on this specific sector only to find that there are approximately 125 SME's in restoration, repairs and suppliers of parts with as estimated work force of 7,500 – 12,000 staff contributing an estimated 2 - 5 ZAR million towards the economy.*
- *Additional income to Government in taxes, licenses, roadworthy and VAT.*

COMMUNICATION IMPLICATION

At this point I am sure that there have been some communication challenges, in that there may be a very small percentage of affected parties that are unaware of the proposal made to NDoT and / or have not received the information, hence the request for a dispensation/concession.

OTHER BODIES / DEPARTMENTS CONSULTED

The following role players are in consultation:

Automobile Association

Motorsport - S.A.

James Hall Museum of Transport – Local Government Museum.

4 additional Private Museum's (2 – Cape, 1 – Mpumlanga and 1 – Free State)

A number of concerned businesses within the motor industry.

Legal Advisors

RECOMMENDATION

The first recommendation would be to give a concession/dispensation to LHD vehicle manufactured prior to 24 July 2004 that were previously in S.A., allowing them to be registered, roadworthy and licensed.

Alternatively to give a concession/dispensation for a minimum period of five years to LHD vehicles manufactured prior to 24 July 2004 that were previously in S.A. to become registered, roadworthy and licensed, thereafter the concession/dispensation can fall away.

No LHD vehicles manufactured after 2004 can be registered under this concession/dispensation.

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