



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

Provincial Gazette Extraordinary

8686

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Woensdag, 23 November 2022

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

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uLwesithathu, 23 kweyeNkanga 2022

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso-Mthetho, 7 Wale Street, eKapa 8001.)

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PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

DR HC MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

DR HC MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

GQIR HC MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 132/2022

23 November 2022

**DEPARTMENT OF TRANSPORT AND PUBLIC WORKS: WESTERN CAPE
NATIONAL LAND TRANSPORT ACT, 2009 (ACT 5 OF 2009)
EXTRAORDINARY MEASURES IN DECLARED AREAS: BELLVILLE AND PAARL:
INTENTION TO WITHDRAW NOTICE IN ORDER TO DISCONTINUE DECLARATION,
EXTRAORDINARY MEASURES AND OTHER MATTERS**

1. I, Daylin Gary Mitchell, Provincial Minister of Mobility in the Western Cape, intend to withdraw Provincial Notice 112/2022 published in *Provincial Gazette* 8663 dated 26 September 2022 (Provincial Notice 112/2022), with effect from 29 November 2022, in order to discontinue—
 - (a) the declaration, under section 91(1) of the National Land Transport Act, 2009 (Act 5 of 2009) (the Act), of Bellville and Paarl as areas in respect of which the notification prescribing the extraordinary measures contemplated in section 91(2) of the Act may be made (the declared areas), set out in paragraph (a) of Provincial Notice 112/2022;
 - (b) the extraordinary measures applicable in the declared areas, set out in paragraph (b)(i) to (iii) of Provincial Notice 112/2022, being the following:
 - (i) under section 91(2)(a) of the Act, the route and ranks, and a part of the Bellville Public Transport Interchange, set out in the Schedule to Provincial Notice 112/2022, that are situated in the declared areas are closed for the operation of any minibus taxi-type service for a period of three months (the closure period), commencing on 26 September 2022;
 - (ii) under section 91(2)(b) of the Act, any operating licence or permit authorising any minibus taxi-type service on the closed route contemplated in paragraph (b)(i) of Provincial Notice 112/2022 is suspended in respect of that route for the duration of the closure period; and
 - (iii) under section 91(2)(c) of the Act, and subject to paragraph (b)(v) of Provincial Notice 112/2022, no person may, for the duration of the closure period, undertake any minibus taxi-type service on the closed route contemplated in paragraph (b)(i) of Provincial Notice 112/2022, or in terms of an operating licence or permit suspended as contemplated in paragraph (b)(ii) of Provincial Notice 112/2022; and
 - (c) the matters set out in paragraph (b)(iv) and (v) of Provincial Notice 112/2022, being the following:
 - (i) under section 91(5) of the Act, a current minibus taxi operator who contravenes Provincial Notice 112/2022, or fails to comply therewith, commits an offence and is liable on conviction to a fine of R5000, or to imprisonment for a period not exceeding six months; and
 - (ii) under section 91(6) of the Act, a temporary permit may be issued to an operator of a motor vehicle, minibus or midibus to operate a minibus taxi-type service, or to an operator of a bus to operate a bus service, on a closed route or at a closed rank during the closure period in substitution for the prohibited services contemplated in paragraph (b)(i) of Provincial Notice 112/2022.
2. Since July of last year, a number of violent incidents took place in the declared areas as a result of tensions between conflicting taxi associations in those areas relating to the B97 route contemplated in Provincial Notice 112/2022.
3. Accordingly, I declared those areas as areas in respect of which the notification prescribing the extraordinary measures contemplated in section 91(2) of the Act may be made. I published a number of Provincial Notices in this regard last year and this year, the most recent one being Provincial Notice 112/2022.

4. On 19 September 2022, the relevant parties, including the relevant taxi associations, signed a memorandum of agreement. The memorandum of agreement set out how the allotted operating licences would be divided and how the respective parties would operate on the B97 route. Since the publication of Provincial Notice 112/2022, steps have been taken to give effect to the memorandum of agreement, including the registration of new members with taxi associations. Operating licences will soon be issued to relevant affiliated members.
5. There is no longer violence, unrest or instability in the taxi industry in the declared areas, or between operators in those areas, which has stabilised the level of safety for passengers using the relevant services, residents or any other persons entering those areas.
6. In the circumstances, the declaration, extraordinary measures and other matters provided for in Provincial Notice 112/2022 are not needed. It is, therefore, prudent to take the action contemplated in paragraph 1 (the proposed action).
7. Any interested or affected person—
 - (a) may request reasons for the proposed action; and
 - (b) is entitled to make written representations on the proposed action on or before 25 November 2022 by—
 - (i) delivering them to:
Ms Lorika Elliott
Head: Ministry of Transport and Public Works
Department of Transport and Public Works
8th Floor
9 Dorp Street
Cape Town 8000;
Private Bag X9185
Cape Town 8001; or
 - (ii) emailing them to:
Lorika.Elliott@westerncape.gov.za or tpw.ministry@westerncape.gov.za.
8. For queries, please contact Ms Lorika Elliott at 021 483 8922.
9. Representations received after the closing date may be disregarded.

Signed at Cape Town on this 23rd day of November 2022.

DG MITCHELL
PROVINCIAL MINISTER OF MOBILITY

PROVINSIALE KENNISGEWING

P.K. 132/2022

23 November 2022

DEPARTEMENT VAN VERVOER EN OPENBARE WERKE: WES-KAAP
“NATIONAL LAND TRANSPORT ACT, 2009” (WET 5 VAN 2009)
BUITENGEWONE MAATREËLS IN VERKLAARDE GEBIEDE: BELLVILLE EN PAARL:
VOORNEME OM KENNISGEWING TERUG TE TREK OM VERKLARING,
BUITENGEWONE MAATREËLS EN ANDER AANGELEENTHEDE TE BEËINDIG

1. Ek, Daylin Gary Mitchell, Provinsiale Minister van Mobiliteit in die Wes-Kaap, beoog om Provinsiale Kennisgewing 112/2022 gepubliseer in *Provinsiale Koerant* 8663 gedateer 26 September 2022 (Provinsiale Kennisgewing 112/2022), met ingang van 29 November 2022, terug te trek om die volgende te beëindig—
 - (a) die verklaring, kragtens artikel 91(1) van die “National Land Transport Act, 2009” (Wet 5 van 2009) (die Wet), van Bellville en die Paarl as gebiede ten opsigte waarvan die kennisgewing wat die buitengewone maatreëls beoog in artikel 91(2) van die Wet voorskryf getref kan word (die verklaarde gebiede), uiteengesit in paragraaf (a) van Provinsiale Kennisgewing 112/2022;
 - (b) die buitengewone maatreëls van toepassing in die verklaarde gebiede, uiteengesit in paragraaf (b)(i) tot (iii) van Provinsiale Kennisgewing 112/2022, wat die volgende is:
 - (i) kragtens artikel 91(2)(a) van die Wet, die roete en staanplekke, en ’n gedeelte van die Bellville Openbare Vervoerwisselaar, uiteengesit in die Bylae tot Provinsiale Kennisgewing 112/2022, wat in die verklaarde gebiede geleë is, gesluit is vir die bedryf van enige minibustaxi-tipe diens vir ’n tydperk van drie maande (die sluitingstydperk), met ingang van 26 September 2022;
 - (ii) kragtens artikel 91(2)(b) van die Wet, enige operateurslisensie of permit wat enige minibustaxi-tipe diens op die geslote roete beoog in paragraaf (b)(i) van Provinsiale Kennisgewing 112/2022 magtig, opgeskort is ten opsigte van daardie roete vir die duur van die sluitingstydperk; en
 - (iii) kragtens artikel 91(2)(c) van die Wet, en behoudens paragraaf (b)(v) van Provinsiale Kennisgewing 112/2022, geen persoon, vir die duur van die sluitingstydperk, enige minibustaxi-tipe diens op die geslote roete beoog in paragraaf (b)(i) van Provinsiale Kennisgewing 112/2022, of ingevolge ’n operateurslisensie of permit wat opgeskort is soos beoog in paragraaf (b)(ii) van Provinsiale Kennisgewing 112/2022, mag onderneem nie; en
 - (c) die aangeleentheid uiteengesit in paragraaf (b)(iv) en (v) van Provinsiale Kennisgewing 112/2022, wat die volgende is:
 - (i) kragtens artikel 91(5) van die Wet, ’n huidige minibustaxi-operateur wat Provinsiale Kennisgewing 112/2022 oortree, of versuim om daaraan te voldoen, ’n misdryf pleeg en by skuldigbevinding strafbaar is met ’n boete van R5000 of met gevangenisstraf vir ’n tydperk van hoogstens ses maande; en
 - (ii) kragtens artikel 91(6) van die Wet, gedurende die sluitingstydperk ter vervanging van die verbode dienste beoog in paragraaf (b)(i) van Provinsiale Kennisgewing 112/2022, ’n tydelike permit uitgereik kan word aan ’n operateur van ’n motorvoertuig, minibus of midibus om ’n minibustaxi-tipe diens te bedryf, of aan ’n operateur van ’n bus om ’n busdiens te bedryf op ’n geslote roete of by ’n geslote staanplek.
2. Sedert Julie laas jaar het ’n aantal gewelddadige insidente plaasgevind in die verklaarde gebiede as gevolg van spanning tussen strydende taxi-verenigings in daardie gebiede wat verband hou met die B97-roete wat in Provinsiale Kennisgewing 112/2022 beoog word.
3. Gevolglik het ek daardie gebiede verklaar as gebiede ten opsigte waarvan die kennisgewing wat die buitengewone maatreëls beoog in artikel 91(2) van die Wet voorskryf, uitgereik kan word. Ek het laas jaar en vanjaar ’n aantal Provinsiale Kennisgewings in hierdie verband gepubliseer, waarvan die onlangsste een Provinsiale Kennisgewing 112/2022 is.
4. Op 19 September 2022 het die betrokke partye, insluitend die betrokke taxiverenigings, ’n memorandum van ooreenkoms onderteken. Die memorandum van ooreenkoms het uiteengesit hoe die toegekende operateurslisensies verdeel sal word en hoe die onderskeie partye hul

bedrywighede op die B97-roete sal uitvoer. Sedert die publikasie van Provinsiale Kennisgewing 112/2022 is stappe geneem om uitvoering te gee aan die memorandum van ooreenkoms, insluitend die registrasie van nuwe lede by taxi-verenigings. Operateurslisensies sal binnekort aan die betrokke geaffilieerde lede uitgereik word.

5. Daar is nie meer geweld, onrus of onstabiliteit in die taxibedryf in die verklaarde gebiede nie, of tussen operateurs in daardie gebiede. Dit het die vlak van veiligheid van passasiers wat die betrokke dienste gebruik, inwoners en ander persone wat daardie gebiede betree gestabiliseer.
6. Onder hierdie omstandighede is die verklaring, buitengewone maatreëls en ander aangeleenthede waarvoor in Provinsiale Kennisgewing 112/2022 voorsiening gemaak word, nie nodig nie. Dit is dus verstandig om die stap wat in paragraaf 1 beoog word (die voorgestelde aksie) te neem.
7. Enige belanghebbende of geraakte persoon —
 - (a) kan redes vir die voorgestelde aksie versoek; en
 - (b) is daarop geregtig om voor of op 25 November 2022 skriftelike vertoë oor die voorgestelde aksie te lewer deur—
 - (i) die vertoë af te lewer aan:

Me. Lorika Elliott
Hoof: Ministerie van Vervoer en Openbare Werke
Departement van Vervoer en Openbare Werke
8ste Verdieping
Dorpstraat 9
Kaapstad 8000;
Privaat Sak X9185
Kaapstad 8001; of
 - (ii) deur 'n e-pos te stuur na:

Lorika.Elliott@westerncape.gov.za of tpw.ministry@westerncape.gov.za.
8. Vir navrae, kontak gerus vir me. Lorika Elliott by telefoonnommer 021 483 8922.
9. Vertoë wat ná die sluitingsdatum ontvang word, sal moontlik nie oorweeg word nie.

Geteken te Kaapstad op hierdie 23ste dag van November 2022.

DG MITCHELL
PROVINSIALE MINISTER VAN MOBILITEIT

ISAZISO SEPHONDO

I.S. 132/2022

23 kweyeNkanga 2022

**ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU: UMTHEHO WEZITHUTHI
ZENDLELA KAZWELONKE WENTSHONA KOLONI, 2009 (UMTHEHO 5 KA-2009)
IMILINGANISELO ENGAQHELEKANGA KWIMIMANDLA EBHENGZEIWEYO:
IBELLVILLE NEPAARL: IINJONGO ZOKURHOXISA ISAZISO UKUZE
KUNGAQHUTYEKWA NESIBHENGZELO, IMILINGANISELO ENGAQHELEKANGA
KUNYE NEMINYE IMIBA**

1. Mna, Daylin Gary Mitchell, uMphathiswa wePhondo wezoThutho eNtshona Koloni, ndinenjongo yokurhoxisa iSaziso sePhondo 112/2022 esipapashwe kwiGazethi yePhondo 8663 yomhla wama-26 kweyoMsintsi 2022 (iSaziso sePhondo 112/2022), ukususela ngomhla wama-29 kweyeNkanga 2022, ukuze kungaqhutyeakwa—
 - (a) ngesibhengezo, phantsi kwecandelo 91(1) lomthetho iNational Land Transport Act 2009 (uMthetho 5 ka-2009), saseBellville nasePaarl njengemimandla apho isaziso simisela imilinganiselo engaqhelekanga axelwe kwicandelo 91(2) loMthetho sinokwenziwa (kwimimandla ebhengeziweyo), njengoko kuchaziwe kumhlathi (a) weSaziso sePhondo 112/2022;
 - (b) Imilinganiselo engaqhelekanga asebenzayo kwimimandla ebhengeziweyo kumhlathi (b)(i) ukuya ku-(iii) weSaziso sePhondo 112/2022 ngale ndlela ilandelayo:
 - (i) phantsi kwecandelo 91(2)(a) loMthetho, iindlela kunye neerenki, nenxalenye yesiPhambuka sezoThutho lukaWonkewonke yaseBellville, esicaciswe kwiShedyuli ukuya kwiSaziso sePhondo 112/2022, ezime kwimimandla ebhengeziweyo, zivaliwe ukuba kusebenze nayiphi na inkonzo yebhasi ezincinci zohlobo lweeteksi ixesha elingangeenyanga ezintathu (ixesha lokuvalwa), ukuqala ngomhla wama-26 kweyoMsintsi 2022;
 - (ii) phantsi kwecandelo 91(2)(b) loMthetho, naliphi na iphephamvume lokusebenza okanye imvume egunyazisa nayiphi na inkonzo yohlobo lweteksi kwindlela evaliweyo echazwe kumhlathi (b)(i) weSaziso sePhondo 112/2022 inqunyanyiswe malunga naloo ndlela ithutyana, kwaye
 - (iii) phantsi kwecandelo 91(2)(c) loMthetho, ngokuxhomekeka kumhlathi (b)(v) weSaziso sePhondo 112/2022, akukho mntu unokuthi, ngethuba lokuvalwa, enze nayiphi na inkonzo yohlobo lweteksi kwindlela evaliweyo exelwe kumhlathi (b)(i) weSaziso sePhondo 112/2022, okanye ngokwelayisensi yokusebenza okanye imvume enqunyanyisiweyo njengoko kuchaziwe kumhlathi (b)(ii) weSaziso sePhondo 112/2022; kwaye
 - (c) le miba icaciswe kumhlathi (b)(iv) naku(v) weSaziso sePhondo 112/2022, ilandelayo:
 - (i) phantsi kwecandelo 91(5) loMthetho, umqhubi weteksi okhoyo ngoku owaphula iSaziso sePhondo 112/2022, okanye ongaphumeleliyo ukuthobela oko, unetyala kwaye uya kuba noxanduva lokuhlawuliswa isohlwayo se-R500, okanye avalelwe entolongweni ixesha elingadlulanga kwiinyanga ezintandathu; kwaye
 - (ii) phantsi kwecandelo 91(6) loMthetho, imvume yethutyana inokukhutshelwa umqhubi wesithuthi, seteksi encinci okanye enkulu okanye umqhubi webhasi ukuba uqhube kule ndlela ivaliweyo okanye kwirenki evaliweyo ngexesha lokuvalwa endaweni yeenkonzo ezithintelwayo kumhlathi (b)(i) weSaziso sePhondo 112/2022.
2. Ukususela kweyeKhala kulo nyaka uphelileyo, iqela lezehlo zobudlobongela ziye zenzeka kwiindawo ezibhengeziweyo ngenxa yokruthakruthwano phakathi kwemibutho yoonoteksi engquzulanyayo kwezo ndawo zinxulumene nendlela uB97 exelwe kwiSaziso sePhondo 112/2022.
3. Ngokunjalo, ndibhengeze ezo ndawo njengemimandla apho isaziso esichaza amanyathelo angaqhelekanga axelwe kwicandelo 91(2) loMthetho sinokwenziwa. Ndipapashe inani leZaziso zePhondo ezi malunga noku kulo nyaka uphelileyo nakulo nyaka, esona sakutsha nje siSaziso sePhondo 112/2022.
4. Ngomhla we-19 kweyoMsintsi 2022, amaqela echaphazelekayo, kubandakanywa nemibutho yeeteksi echaphazelekayo, batyikitye isivumelewano emisela indlela ilayisensi yokusebenza

ezabiweyo ziza kwahlulwa ngayo kwaye amaqela ahlukileyo aza kusebenza njani kwindlela iB97. Ukususela ekupapashweni kweSaziso sePhondo 112/2022, amanyathelo athathiweyo ukuphumeza esi sivumelwano, kuquka nokubhaliswa kwamalungu amatsha kwimibutho yeeteki. Amaphepha mvume zokusebenza kungekudala ziza kukhutshwa kumalungu afanelekileyo.

5. Akusekho budlobongela, iziphithiphithi okanye ukungazinzi kushishino lweeteki kwiindawo ezibhengeziweyo, okanye phakathi kwabaqhubi kwezo ndawo, nto leyo ethe yazinza inqanaba lokhuseleko lwabakhweli abasebenzisa iinkonzo ezifanelekileyo, abahlali okanye nabaphi na abanye abantu abangena kwezo ndawo.
6. Kwiimeko, isibhengezo, amanyathelo angaqhelekanga kunye neminye imiba ebonelelwe kwiSaziso sePhondo 112/2022 ayifuneki. Ngoko ke, kububulumko ukuthatha inyathelo elichatshazelwe kumhlathi woku1 (inyathelo elicetywayo).
7. Nawuphi na umntu onomdla okanye ochaphazelekayo—
 - (a) Unokucela izizathu zenyathelo elicetyiweyo; kwaye
 - (b) Unelungelo lokwenza izindululo ezibhaliweyo ngenyathelo elicetywayo ngomhla okanye phambi komhla 25 kweyeNkanga 2022 ngo—
 - (i) Zisiwa ku:
Nksz. Lorika Elliott
iNtloko: uMphathiswa wezoThutho neMisebenzi yoLuntu
ISEbe lezoThutho neMisebenzi yoLuntu
kuMgangatho wesi-8
Kwanombolo 9 kwiSitalato iDorp
eKapa 8000;
Private Bag X9185
eKapa 8001; okanye
 - (ii) Thumela imeyili ke:
Lorika.Elliott@westerncape.gov.za okanye tpw.ministry@westerncape.gov.za.

8. Ngemibuzo, nceda uqhagamshelane noNksz. Lorika Elliott ku-021 483 8922.

9. Abameli abafunyenwe emva komhla wokuvala banokungahoywa.

Sityikitywe eKapa ngalo mhla wama-23 kweyeNkanga 2022.

DG MITCHELL
UMPHATHISWA WEPHONDO WEZOTHUTHO

