

and

(iii) if damaged in any manner, it will ensure a safe degree of visibility for the driver:

(2) Any window or transparent partition other than the windscreen of a motor vehicle used on a road shall—

- (a) if composed of glass, consist of safety glass; or
- (b) if composed of any other material, consist of transparent material so constructed or treated that if fractured, it will not readily shatter into fragments capable of causing severe cuts.

(3) No person shall drive a motor vehicle on any road unless—

- (a) all glass or other transparent material fitted to the vehicle is maintained in such condition that there is no interference with the driver's vision and where such material is tinted, it shall ensure a safe degree of visibility; and
- (b) each pane of safety glass fitted to the vehicle is permanently marked with the name or trademark of its manufacturer or with the trade name of the glass, and is clearly identifiable as safety glass by a permanent mark describing it as such:

Provided that this paragraph shall not apply in relation to any pane of safety glass fitted to a motor vehicle before the 1st of January, 1965.

(4) No manufacturer of, or dealer in motor vehicles shall sell or otherwise dispose of a motor vehicle unless its windscreen and windows comply with the requirements of this section.

(5) No repairer of motor vehicles shall replace a windscreen, window or transparent partition with glass or other transparent material which does not comply with the provisions of this section.

*Windscreen wipers*

55. (1) No person shall drive on any road a motor vehicle equipped with a windscreen, unless the vehicle is fitted with at least one windscreen wiper—

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- (a) which is not operated manually; and
- (b) whose blade, when in operation, wipes the outside of the windscreen continuously, evenly and adequately.

Provided that if a motor vehicle is equipped with more than one windscreen all such wipers shall comply with the requirements of paragraphs (a) and (b).

*Fuel tanks, electric wiring and battery*

56. (1) No person shall operate on a road a motor vehicle—

- (a) if the fuel tank, carburetor, fuel receptacle, fuel pipe thereof is defective or so exposed that it constitutes a source of danger;
- (b) if the filling orifice of the fuel tank is not fitted with an effective cap; or
- (c) unless the electrical wiring and battery are properly installed, insulated and maintained so that such wiring and battery do not constitute a source of danger.

*Engine of motor vehicle to be covered*

57. No person shall operate on a road a motor vehicle other than a motor cycle or other cycle unless the engine thereof is so covered as not to be a source of danger.

*Direction indicators: Motor vehicles or trailers*

58. (1) No person shall drive on any road a motor vehicle or combination of vehicles, other than a construction vehicle or combination of construction vehicles, unless the vehicle or combination of vehicles is equipped with direction indicators which—

- (a) consist of lamps of not less than 15 watts in power; and
- (b) are fitted at a height of not less than four hundred and fifty millimeters and not more than one comma five metres above ground level; and
- (c) are fitted not more than four hundred millimeters from the outer edges of the front or rear, as the case may be, of the motor vehicle or combination of vehicles; and

- (d) are fitted so that the indicators on the same side of the vehicle or combination of vehicles operate simultaneously; and
- (e) if showing in front, emit diffused white or amber coloured light or if showing to the rear, emit diffused red or amber coloured light; and
- (f) are either—
  - (i) fitted so that the lamps thereof, when in operation, are visible to the driver from the normal driving position, either directly or by reflection; or
  - (ii) connected to a device so placed in the driver's cab that a visible or audible indication that the indicators are in operation is given; and
- (g) have a flashing speed of not less than sixty and not more than one hundred and twenty flashes per minute; and
- (h) are maintained in a clean, unobscured and efficient condition at all times.

(2) No person shall drive on any road a motor vehicle or combination of vehicles, other than a construction vehicle or combination of construction vehicles, unless the vehicle or combination of vehicles is equipped with direction indicators which in addition to the requirements of subsection (1) is equipped with a separate switch to operate all the direction indicators simultaneously:

Provided that of this subsection shall not apply to—

- (i) a tractor not designed to form part of an articulated vehicle;
- (ii) a motor cycle;
- (iii) any motor vehicle according to the registration certificate thereof was registered for the first time before 1st January, 1986.

(3) The driver of a motor vehicle fitted with a separate switch to operate hazard lights, shall put into operation the hazard lights fitted to such vehicle when the vehicle is—

- (i) stationary in a hazardous position:

- (ii) in motion in an emergency.

*Direction indicators: motor cycles*

59. No person shall drive a motor cycle on any road unless the motor cycle is equipped with direction indicators complying with paragraphs (a), (d), (e), (g) and (h) of section 58.

*Suspension, axles and structure*

60. (1) No person shall drive on a road a motor vehicle, motor cycle or trailer unless all components of the suspension system and axles are efficiently secured, retained and maintained in a condition which enables the vehicle to be driven safely and efficiently.

(2) No person shall drive on a road a motor vehicle, motor cycle or trailer—

- (a) are leaking oil or grease onto the road surface or in such a manner as to affect the efficiency of the braking system of such vehicle;
- (b) are cracked, bent or misaligned or otherwise defective so as to endanger any person on the vehicle or on the road in any way.

(3) No person shall drive on a road a motor vehicle, motor cycle or trailer if its structure is bent, deformed, corroded, cracked, damaged or otherwise defective so as to endanger any person on the vehicle or on the road in any way.

*Seats*

61. (1) No person shall drive any motor vehicle on a road if—

- (a) the driving seat is in such a condition that it could cause the driver to lose control of the vehicle or is not adjustable;
- (b) any seat or bunk is not secured or unsafe.

*Doors and panels*

62. (1) No person shall drive any motor vehicle fitted with doors on a road if—

- (a) any door will not remain securely closed, or is jammed, or so secured that it can not be opened; or
- (b) the hinges, catches or pillars of any door are loose, broken, cracked, corroded or otherwise to the extent that the door is not secure when closed; or
- (c) a safety catch or door lock is not functioning correctly or a door can not be opened from both inside and outside; or
- (d) any window winder or window winding mechanisms or both are not in good working order:

Provided that the requirement of this section shall not apply to vehicles originally designed and manufactured without doors, safari vehicles or vehicles modified and adapted for a special purpose and approved by the Minister.

(2) No person shall drive any motor vehicle on a road unless the door panels, roof panels (ceiling), dashboard, body panels are sufficiently padded or protected so as not to expose vehicle occupants to danger.

*Mechanical connections between vehicles*

63. (1) No person shall drive on any road any motor vehicle drawing a trailer or trailers unless, the mechanical connections comply with the following requirements in—

- (a) the couplings used when operating motor vehicles and trailers in combinations shall be strong enough to hold them together and maintained as such at all times; and
- (b) a fifth wheel coupling, the mating parts of a coupling, a kingpin or tow bar must not be a load more than the manufacturer's load rating; and
- (c) a kingpin must be used only with a fifth wheel coupling that has a corresponding jaw size; and

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- (d) the mating parts of a coupling used to connect a semi trailer to the towing vehicle must not allow the semi trailer to roll to an extent that makes the towing vehicle unstable; and
- (e) in addition to the draw bar, a safety chain or cable is coupled between the trailer and motor vehicle and between the trailers if more than one trailer is being towed; and
- (f) the safety chain or cable referred to in paragraph (e) shall be of such strength as to hold the trailer or trailers in the event of any failure of the draw bar and shall be so fitted as to prevent the draw bar from falling to the ground in the event of its failure.

*Speedometer, speed monitoring or speed limiting device*

64. (1) No person shall drive on any road any motor vehicle or motor cycle—

- (a) which is designed for or capable of exceeding a speed of 40 km/h on a reasonably level road, unless such vehicle or motor cycle is equipped with a speedometer which is in a good working condition; and
- (b) the speedometer is equipped with a light which is capable of sufficiently illuminating the speedometer clock.

(2) No person shall drive on any road a passenger public service vehicle or a heavy vehicle with a net mass of four thousand six hundred kilograms or more, unless one of the following speed monitoring or speed limiting devices is fitted to the vehicle.

- (i) a tachograph; or
- (ii) a tacho-log; or
- (iii) a vehicle data recoder; or
- (iv) fleet manager; or
- (v) co-driver; or

- (vi) any other device which the Minister, after consultation with the Standards Association of Zimbabwe may notify in the *Gazette*.

(3) The owner of a motor vehicle referred to in subsection (1) shall keep in a safe place for a period of not less than six months, all records from the device fitted to his vehicle in terms of subsection (2).

*Type approval of motor vehicles*

65. No person shall import any motor vehicle for registration and use on any road in Zimbabwe if the year of manufacture from the country of origin is more than five years.

Provided that this shall not apply to any motor vehicle registered in Zimbabwe before the 31st March, 2011.

*Safety devices: omnibuses*

66. Every omnibus of a net mass of four thousand six hundred kilograms or more shall be fitted with a safety device to the front axle, approved by the Minister, to prevent the omnibus from veering sharply to one side in case of a front wheel tyre-burst.

*Dangerous fittings or fixtures*

67. No person shall drive a motor vehicle or trailer on any road if anything is fitted or fixed to the vehicle in such a way as to endanger any person on or outside the vehicle in any way.

PART IV

USE OF ROADS AND VEHICLES

*Vehicles in dangerous condition*

68. No person shall drive on any road a motor vehicle or trailer which is in such condition as to endanger any person on the vehicle or on the road.

*Motor cyclists to wear safety helmets*

69. (1) In this section, the term "dealer" shall be held to refer to any a person who carries on the business of selling safety helmets or

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of holding safety helmets for sale, whether or not that business is carried on in conjunction with any other business or activity.

- (2) No dealer shall sell a safety helmet unless—
- (a) it complies with the requirements of paragraphs (i), (ii) and (iii) of subsection 3; and
  - (b) it is of a type and manufacture approved by the Standard Association of Zimbabwe.
- (3) Subject to subsection (4), no person shall—
- (a) drive a motor cycle on any road; or
  - (b) be carried on any road as a passenger on a motor cycle or
  - (c) in a side car attached to a motor cycle;

unless he is wearing a safety helmet which—

- (i) consists of a shell made of fibre glass containing an impact absorbing system made of polystyrene which extends to within twelve comma eight millimetres of the edge of the shell; and
- (ii) is specially designed to cover the head and to reach a point below the ears; and
- (iii) has a chin strap for fastening under the wearer's chin;
- (iv) and the chin strap referred to in paragraph (iii) is fastened when the motor cycle is in motion.

(4) Subsection (3) shall not apply to a follower of the Sikh religion while he is wearing a turban as required by that religion.

*Towing*

70. (1) No person shall drive on any road a motor vehicle towing another vehicle—

- (a) if the space between the vehicle exceeds four metres; or
- (b) if the net mass of the motor vehicle being towed exceeds the net mass of the towing motor vehicle; or



- (c) unless the vehicle being towed is so attached to the towing vehicle as to be under proper control; or
- (d) if the motor vehicle being towed is loaded.

(2) No person shall drive on any road any motor vehicle towing more than three trailers.

(3) Except in the case where the vehicle being towed is connected to the towing motor vehicle by means of a rigid tow bar, draw bar or is craned, no motor vehicle towing another vehicle shall exceed a speed of 30 km/h.

*Pushing of a motor vehicle by another vehicle prohibited*

71. No person, when driving a motor vehicle on any road, shall push or cause any other vehicle to move on a road by pushing with another vehicle.

*Stationary vehicles*

72. (1) Whenever a motor vehicle is not being driven or is left unattended, the person in charge of it shall set its handbrake or parking brake so as to maintain it in a stationary position.

(2) Whenever a trailer, other a light trailer, is not being drawn or is left unattended, the person in charge of it shall set its parking brake or hand brake so as to maintain it in a stationary position.

(3) No person shall leave a stationary vehicle, unattended, with the engine of such vehicle running.

*Gross mass*

73. (1) In this section—

“gross mass” in respect of a tractor, means the gross mass for which the tractor is rated;

“commercial vehicle” means any motor vehicle or trailer, including a fire engine other than a—

- (a) a motor cycle having not more than two wheels; or
- (b) a light trailer or caravan; or

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- (c) a trailer which is not required to be registered in terms of Vehicle Registration and Licensing Act [Chapter 13:14]; or
- (d) a construction vehicle or construction trailer which is not designed to carry a load; or
- (e) a vehicle commonly known as a station wagon, safari van or coupe imp; or
- (f) a passenger motor vehicle having seating accommodation for not more than seven passengers; or
- (g) a tractor which is not designed to form part of an articulated vehicle.

(2) Subject to subsection (7), no person shall use a light trailer or a caravan on any road if the vehicle's gross mass exceeds the gross mass determined in accordance with subsection (6).

(3) Subject to subsection (7), no person shall use a light trailer or a caravan on any road if its load exceeds its factory-rated load capacity, determined in accordance with subsection (6).

(4) Subject to subsection (9), no person shall drive on any road a commercial vehicle unless there is displayed on the left outside of the vehicle a notice clearly showing in kilograms, the vehicle's gross mass and net mass determined in accordance with subsection (6).

(5) The figures and letters in a notice referred to in subsection (4) shall be of uniform shape and size and not less than twenty millimetres high.

(6) The gross mass, net mass or factory-rated load capacity of any motor vehicle, tractor, trailer or caravan shall be determined for the purposes of this section—

- (a) by reference to any document prepared or issued by the manufacturer of the vehicle, tractor, trailer or caravan concerned or by his representative; or
- (b) in the absence of a document referred to in paragraph (a) by an inspecting officer, who shall have regard to the nature and construction of the vehicle, tractor, trailer or caravan concerned and to any documents prepared for

issued by a manufacturer of a similar vehicle, tractor, trailer or caravan or by a representative of such a manufacturer.

(7) For the purposes of any prosecution for a contravention of subsection (2) or (3), the gross mass or load of a motor vehicle, trailer or caravan may be determined by weighing the vehicle, trailer or caravan on a scale which belongs to or is in use by the Government and the gross mass shall be deemed to be—

- (a) the mass actually indicated or recorded by the scale where the vehicle, trailer or caravan is weighed as one complete unit; or
- (b) where the vehicle, trailer or caravan is not weighed as one complete unit, the mass determined by adding together the mass of individual axles of the vehicle, trailer or caravan, less five per centum of the total mass so determined and the load shall be calculated by subtracting the net mass of the vehicle, trailer or caravan from the gross mass so determined.

(8) The fact that an owner or driver did not know the permissible gross mass, net mass or load capacity of his motor vehicle, trailer or caravan shall not be a defence to a charge under this section.

*Tyres on vehicles using certain roads*

74. (1) Subject to subsection (3), no person shall drive any vehicle on a strip track or a road with a bituminous coated surface, except for the purpose of any necessary crossing thereof—

- (a) unless the vehicle's wheels are equipped with pneumatic tyres; or
- (b) if any of the vehicle's wheels are equipped with wheel chains.

(2) Subject to subsection (3), no person shall drive a motor vehicle or trailer on any road, other than a strip track or a road with a bituminous coated surface, except for the purpose of any necessary crossing thereof, unless the wheels of the motor vehicle or trailer are equipped with pneumatic tyres or other tyres of soft, elastic material.

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(3) For the purposes of subsection (2) “tyre of soft, elastic material” means a tyre the soft, elastic material of which is either—

- (a) continuous around the circumference of the wheel; or
- (b) in segments so fixed that, as far as is practicable, no space is left between the portions thereof, and so constructed as to be free from any defect which might in any way cause damage to the surface of the road.

*Loading: pedal cycles and motor cycles*

75. (1) No person shall ride a pedal cycle on any road while carrying on the cycle a load or passenger exceeding forty kilograms in mass.

(2) No person under the age of sixteen years shall ride a pedal cycle on any road while carrying a passenger on the cycle.

(3) No person shall ride a pedal cycle on any road while carrying a passenger on the cycle elsewhere other than on the carrier affixed to the cycle.

(4) No person shall—

- (a) drive on any road a pedal cycle or motor cycle, with or without a side-car attached, if any part of its load projects more than six hundred millimetres in front or more than nine hundred millimetres to the rear of the wheels of such pedal cycle or motor cycle, or more than three hundred millimetres on either side of the wheels.
- (b) drive on any road at night a motor cycle or ride a pedal cycle unless one is wearing safety reflective clothing approved by the Standards Association of Zimbabwe, so as to be visible from a distance of at least 50 metres.

(5) No person shall drive on any road a motor cycle to which a side-car is not attached—

- (a) while carrying more than one passenger on the cycle; or
- (b) while carrying a passenger elsewhere other than on the pillion.

(6) No person shall drive a motor cycle on any road while carrying a passenger on the pillion, unless—

- (a) the pillion is securely attached to the motor cycle; and
- (b) foot rests are provided for use of the passenger.

(7) No person riding on the pillion of a motor cycle on any road shall sit in any other position than astride the pillion, and facing forward.

(8) No person shall drive a motor cycle on any road while sitting on any part of the machine other than on the saddle provided.

(9) No person shall drive on any road a motor cycle with a side-car attached—

- (a) while carrying more than three passengers on the motor cycle; or
- (b) while carrying more than one passenger on the pillion; or
- (c) while carrying more than two passengers seated in the side-car.

*Loading: motor vehicles and trailers*

76. Subject to section 75, no person shall drive a motor vehicle or trailer on any road if the load of the vehicle or trailer is so arranged or is of the nature that the overall length of the vehicle and the load exceeds fourteen comma six metres;

Provided that, in the case of an articulated vehicle the overall length of the vehicle and the load shall not exceed nineteen comma seven metres; or

- (b) extends further forward than a distance of nine hundred millimetres beyond the body of the vehicle; or
- (c) extends further than a distance of one comma two metres behind the body of the vehicle; or
- (d) extends beyond two comma five metres on either side of the vehicle; or

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- (e) is likely to cause danger to any person on the vehicle or on the road owing to its mass distribution, packing or adjustment; or
- (f) is not properly secured and covered sufficiently by means of a waterproof tarpaulin or similar materials so as to avoid damage, spoilage or danger to other road users and to prevent the load from absorbing water and therefore overloading the vehicle;
- (g) if it consists of gravel, sand, stone or loose substance is not secured by an effective tail gate or similar barrier to prevent it from dropping onto the road and is not covered by a waterproof tarpaulin or similar material to prevent the load from absorbing water and therefore overloading the vehicle.

*Loading: all vehicles*

77. Subject to section 73, no person shall drive any vehicle on a road if the vehicle's load—

- (a) projects more than six hundred millimetres beyond the lateral extremities of the vehicles; or
- (b) is of such a height that is likely to interfere with or damage any bridge, wire or other construction lawfully erected above the road surface; or
- (c) is not safely contained with the vehicle's body or securely fastened to the vehicle; or  
is carried or arranged in such a way as to obstruct the driver's view of traffic abreast on either side of him or ahead of him; or
- (d) is more than four comma six metres high, measured from the carriageway.

*Loading: exemptions*

78. (1) The Commissioner of Police may issue a written permit for the carriage by any vehicle, on one or more occasions specified in the permit, of a specified load which, from its nature, is incapable of being placed on the vehicle so as to conform with the requirements of section 75, 76 or 77.

(2) A permit may be issued in terms of subsection (1) subject to such conditions as the Commissioner of Police may impose to ensure the safety of the public and where appropriate the preservation of roads.

(3) A person may drive a vehicle on a road while carrying a load in accordance with a permit issued in terms of subsection (1), notwithstanding that the load may contravene section 75, 76 or 77.

(4) The driver of a vehicle which is carrying a load authorized by a permit in terms of subsection (1) shall ensure that the permit is carried in the vehicle while the vehicle is being driven on a road carrying such load.

#### *Projecting loads*

79. (1) No person shall, by day, drive a loaded vehicle on any road or cause or permit a loaded vehicle to be stationary on any road, if the vehicle's load projects to the rear more than six hundred millimetres beyond the back of the vehicle, unless a flag of bright red cloth, at least six hundred millimetres square, is attached at the extreme rear of the load.

(2) No person shall, at night, drive a loaded vehicle on any road or cause or permit a loaded vehicle to be stationary on any road, if the vehicle's load projects to rear more than six hundred millimetres behind the vehicle's tail-lamp, unless a bright red light is attached at the extreme rear of the load, facing directly to the rear and so placed on the load as to be not more than one comma two metres above ground level or, if the lowest point of the load is more than one comma two metres above ground level, placed at the lowest point of the load:

Provided that a solid square or circular retro of diamond grade reflector, facing directly to the rear, with sides not less than two hundred and fifty millimetres or with a diameter not less than two hundred and fifty millimetres, as the case may be, may be used instead of a bright red light.

#### *Maintenance of internal combustion engine*

80. (1) No person shall fit or drive on any road any motor vehicle propelled by an internal combustion engine, unless exhaust pipes are

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so placed, fitted, shielded and maintained and the flooring shall be so constructed and covered that—

- (a) the outlet does not permit the discharge of exhaust gases to the left, near side or beneath the vehicle; or
- (b) no exhaust gases are permitted to enter the vehicle; or
- (c) no inflammable material is likely to fall or be thrown upon the exhaust pipe from any other part of the vehicle; or
- (d) there is no other possible cause of fire due to the proximity of inflammable material on the vehicle to the exhaust pipe; or
- (e) unless an efficient exhaust silencer or muffling device is affixed to such motor vehicle in such a manner that the exhaust gases from the engine are projected through such silencer or muffling device which shall be so constructed as to reduce and muffle in an effective manner as prescribed, the sound produced by such exhaust; or
- (f) unless the exhaust pipe, silencer or muffling device referred to in paragraph (a) is gas tight throughout its length; or
- (g) if the exhaust gases from the engine are so directed as to directly impinge on the road surface; or
- (h) the exhaust gases or smoke from the engine is so dense as to cause a nuisance to, or obstruct the vision of other road users.

(2) Unless the exhaust gases emitted, when tested comply with the requirements as prescribed in the appropriate S.A.Z standards.

(3) Unless the outlet of the exhaust system fitted to such vehicle—

- (a) is as near as practicable to the rear of the vehicle; and
- (b) extends no further than the edge of the vehicle at its widest point.