CITY OF CAPE TOWN

DRAFT TRAFFIC AMENDMENT BY-LAW, 2026

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GENERAL EXPLANATORY NOTE:

[ ]	Words in bold type in square brackets indicate omissions from existing enactments.
_____	Words underlined with a solid line indicate insertions in existing enactments.

To amend the provisions in the City of Cape Town: Traffic By-law, 2021; to provide for the regulation of public transport, municipal roads and traffic safety within the City's jurisdiction; to reduce dangerous behaviour of road users; to regulate vehicle safety and traffic usage; to provide for vehicle impoundment and nuisance control in public places and to provide for matters related thereto.

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BE IT ENACTED by the Council of the City of Cape Town, as follows: —

Amendment of the Preamble of the City of Cape Town: Traffic By-law, 2021(herein referred to as the Principal By-law)

1. The following Preamble is hereby substituted for the Preamble in the principal By-law:

"**PREAMBLE**

WHEREAS section 156(2) of the Constitution provides that a City may make and administer by-laws for the effective administration of the matters it has the right to administer;

WHEREAS municipal public transport is listed as a local government matter in Part B of Schedule 4, to the extent set out in section 155(6)(a) and (7) of the Constitution;

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WHEREAS municipal roads, traffic and parking are listed as local government matters in Part B of Schedule 5, to the extent set out in section 155(6)(a) and (7) of the Constitution;

WHEREAS the City intends to achieve better driver behaviour and in so doing alleviate danger to passengers, drivers and pedestrians;

WHEREAS the City seeks to achieve the safety of traffic on public roads and regulate the conduct of any user of such road and the use of any such road by any vehicle;

WHEREAS the City aims to impound vehicles being driven in a manner, which endangers the safety of passengers, drivers and pedestrians making use of public roads and the control of nuisances emanating from the operation of public transport vehicles within the jurisdiction of the City of Cape Town;

WHEREAS by virtue of the Declaration of Peace Officers in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), law enforcement officers appointed by a municipality are provided with certain powers in relation to road traffic and road transportation legislation that is operative in the area of a municipality;

WHEREAS by virtue of section 80A of the National Road Traffic Act, the City may make by-laws not inconsistent with that Act in respect of matters related to the safety of traffic on public roads, the duties of drivers and the use of vehicles on public roads, the provision of services involving the plying for hire or transporting of passengers for reward, the use of warning devices, the use of a public road by traffic in general, the limitation of age of drivers of vehicles drawn by animals, and any form or token deemed expedient and the nature and extent of information to be furnished for that purpose;"

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Amendment of section 1 of the principal By-law

2. Section 1 of the principal By-law is hereby amended by the substitution of the definition "authorised official".

"authorised official" means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-Law and includes any employee delegated to carry out or exercise the duty, function or power.";

Amendment of section 62 of the principal By-law

3. Section 62 of the principal By-law is hereby amended —

(a) by the substitution for sub-section (1) of the following sub-section.

'(1) An authorised official may in the interest and safety of the public, without notice, impound a vehicle if —

(a) the vehicle is engaged in illegal street racing or any form of motor sport or performance with a vehicle conducted on a public road or public place without the necessary —

i) road closure;

ii) events permit; or

iii) other applicable permissions;

(b) the driver is operating the vehicle without a valid driving license or, where applicable, a valid professional driving permit;

(c) the vehicle is obstructing a public road or entrance to critical infrastructure or emergency services facilities, including fire stations, hospitals, and police stations;

(d) the vehicle is being driven on a public road in a manner that is reckless and poses an immediate or imminent danger to the life of passengers, road users, or pedestrians including: -

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(i) driving on the shoulder;

(ii) driving in an oncoming traffic lane;

(iii) driving in a manner that disregards traffic channelling lines;

(iv) driving in a manner that disregards traffic signals, stop streets or pedestrian-crossings;

(v) driving in a manner that hinders or obstructs traffic;

(vi) cutting into a lane immediately after passing a vehicle;

(vii) being overloaded by more than three passengers; or

(viii) overtaking on a solid barrier or a no overtaking line;

(e) the driver of the vehicle is arrested for being under the influence of intoxicating liquor or a drug having a narcotic effect;

(f) the driver has accumulated a certain number of demerit points as stipulated by the Administrative Adjudication of Road Traffic Offences Act, 46 of 1998 (AARTO);

(g) the driver did not stop when signalled to do so by an authorised official in uniform resulting in the driver having to be pursued and forced to stop; or

(h) the vehicle has repeated parking offences in terms of the provisions of the City's Parking By-law.

(b) **by the substitution for paragraph (f) of sub-section (2) of the following paragraph.**

(f) where the —

(i) vehicle is not fitted with the minimum number of number plates as required by law;

(ii) the vehicle is fitted with false number plates; or

(iii) driver or owner of such vehicle is a repeat offender in terms of this provisions;

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(c) by the addition after paragraph (g) of sub-section (2) of the following paragraph:

'(h) where the driver or operator of a motor vehicle operates a motor vehicle causing excessive noise in contravention of section 46 where the driver or owner of such a vehicle is a repeat offender, with two or more convictions for contraventions of section 46.'

Amendment of section 63 of the principal By-law

3. Section 63 (1) of the principal By-law is hereby amended by:-

(a) the substitution for sub-paragraph (a) of the following sub-paragraph;

"(a) for illegal street racing in terms of section 62(1)(a), may only be released to the vehicle's owner or driver, if successful representations are made to the delegated authority, or after the first appearance in court by the person accused of illegal street racing, whichever occurs first;";

(b) the substitution for sub-paragraphs (d) and (e) of the following sub-paragraphs;

"(d) for not displaying number plates in terms of section 62(2)(f), may only be released to the vehicle's owner or driver upon presentation of valid number plates and having them affixed to the vehicle; or

(e) for not being roadworthy and may only be released to the vehicle's owner or driver upon presentation of a roadworthy certificate issued by a Vehicle Testing Centre."

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Amendment of section 65 of the Principal By-law.

3. The following subsection is hereby substituted for subsection (1) of section 65:

"(1) Any **[person who contravenes a provision of this By-law commits an offence]** person who contravenes or fails to comply with any provision of this By-law, or with any direction, condition, demand, requirement or request made under it, commits an offence."

Short title

4. This By-law is called the City of Cape Town Traffic Amendment By-law, 2026.

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