

THE LEGAL TREND

KNOW YOUR LEGAL REQUIREMENTS ON ROAD TRAFFIC OFFENCES AND AVOID BEING A VICTIM



INTRODUCTION

Alliance Legal brings you #TheLegalTrend, which is aimed at giving you basic legal knowledge on topical issues. Our first article will be focusing more on the road traffic offences and some of the things you need to be aware of when you are driving a private vehicle.

Every person in the Kingdom of Lesotho has a right to a fair hearing in the courts of law. This right is protected by the Constitution of Lesotho under section 12 thereof and other International Instruments that Lesotho has ratified (i.e. Universal Declaration). To even go further, for one to understand what a fair hearing entails, we are guided by common law principles of natural justice (i.e. the right to be

heard). The right to be heard entails and encapsulates several rights under, for example, the right to legal representation, the right to call witness, the right to be cross-examined.

The courts of law in Lesotho are creatures of statutes and to understand the Mobile Traffic Court (Iveco) for example and its jurisdiction, we are directed by the punishments imposed on the offenders. The Road Traffic Act and Road Transport Act and their respective regulations will help us in determining the jurisdiction. Most offences carry maximum monetary value of M2000.00 where the offence is reckless driving. It follows therefore that such offences shall be prosecutable in the Magistrate's Courts.

OPINION

The Road Transport Act, Road Traffic Act and their respective regulations outline the requirements one needs to have or the motor vehicle to have to be roadworthy and to operate in Lesotho. We cannot be able to exhaust all the requirements thereof in this article; we can however state that it is the responsibility of every single one of us to know the Laws that regulate motor vehicles. Let us mention a few;

- ▶ The driver shall carry a valid driver's license when operating a vehicle and shall produce it upon demand by the police officer. i.e. the law does not say you will produce it later or after a certain date or within a certain period but upon demand.
- ▶ Learner driver shall also have in possession a **learners driving license** and shall be in company of a person holding a valid driver's license which is at least two years old.
- ▶ **Number plates** shall be two, one fixed on the front elevation and both being in the upright position and clearly visible, front or behind the vehicle.
- ▶ **Special permit and temporary plate numbers** are fixed on the bottom left of the windscreen.
- ▶ The motor vehicle shall not operate on public road unless is equipped with a **braking system**.
- ▶ The vehicle shall be fitted with at least one **headlamp** on each side of its longitudinal centre line.
- ▶ A vehicle shall be fitted with a **reversing light**.
- ▶ A vehicle shall be fitted on both sides with **direction indicators**.
- ▶ A vehicle shall be fitted with an **electrical or mechanical instrument capable of emitting continuous sound clearly audible from a distance of not less than 100m**.
- ▶ No person shall operate on a public road a motor vehicle which is not fitted with a **rear-view mirror** which will enable the driver of such vehicle when he is in the driving position to see in clear weather a clear reflection of traffic to the rear. i.e even if you have a rear-view mirror but there is an object that will obstruct the clear viewing of the rear traffic is an offence.
- ▶ No person shall travel in the front seat of a motor vehicle required to be fitted with a **safety belt** unless he wears a **safety belt**, and the belt is properly adjusted and securely fastened.

CONCLUSION

This article is made for assistance purposes only. It is not made for proceedings to be instituted in a court of law. Learn with us as we give you #TheLegalTrend fortnightly, remember that ignorance of the law is no excuse.



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