FEEDBACK TUTORIAL LETTER

2nd SEMESTER 2019

ASSIGNMENT 1

TRAFFIC AND TRANSPORTATION LAW

TTL621S
PLEASE NOTE: A student should answer in his/her own words. IF A STUDENT'S ANSWER CORRESPONDS WORD FOR WORD OR MOSTLY WITH THE MEMORANDUM AND/OR STUDY MATERIAL AND/OR ANY OTHER SOURCE, IT MEANS THAT THE STUDENT HAS COPIED FROM A SOURCE. IT IS REGARDED AS PLAGIARISM AND A MARK OF ZERO WILL BE GIVEN.

QUESTION 1
Briefly answer the following questions USING YOUR OWN WORDS:
NOTE: Answers copied directly from any source will not be marked. Please watch the mark allocation: for two marks you need not write more than two lines!

1.1 What is a treaty? Give an example relating to Traffic and Transportation Law.
   • An international agreement
   • concluded between States (countries)
   • in written form
   • governed by international law
   • Any relevant example

1.2 List three instances where a driver may use the shoulder of the road.
   • In the event of a breakdown
   • To make way for a state motorcade
   • For emergency vehicles

1.3 Distinguish between the Namibian Roads Authority (RA), the Roads Contractor Company (RCC) and the Road Fund Administration (RFA) with regard to their respective functions.
   • Namibian Roads Authority (RA) – management of the Namibian road network
   • Roads Contractor Company (RCC) - construction and maintenance of roads
   • Road Fund Administration (RFA) - manage the Road Fund (control the finances)

1.4 What is the difference between the “tare” and the “gross vehicle mass” of a vehicle? (DISTINGUISH, do not simply copy down the definitions!)
   • The tare is the mass of the unladen vehicle
   • The GVM is the maximum permissible mass
   • Of the vehicle plus the load

1.5 May a driver with a learner’s licence have passengers in the car when they are driving?
   • Yes
   • Provided they are accompanied by a licenced driver
   • And the passengers are not conveyed for reward

1.6 May a traffic officer dismantle a vehicle?
   • Yes/no
   • Only if he is a qualified motor mechanic
   • or also holds an appointment as a vehicle examiner

[20]
QUESTION 2
In each of the following cases, state whether licence fees must be paid in respect of the motor vehicle described. Motivate your answers. (NOTE: no marks will be allocated for yes/no without a correct motivation.)

Note to marker-tutor: a motivation must refer to the law, not just copying the facts.

2.1 Jonni’s 1975 Toyota Corolla that he uses to travel to school every day.
   • Yes. Used on a public road

2.2 Sanji’s souped-up Mustang that she uses only for stock car racing at the Tony Rust Racecourse.
   • No. Vehicle used exclusively for racing purposes

2.3 Minnie’s donkey cart which she still proudly uses to transport her friends from the farm to town and back.
   • No. Not a motor vehicle (not self-propelled)

2.4 Mbeki’s fancy electric Tesla.
   • Yes. Self-propelled motor vehicle used on a public road

2.6 The German Ambassador to Namibia’s official Mercedes Benz.
   • No. Owner is a person who is entitled to diplomatic immunity

Two marks each [10]

QUESTION 3
   • The purpose of the Geneva Convention is to facilitate international road traffic
   • and to increase road safety
   • by establishing standard traffic rules among the contracting parties.
   • Namibia is one of the contracting parties,
   • which means that most of the national traffic and transportation laws contained in the RTTA are based on the established standards listed in the Geneva Convention. (5)

Note to marker-tutor: suggested answer only, marker to use discretion when awarding marks

3.2 Using your own words, list the 5 (five) strategic goals of the SADC Protocol on Transport, Communication and Meteorology.
   • The integration of regional transport networks
   • The elimination / reduction of impediments to movement between the member states
   • Investment to develop, preserve and improve strategic transport infrastructure
   • The optimal utilisation of resources
   • Regional development fostered by strategic partnerships (5)

[10]
QUESTION 4

Read the following case study and indicate which human rights have been infringed. Use your copy of the Namibian Constitution and refer to the exact articles.

On 15 March 2019 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 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.

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

- Article 7 (No persons shall be deprived of personal liberty except in accordance to procedures established by law)
- Proper procedures not followed for his arrest
- Article 8 (Human dignity shall be inviolable / No person shall be subject to cruel, inhuman or degrading treatment)
- No sanitation facilities / no food for two days
- Article 11(2)
- Not informed in a language he understands about the reasons for his arrest.
- Art 11(3)
- Not brought before a magistrate within 48 hours
- Article 12(1)(e)
- Not afforded adequate time and facilities to prepared for his trial / no legal practitioner

[10]