

# FROM THE DESK OF SAVVA - 9



## LEARNERS LICENCES

The matter of “Learner’s Licenses” in Competitive events has been a point of discussion, varying opinions, and disagreement during the course of 2019.

It is important that as an Association, and Clubs that there is consensus by all of us on abiding by the rules and regulations, and enforcing of these rules, determined by Motorsport South Africa, the GCR’s issued by them, the VSR’s issued by SAVVA Motorsport, which is affiliated to MSA, the Traffic Ordinance, the Traffic Licensing Authorities and the legal opinion provided by the Judiciary.

Because of the nature of queries and enquiries regarding “Learner’s Licenses” it became imperative that we as an Association do the necessary research, and obtain the opinion of the various “Authorities”.

To this end we approached;

### **Traffic Licensing Department**

They were very clear as to the status of Learner’s Licenses, namely;

It is a temporary license issued for a specific time frame primarily for the purpose of the holder of such license;

- To familiarize themselves with and develop the skills necessary for the operation and handling of either a motorcycle or motor vehicle, within the time frame allowed
- To learn, read and identify the road signs and correctly interpret all regulations required to operate such motorcycles or motor vehicles
- To adhere to and obey the specific restrictions applicable to such “Learner’s License” namely;
  - Motorcyclists are not allowed to carry pillion passengers
  - When being “instructed” the “Learner” is not permitted to carry any passengers in the vehicle other than;
    - A suitable qualified Instructor – who holds the appropriately officially coded “Driver’s License” for the vehicle concerned ie A or EB
    - Or “Coach” – who is also in possession of a coded license
- That this is a period of “Learnership” necessary for preparing to take the “Official Driving Test/Examination” – where after you become qualified to hold a “Suitably Coded Valid Driver’s License”

## The Judiciary

We then obtained the opinion of recently retired Magistrate and now practicing as an Advocate Jeffrey Gar, who advised that from a legal perspective – a “ Learner’s License “ is;

- A temporary permit issued by the Traffic Licensing Authorities – with specific restrictions, enabling the “ Learner “ to undergo a period of “ **Learnership in preparation** “ for taking his or her “ Examination for a Driver’s License “.
- That this examination was specifically designed to assess the “ Learner’s “ skills necessary for the type of motorcycle or motor vehicle being applied for – together with their knowledge of road signs, rules and regulations for operating such motorcycles or motor vehicles.

So in brief – the holder of a “ Learner’s License “ is undergoing a period of preparation – to undertake the “ Examination “ to hold a “ Valid Driver’s License “ – and as such is not legally permitted to enter into “ Competitive Events “ that are held on “ Public Roads “.

As affiliates of Motorsport South Africa – SAVVA is legally bound to comply with the GCR’s – General Competition Rules issued by them – which state;

- GCR.121 ( i.) – Driver’s must hold a valid license of the correct grade ( Code ) for the Competition entered.
- GCR.121 (xii.) – Must be aware of the contents of these regulations
- GCR.121 ( xiii.) – Must agree to be bound by these regulations, such agreement being signified by the signature of the holder on the application form

In compliance with the MSA – GCR’s – SAVVA’s VSR’s also clearly state in;

VSR.12 ( a. ) – The Rider, Driver, and if applicable the co-driver, also are in possession of a valid driver’s license of a category ( code ) appropriate type ( class ) of vehicle ridden / driven in the event.

As such, we as an Association, and all Clubs hosting a Competitive Event on Public Roads– for which a Permit has been issued, are compelled to abide by the regulation of not permitting holders of “ Learner’s Licenses “ to participate in the event so hosted.

Your understanding and compliance with GCR.121 and VSR.12 ( a.) is appreciated.