


**FOREIGN DRIVER'S LICENCES IN SOUTH AFRICA: WHAT DRIVERS, BROKERS AND INSURERS NEED TO KNOW**

South Africa's licensing framework for foreign driver's licences is often misunderstood, particularly by returning residents, permanent residents, and dual citizens. Determinations by the National Financial Ombud Scheme (NFO), read together with the National Road Traffic Act, 1996, have reinforced the legal and insurance consequences of failing to comply with local licensing requirements.

This article outlines the key legal principles, common misconceptions, and practical implications for drivers and those advising them.

**Who may drive on a foreign driver's licence in South Africa?**

Foreign driver's licences are recognised in South Africa only under specific conditions. In general, a foreign licence may be used where the driver:

- Is a visitor to South Africa; or
- Obtained the foreign licence while ordinarily resident outside South Africa for a continuous period (typically longer than three months); and
- Has not yet become ordinarily resident in South Africa or has not exceeded the statutory timeframe within which conversion is required.

Once a person becomes ordinarily resident in South Africa — whether through permanent residence, returning after time abroad, or resuming residence as a South African citizen — different legal obligations apply.

**The five-year conversion requirement**

In terms of the National Road Traffic Act, 1996, a foreign driver's licence must be converted to a South African driver's licence within five (5) years of:

- Obtaining permanent residence in South Africa; or
- Resuming ordinary residence in South Africa after living abroad.

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The five-year period is linked to residency status, not to the issue or expiry date of the foreign licence. A licence that remains valid in the issuing country may nevertheless become invalid for South African driving purposes once the conversion period has expired.

Key points to note:

- Conversion is a statutory obligation, not a discretionary or optional process.
- The foreign licence is not surrendered on conversion; the holder retains it for use in the issuing country if it remains valid there.
- Failure to convert within the prescribed period results in the foreign licence no longer being recognised for driving in South Africa.

**Dual citizenship and foreign passports**

Holding dual citizenship does not create an exemption from South African traffic legislation.

South African citizens — including those with dual nationality — are subject to the same conversion requirements once they are ordinarily resident in South Africa. Driving locally on a foreign passport or foreign driver's licence does not override the obligation to comply with South African licensing law.

**Administrative process vs statutory non-compliance**

A critical distinction clarified by the NFO is the difference between administrative non-compliance and statutory non-compliance.

- Where a driver is still within the permitted timeframe and conversion remains available, the process is considered administrative.
- Once the five-year period has expired, conversion is no longer possible. The driver must then undergo full testing to obtain a South African driver's licence.

At that stage, the driver is no longer regarded as licensed to drive in South Africa. Ignorance of the law does not excuse non-compliance.

**International Driving Permits (IDPs)**

An International Driving Permit does not extend or replace a driver's legal entitlement to drive in South Africa.

An IDP is only valid when presented together with a valid domestic driving licence. If the underlying foreign licence is no longer recognised in South Africa due to failure to convert within the prescribed timeframe, the IDP does not cure that defect.

**Licence categories matter**

In addition to conversion requirements, the foreign licence must authorise the driver to operate the same class or category of vehicle being driven in South Africa.

A mismatch between the vehicle being driven and the licence category held may independently affect the legality of driving and, in turn, the insurance outcome.



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**Insurance implications**

From an insurance perspective, compliance with traffic legislation is fundamental.

Motor policies are underwritten on the assumption that drivers comply with all legal requirements applicable in South Africa. Where a driver:

- Is required by law to convert a foreign licence, and
- Fails to do so within the prescribed timeframe,

that driver may be regarded as unlicensed at the time of an incident.

In such circumstances:

- A claim may be rejected due to statutory non-compliance;
- The policy itself is not voided; and
- Premiums are not refundable, similar to how other statutory contraventions (such as driving under the influence) are treated.

There may be limited scenarios where cover is unaffected, such as where:

- The vehicle was stationary (for example, parked), or
- A properly licensed driver was in custody and control of the vehicle at the time of the loss.

Each claim is assessed on its own facts and in accordance with the applicable policy wording.

**Burden of proof**

In the event of a claim, the onus rests on the driver or insured to demonstrate that they were legally entitled to drive in South Africa at the time of the incident. This includes showing that:

- Any applicable grace period had not yet expired; and
- All statutory requirements had been met.

**Administrative considerations**

While the legal framework governing foreign licence conversion is national, the administrative process is handled at provincial level. Document requirements and processing times may vary between provinces, which makes early engagement with the relevant licensing authority advisable.

Delays in administration do not suspend or extend the statutory obligation to convert within the prescribed timeframe.

**Common misconceptions**

Some of the most frequent misunderstandings include:

- "My foreign licence is valid because it has not expired."
- "An International Driving Permit extends my right to drive in South Africa."
- "Dual citizenship exempts me from conversion."
- "Conversion can be done at any time."



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None of these assumptions are correct under South African law.

**Why this matters**

Failure to convert a foreign driver's licence within the required timeframe is not merely a technical issue. It can result in a driver unknowingly driving unlawfully and facing claim rejections that could otherwise have been avoided.

Drivers who hold foreign licences are encouraged to:

- Confirm whether they are regarded as ordinarily resident in South Africa;
- Establish whether the five-year conversion period has commenced or expired;
- Convert their foreign licence timeously where eligible; or
- Obtain a South African driver's licence through the prescribed testing process where conversion is no longer available.

Awareness and early action remain the most effective ways to ensure legal compliance and uninterrupted insurance protection.

*Insurance outcomes will always depend on the specific facts of a claim and the wording of the applicable policy.*

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