

Section from National Road Traffic Act 93 of 1996

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INTERPRETATION OF ACT

1. Definitions

“**motor vehicle**” means any self-propelled vehicle and includes -

(a)

(a) the person who has the right to the use and enjoyment of a vehicle in terms of the **common law** or a contractual agreement with the title holder of such vehicle;

“**title holder**”, in relation to a vehicle, means -

(a) the person who has to give permission for the alienation of that vehicle in terms of a contractual agreement with the owner of such vehicle; or

(b) the person who has the right to alienate that vehicle in terms of the **common law**,

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34. Court may issue order for suspension or cancellation of licence or permit or disqualify person from obtaining licence or permit

(1) Subject to [section 35](#), a court convicting a person of an offence in terms of this Act, or of an offence at **common law**, relating to the driving of a motor vehicle may, in addition to imposing a sentence, issue an order, if the person convicted is -

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73. Presumption that owner drove or parked vehicle

(1) Where in any prosecution in terms of the **common law** relating to the driving of a vehicle on a public road, or in terms of this Act, it is necessary to prove who was the driver of such vehicle, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.

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THE MEC RESPONSIBLE FOR ROAD TRAFFIC

4. Interpretation of Agreement. In this Agreement, unless the context otherwise indicates:

4.8 This Agreement shall be subject to and interpreted in terms of applicable provisions of the Constitution and in conformance with the Constitution, national and provincial legislation and the common law.

Section from Road Traffic and Transport Act 22 of 1999

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CHAPTER 11 REGULATIONS

Power of Minister to make regulations

91. (2) In particular, and without derogating from the generality of the power conferred by subsection (1), regulations may be made in relation to -

(xxxii) the establishment and maintenance of a record system for the purpose of recording particulars of persons who have been convicted of an offence in terms of this Act or an offence in terms of the common law relating to the driving of a motor vehicle;

Section from South African Police Service Act 68 of 1995

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13 Members

(13) Subject to the Constitution -

(a) this section shall not be construed as derogating from any power conferred upon a member by or under this Act or any other law, including the **common law**; and

(b) the powers conferred upon a member by this section shall not be limited by any other law, including the **common law**.

Section from SAPS Field Guide

Integrity

Application: Employees of the SAPS regard the truth as being of the utmost importance.

Explanation: We, as the employees of the SAPS, continually strive to uphold the mission, values, ethical principles and ethical standards of the SAPS. We will behave in a manner, which is consistent with these values. We will act honestly and responsibly in all situations. We will always tell the truth, perform our duties with noble motives and set an example in the communities we serve.

Respect for diversity

Application: Employees of the SAPS acknowledge the diversity of the people of our country and treat every person with equal respect.

Explanation: In performing our duties, we will always show respect for the cultural and other diversities in the community. We will treat every person with equal respect and honour their rights as inhabitants of South Africa. We will not unlawfully discriminate against any person.

Obedience of the law

Application: Employees of the SAPS respect and uphold the law at all times.

Explanation: Our duties mainly involve enforcing the law, and in our application of the law we will always stay within the law and Constitution of our country. We will, at all costs, avoid any conduct which would make us violators of the law. We will protect the **inhabitants of South Africa** against unlawful actions

RSA Constitution ACT & Bill of Rights

8. Application.--(1) The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.

(2) A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by that right.

(3) When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court --

(a) in order to give effect to a right in the Bill, must apply, or if necessary develop, the **common law** to the extent that legislation does not give effect to that right; and

(b) may develop rules of the **common law** to limit the right, provided that the limitation is in accordance with section 36 (1).

39. Interpretation of Bill of Rights.-(1) When interpreting the Bill of Rights, a court, tribunal or forum-

(a) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;

(b) must consider international law; and

(c) may consider foreign law.

(2) When interpreting any legislation, and when developing the **common law** or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.

(3) The Bill of Rights does not deny the existence of any other rights or freedoms that are recognised or conferred by **common law**, customary law or legislation, to the extent that they are consistent with the Bill.

173. Inherent power.-The Constitutional Court, Supreme Court of Appeal and High Courts have the inherent power to protect and regulate their own process, and to develop the **common law**, taking into account the interests of justice.