



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1519.

1 Augustus 1980.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 91 van 1980: Wysigingswet op Padvervoer, 1980.

OFFICE OF THE PRIME MINISTER

No. 1519.

1 August 1980.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 91 of 1980: Road Transportation Amendment Act, 1980.

Wet No. 91, 1980

WYSIGINGSWET OP PADVERVOER, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

- [** **I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.
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WET

Tot wysiging van die Wet op Padvervoer, 1977, ten einde die uitdrukkings „gedesentraliseerde nywerheid” en „Minister” nader te omskryf; sekere van die omstandighede waaronder die vervoer van persone of goedere nie geag word padvervoer te wees nie, te kwalifiseer; die Nasionale Vervoerkommissie te magtig om te eniger tyd 'n ondersoek te laat instel na die finansiële omstandighede en bedryfspraktyke van 'n houer van 'n sekere soort openbare padvervoerpermit; verdere voorsiening te maak met betrekking tot die aanstelling deur die Minister van Vervoerwese van 'n plaasvervanger vir 'n lid van 'n plaaslike padvervoerraad wat hom aan 'n bepaalde aangeleentheid ontrek het; die reg van appèl na genoemde kommissie teen sekere handelinge, opdragte of beslissings van plaaslike padvervoerrade meer presies te omskryf; te bepaal dat die inwerkingtreding van sekere tariefverhogings onder sekere omstandighede nie opgeskort word nie; die wyse waarop aansoek gedoen moet word om of ten opsigte van 'n openbare padvervoerpermit, en die wyse waarop en die tydperk waarbinne vertoë ter bestryding van sekere aansoeke tot genoemde kommissie of die betrokke plaaslike padvervoerraad gerig moet word, nader te bepaal; houers van openbare padvervoerpermitte vir die vervoer van persone teen vergoeding op sekere voorwaardes toe te laat om hul tariewe vir sodanige vervoer te verhoog in verhouding tot enige styging van die prys van petroleumbrandstof; aan genoemde kommissie en plaaslike padvervoerrade uitdruklik die bevoegdheid te verleen om te weier om sekere aansoeke om of in verband met padvervoerpermitte of vertoë ter bestryding van sekere van sodanige aansoeke te oorweeg, en die bevoegdheid om regulasies uit te vaardig, in hierdie verband aan te pas; die publikasie van besonderhede van aansoeke om of in verband met openbare padvervoerpermitte verder te reël; genoemde kommissie en plaaslike padvervoerrade te magtig om belanghebbende partye van afskrifte van sekere stukke te voorsien; genoemde kommissie en plaaslike padvervoerrade in staat te stel, en onder sekere omstandighede te verplig, om by die oorweging van aansoeke om of in verband met padvervoerpermitte of by die heroorweging van 'n voorwaarde, vereiste of magtiging wat in 'n padvervoerpermit vervat is, oorweging te skenk aan die bevordering van besparing by die gebruik van petroleumbrandstof; ander voorsiening te maak aangaande die bewyslas wat op aansoekers om sekere openbare padvervoerpermitte rus; iemand wat 'n bedryf uitoefen of handel of besigheid dryf, te verplig om aansoek te doen om 'n openbare padvervoerpermit wat sy vervoer van sy werknekmers tussen hul werkplekke en hul verblyfplekke magtig, en so iemand in staat te stel om aansoek te doen om 'n privaatpadvervoerpermit wat sy vervoer van

GENERAL EXPLANATORY NOTE:

- 【】 Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.
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ACT

To amend the Road Transportation Act, 1977, so as to further define the expressions "decentralized industry" and "Minister"; to qualify certain of the circumstances under which the conveyance of persons or goods shall not be deemed to be motor transportation; to empower the National Transport Commission at any time to cause an inquiry to be instituted into the financial circumstances and operating practices of any holder of a certain kind of public road carrier permit; to make further provision with regard to the appointment by the Minister of Transport Affairs of an alternate to a member of a local road transportation board who has recused himself in any particular matter; to circumscribe more precisely the right of appeal to the said commission against certain acts, directions or decisions of local road transportation boards; to determine that the coming into effect of certain tariff increases shall not be suspended under certain circumstances; to further determine the manner in which application shall be made for or in respect of any public road carrier permit, and the manner in which and the time within which representations objecting to certain applications shall be submitted to the said commission or the local road transportation board concerned; to permit holders of public road carrier permits for the conveyance of persons for reward on certain conditions to increase their tariffs for such conveyance in proportion to any increase in the price of petroleum fuel; to expressly empower the said commission and local road transportation boards to refuse to consider certain applications for or in respect of road carrier permits or representations objecting to certain of such applications, and in this respect to adjust the power to make regulations; to further regulate the publication of particulars of applications for or in respect of public road carrier permits; to empower the said commission and local road transportation boards to provide interested parties with copies of certain documents; to enable, and under certain circumstances to compel, the said commission and local road transportation boards in considering applications for or in respect of road carrier permits or in reconsidering any condition, requirement or authority contained in any road carrier permit, to give consideration to the promotion of economy in the use of petroleum fuel; to make other provision as to the burden of proof resting on applicants for certain public road carrier permits; to oblige any person carrying on any industry, trade or business to apply for a public road carrier permit authorizing his conveyance of his employees between their places of employment and their places of residence, and to enable such a person to apply for a private road carrier permit authorizing his conveyance of goods which

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goedere wat hy onderneem het om in die loop van daardie bedryf, handel of besigheid in stand te hou, skoon te maak, op te knap, te herstel of te verander, magtig; genoemde kommissie en 'n aangewese lid daarvan, en plaaslike padvervoerrade en die voorsitters daarvan, te magtig om skriftelike vergunning te verleen vir die tydelike vervanging, onder sekere omstandighede, van 'n motorvoertuig waarop 'n openbare padvervoerpermit of 'n privaatpadvervoerpermit betrekking het, en die houer van die betrokke permit te verplig om daardie permit en daardie vergunning op die vervangende motorvoertuig te hou en dit op aanvraag aan 'n gemagtigde amptenaar te toon; die omstandighede waaronder plaaslike besture geleenthed gegee moet word om vertoë te rig in verband met sekere voorgestelde optrede deur genoemde kommissie of die betrokke plaaslike padvervoerraad met betrekking tot sekere openbare padvervoerpermite, te verander; sekere teksveranderingen aan te bring; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1980.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 74 van 1977, soos gewysig deur artikel 1 van Wet 93 van 1979.

1. Artikel 1 van die Wet op Padvervoer, 1977 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) die omskrywing van „gedesentraliseerde nywerheid“ deur die volgende omskrywing te vervang:
„gedesentraliseerde nywerheid“ 'n **fabriek of werkswinkel** onderneming wat betrokke is in die vervaardiging van enige artikel of gedeelte van 'n artikel en wat—
 - (a) geleë is binne 'n gebied wat **by** kragtens artikel 2 (c) tot 'n gedesentraliseerde nywerheidsgebied verklaar is en wat, voor sodanige verklaring—
 - (i) elders geleë was en daarheen verskuif is; of
 - (ii) in daardie gebied gevestig is ingevolge 'n skema vir die uitbreiding van 'n onderneming wat nie in daardie gebied geleë is nie; of
 - (b) nadat 'n gebied kragtens artikel 2 (c) tot 'n gedesentraliseerde nywerheidsgebied verklaar is, in daardie gebied gevestig word; of
 - (c) geleë is in 'n gebied wat tot 'n gedesentraliseerde nywerheidsgebied verklaar is kragtens 'n wet op padvervoer wat geld in 'n selfregrende gebied soos omskryf in artikel 38 van die Grondwet van die Swart State, 1971 (Wet No. 21 van 1971);”;
 - (b) deur in subartikel (1) die omskrywing van „Minister“ deur die volgende omskrywing te vervang:
„Minister“ die Minister van **Vervoer** Vervoerwese;”;
 - (c) deur paragraaf (h) van subartikel (2) deur die volgende paragraaf te vervang:
„(h) die vervoer **[deur of ten behoeve van iemand]** van persone soos beoog in die omskrywing van 'saamryklub' in artikel 1 (1) van die Wet op Verpligte Motorvoertuigversekering, 1972 (Wet No. 56 van 1972) **[deur middel van 'n motor wat ingevolge die Wet op Verpligte Motorvoer-**

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he has undertaken to maintain, clean, renovate, repair or alter in the course of that industry, trade or business; to empower the said commission and a designated member thereof, and local road transportation boards and the chairmen thereof, to grant written permission for the temporary replacement, under certain circumstances, of a motor vehicle to which a public or private road carrier permit relates, and to compel the holder of the permit in question to keep that permit and that permission on the replacement motor vehicle and to produce them on demand to any authorized officer; to alter the circumstances under which local authorities are to be given an opportunity to submit representations in regard to certain proposed action by the said commission or the local road transportation board concerned in respect of certain public road carrier permits; to effect certain textual alterations; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 1 July 1980.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Road Transportation Act, 1977 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution in subsection (1) for the definition of “decentralized industry” of the following definition:
- “‘decentralized industry’ means **[a factory or workshop]** any undertaking which is engaged in the manufacture of any article or part of any article and which—
- (a) is situated within an area declared to be a decentralized industrial area under section 2
- (c) and which, prior to such declaration—
- (i) was situated elsewhere and had been transferred thereto; or
- (ii) was established in that area under any scheme of expansion of an undertaking which is not situated in that area; or
- (b) after an area has been declared to be a decentralized industrial area under section 2
- (c), is established in that area; or
- (c) is situated in an area declared to be a decentralized industrial area under any law governing road transportation in any self-governing territory as defined in section 38 of the Black States Constitution Act, 1971 (Act No. 21 of 1971);”;
- (b) by the substitution in subsection (1) for the definition of “Minister” of the following definition:
- “‘Minister’ means the Minister of Transport Affairs;”;
- (c) by the substitution for paragraph (h) of subsection (2) of the following paragraph:
- (h) the conveyance **[by or on behalf of any person]** of persons as contemplated in the definition of ‘lift club’ in section 1 (1) of the Compulsory Motor Vehicle Insurance Act, 1972 (Act No. 56 of 1972)
- [by means of a motor-car insured in terms of the Compulsory Motor Vehicle Insurance Act,**
- Amendment of
section 1 of
Act 74 of 1977,
as amended by
section 1 of
Act 93 of 1979.

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- tuigversekering, 1972 (Wet No. 56 van 1972), verseker is, van persone ten voordele van iemand anders, as teenprestasie vir dergelike wederkerige vervoer wat deur of ten behoeve van so iemand anders verrig is of verrig moet word, indien geen ander vergoeding vir sodanige vervoer ontvang word nie];”;**
- (d) deur paragraaf (i) van subartikel (2) te skrap;
- (e) deur die volgende paragraaf na paragraaf (k) van subartikel (2) in te voeg:
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- „(kA) die vervoer deur iemand wat 'n bedryf uitoefen of handel of besigheid dryf, van sy werknekmers vanaf 'n plek waar hulle in die loop van daardie bedryf, handel of besigheid werk verrig na 'n ander plek waar hulle aldus werk moet verrig, 15 deur middel van 'n motorvoertuig waarvan hy die eienaar is;”;
- (f) deur paragraaf (x) van subartikel (2) deur die volgende paragraaf te vervang:
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- „(x) die vervoer **[van goedere]** teen vergoeding, deur 'n karweier **[op die by regulasie voorgeskrewe wyse en voorwaardes uitsluitlik]** binne 'n gebied met 'n straal van 40 kilometer vanaf sodanige karweier se besigheidsadres van waar besigheid **[wel]** daadwerklik gedryf word, van goedere wat 25 binne daardie gebied vir vervoer aangebied word, vanaf 'n plek in daardie gebied na enige eindbestemming van daardie goedere binne daardie gebied of na enige spoorwegstasie binne daardie gebied, deur middel van 'n motorvoertuig wat op die by 30 regulasie voorgeskrewe wyse geïdentifiseer is en wat binne daardie gebied geregistreer is kragtens die wet op die registrasie van motorvoertuie wat in daardie gebied geld, **mits**, in die geval waar die betrokke karweier meer as een besigheidsadres het, 35 die plek van waar die betrokke goedere vervoer word en genoemde eindbestemming of spoorwegstasie nie in enige ander sodanige gebied geleë is nie;”;
- (g) deur paragraaf (y) van subartikel (2) deur die volgende 40 paragraaf te vervang:
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- „(y) die vervoer **[op die by regulasie voorgeskrewe wyse en voorwaardes]** deur 'n persoon wat 'n bedryf uitoefen of handel of besigheid dryf, **[van sy eie goedere]** in die loop van **[sy]** daardie 45 bedryf of handel of besigheid, **[uitsluitlik]** binne 'n gebied met 'n straal van 80 kilometer vanaf enige plek waar hy die bedryf, handel of besigheid daadwerklik uitoefen of dryf, **van sy eie goedere vanaf 'n plek in daardie gebied na enige eindbestemming van daardie goedere binne daardie gebied of na enige spoorwegstasie binne daardie gebied,** deur middel van 'n motorvoertuig waarvan sodanige persoon die eienaar is, **[en]** wat in daardie gebied geregistreer is kragtens die wet op 55 die registrasie van motorvoertuie wat in daardie gebied geld **[mits sodanige motorvoertuig]** en wat op die by regulasie voorgeskrewe wyse geïdentifiseer is, **mits**, in die geval waar genoemde persoon sy bedryf, handel of besigheid op meer as een plek uitoefen of dryf, die plek van waar die betrokke goedere vervoer word en genoemde eindbestemming of spoorwegstasie nie in enige 60 ander sodanige gebied geleë is nie;”.

Wysiging van artikel 3 van Wet 74 van 1977.

2. Artikel 3 van die Hoofwet word hierby gewysig deur 65 paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

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- 1972 (Act No. 56 of 1972), of persons for the benefit of any other person, as a consideration for a similar reciprocal conveyance performed or to be performed by or on behalf of such other person, if no other reward is received for such conveyance];”;
- 5 (d) by the deletion of paragraph (i) of subsection (2);
 (e) by the insertion after paragraph (k) of subsection (2) of the following paragraph:
- 10 “(kA) the conveyance by any person who carries on any industry, trade or business, of his employees from any place where they perform any work in the course of that industry, trade or business to any other place where they are so to perform any work, by means of a motor vehicle of which he is the owner;”;
- 15 (f) by the substitution for paragraph (x) of subsection (2) of the following paragraph:
 “(x) the conveyance [of goods] for reward, by a carrier [in the manner and on the conditions prescribed by regulation exclusively] within an area with a radius of 40 kilometres from such carrier’s business address from where business is [actually] actively undertaken, of goods offered within that area for conveyance, from any place within that area to any destination of those goods within that area or to any railway station within that area, by means of a motor vehicle which is identified in the manner prescribed by regulation and which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area, provided, in the case where the carrier concerned has more than one business address, the place from where the goods concerned are being conveyed and the said destination or railway station are not situated in any other such area;]; and
- 20 (g) by the substitution for paragraph (y) of subsection (2) of the following paragraph:
 “(y) the conveyance [in the manner and on the conditions prescribed by regulation] by a person who carries on any industry or trade or business, [of his own goods] in the course of [his] that industry or trade or business, [exclusively] within an area with a radius of 80 kilometres from any place where he actively carries on such industry, trade or business, of his own goods from any place within that area to any destination of those goods within that area or to any railway station within that area, by means of a motor vehicle of which such person is the owner, [and] which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area [provided such motor vehicle] and which is identified in the manner prescribed by regulation, provided, in the case where the said person carries on his industry, trade or business at more than one place, the place from where the goods concerned are being conveyed and the said destination or railway station are not situated in any other such area;”.
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2. Section 3 of the principal Act is hereby amended by the Amendment of section 3 of Act 74 of 1977.
 substitution for paragraph (g) of subsection (1) of the following subsection:

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„(g) **[wanneer die houer van 'n openbare permit aansoek doen om die verhoging van tariewe vir die vervoer van persone deur middel van 'n bus]** te eniger tyd deur **[middel van]** 'n persoon deur hom vir dié doel aangewys, 'n ondersoek laat instel na die finansiële omstandighede en bedryfspraktyke van **[sodanige houer]** die houer van 'n openbare permit wat die vervoer van persone deur middel van 'n bus magtig, en indien die houer 'n maatskappy is, ook na enige ander maatskappy in 'n groep maatskappye waaraan die houer verbonde is of waarvan die houer die beherende maatskappy is.”.

Wysiging van artikel 4 van Wet 74 van 1977.

3. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:
„Van die lede van 'n raad uitgesonderd die voorsitter en behoudens die bepalings van subartikel (7A)—”;
- (b) deur subartikel (5) deur die volgende subartikel te vervang:
„(5) Die voorsitter van 'n raad kan, behoudens die bepalings van subartikel (8) (b), ook die voorsitter van 'n ander raad wees, en wanneer die voorsitter van 'n raad, of 'n persoon wat kragtens subartikel (7) of (7A) aangestel is om in die plek van daardie voorsitter op te tree, nie in staat is om 'n vergadering van daardie raad by te woon nie, kan daardie voorsitter of persoon 'n ander lid van daardie raad, met inbegrip van 'n lid kragtens die een of ander van genoemde **[subartikel]** subartikels aangestel, aanwys om op daardie vergadering as voorsitter op te tree.”;
- (c) deur subartikel (7) deur die volgende subartikel te vervang:
„(7) Wanneer 'n lid van 'n raad sy amp ontruim of daaruit verwyder word of tydelik nie in staat is om sy pligte as sodanig uit te voer nie **[of homself gerekuseer het]**, kan die Minister iemand wat hy geskik ag, aanstel om in die plek van daardie lid op te tree vir die tydperk van hoogstens 12 maande wat die Minister nodig ag, en so 'n aanstelling is, in die geval van iemand wat nie in die heeltydse diens van die Staat is nie, onderworpe aan die voorwaardes betreffende besoldiging en andersins wat die Minister met die instemming van die Minister van Finansies bepaal.”;
- (d) deur na subartikel (7) die volgende subartikel in te voeg:
„(7A) Wanneer 'n lid van 'n raad hom aan 'n bepaalde aangeleentheid ontrek het, kan die Minister, sonder om aan die bepalings van subartikel (3) te voldoen, iemand wat hy geskik ag, aanstel om met betrekking tot daardie bepaalde aangeleentheid in die plek van daardie lid op te tree, en so 'n aanstelling is, in die geval van iemand wat nie in die heeltydse diens van die Staat is nie, onderworpe aan die voorwaardes betreffende besoldiging en andersins wat die Minister met die instemming van die Minister van Finansies bepaal.”;
- (e) deur die volgende paragraaf by subartikel (8) te voeg, terwyl die bestaande subartikel paragraaf (a) word:
„(b) Iemand wat kragtens subartikel (7A) aangestel is om in die plek van 'n lid van 'n raad wat die houer is van die amp van voorsitter van twee of meer rade op te tree, word geag aangestel te gewees het om, met betrekking tot die bepaalde aangeleentheid in daardie subartikel bedoel, as voorsitter op te tree van die raad wat met daardie aangeleentheid belas is.”; en
- (f) deur subartikel (10) deur die volgende subartikel te vervang:

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- 5 “(g) **[when the holder of a public permit applies for the raising of tariffs for the conveyance of persons by means of a bus]** at any time cause an inquiry to be instituted **[regarding]** into the financial circumstances and operating practices of **[such holder]** the holder of a public permit which authorizes the conveyance of persons by means of a bus, by **[means of]** a person appointed by it for that purpose and, if the holder is a company, also into any other company in a group of companies to which the holder belongs or of which the holder is the controlling company.”.
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- 15 3. Section 4 of the principal Act is hereby amended—
 (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 “Of the members of a board other than the chairman and subject to the provisions of subsection (7A)—”;
- 20 (b) by the substitution for subsection (5) of the following subsection:
 “(5) The chairman of any board may, subject to the provisions of subsection (8) (b), also be the chairman of any other board, and whenever the chairman of any board, or any person appointed under subsection (7) or (7A) to act in place of such chairman, is unable to attend any meeting of that board, such chairman or person may designate any other member of that board, including any member appointed under any of the said **[subsection]** subsections, to act as chairman at that meeting.”;
- 25 (c) by the substitution for subsection (7) of the following subsection:
 “(7) Whenever a member of a board vacates his office or is removed therefrom or is temporarily unable to perform his functions as such **[or has recused himself]**, the Minister may appoint any person whom he considers suitable, to act in place of such member for such period, not exceeding 12 months, as the Minister may deem necessary, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may determine with the concurrence of the Minister of Finance.”;
- 30 (d) by the insertion after subsection (7) of the following subsection:
 “(7A) Whenever a member of a board has recused himself in any particular matter, the Minister may, without complying with the provisions of subsection (3), appoint any person whom he considers suitable, to act with regard to that particular matter in place of such member, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may determine with the concurrence of the Minister of Finance.”;
- 35 (e) by the addition to subsection (8) of the following paragraph, the existing subsection becoming paragraph (a):
 “(b) A person appointed under subsection (7A) to act in place of any member of a board who is the holder of the office of chairman of two or more boards, shall be deemed to have been appointed to act, with regard to the particular matter referred to in that subsection, as chairman of the board charged with that matter.”; and
- 40 (f) by the substitution for subsection (10) of the following subsection:
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Amendment of
section 4 of
Act 74 of 1977.

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,,(10) Die Minister moet, behalwe in die geval van 'n aanstelling kragtens subartikel (7) of (7A), die kommissie raadpleeg voordat hy 'n aanstelling kragtens hierdie artikel doen.'".

Wysiging van artikel 8 van Wet 74 van 1977.

4. Artikel 8 van die Hoofwet word hierby gewysig deur 5 subartikel (1) deur die volgende subartikel te vervang:

,,(1) Behoudens andersluidende bepalings van hierdie Wet, kan iemand wat—

- (a) by 'n raad aansoek gedoen het om die toestaan, hernuwing, wysiging of oordrag van 'n permit;
- (b) die houer is van 'n permit deur 'n raad uitgereik;
- (c) op die wyse en binne die tydperk by regulasie voorgeskryf, vertoe ter bestryding of ondersteuning van 'n kragtens artikel 14 (1) gepubliseerde aansoek of 'n aansoek om die toestaan, hernuwing of wysiging van 'n privaatpermit tot die betrokke raad gerig het,

en deur 'n handeling, opdrag of beslissing van **[`n]** daardie raad geraak word, op die by regulasie voorgeskrewe wyse binne 21 dae nadat die betrokke raad **[die]** genoemde handeling verrig of **[die]** genoemde opdrag of beslissing gegee het, teen **[die]** daardie handeling, opdrag of beslissing na die kommissie appelleer.”.

Invoeging van artikel 8A in Wet 74 van 1977.

5. Die volgende artikel word hierby in die Hoofwet na artikel 8 ingevoeg:

,Inwerkintreding van sekere tariefverhogings word nie opgeskort in afgwagting van uitspraak in hofverrigtinge in verband met sodanige verhogings nie.

8A. Wanneer die kommissie of 'n raad, in die 25 gevval van 'n openbare permit wat die vervoer van persone teen vergoeding magtig, 'n vereiste of voorwaarde opgely het dat daardie vervoer ondernem moet word teen tariewe wat die kommissie of daardie raad, na gelang van die gevval, goedgekeur of vasgestel het, en die kommissie of die bevoegde raad daarna op aansoek ingevolge artikel 12 (2), of die kommissie daarna in die uitoefening van 'n bevoegdheid aan hom by artikel 8 (2) (b) (i) of (2) (c) verleen, daardie vereiste of voorwaarde wysig deur enige van die aldus goedgekeurde of vasgestelde tariewe te verhoog, word die inwerkintreding van die aldus verhoogde tariewe nie opgeskort in afgwagting van 'n finale uitspraak in enige verrigtinge in 'n gereghof in verband met daardie wysiging nie.”.

Vervanging van artikel 12 van Wet 74 van 1977.

6. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

,Aansoek ten opsigte van 'n openbare permit.

12. (1) Iemand wat ander padvervoer wil ondernem as padvervoer wat deur die uitreiking van 'n privaatpermit of 'n tydelike permit gemagtig word, **[kan]** moet op die by regulasie voorgeskrewe wyse by die kommissie of 'n bevoegde raad aansoek doen om die toestaan van 'n openbare padvervoerpermit wat hom magtig om dit te doen.

(2) 'n Houer van 'n openbare permit kan **[op die 45 by regulasie voorgeskrewe wyse]** by die kommissie of die bevoegde raad, na gelang van die gevval, aansoek doen om die hernuwing of wysiging van daardie permit, en so 'n aansoek word **op die by regulasie voorgeskrewe wyse gedoen.**

(3) Enigiemand **[kan]** wat oordrag van 'n openbare permit wil neem, moet op die by regulasie voorgeskrewe wyse en met die skriftelike toestemming van die houer van **[`n]** die betrokke **[openbare]** permit, by die kommissie of die bevoegde 60 raad, na gelang van die gevval, aansoek doen om die oordrag van daardie permit aan hom.”.

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"(10) The Minister shall, save in the case of an appointment under subsection (7) or (7A), consult the commission before making any appointment under this section.”.

5. 4. Section 8 of the principal Act is hereby amended by the Amendment of substitution for subsection (1) of the following subsection:

"(1) Save as otherwise provided in this Act, any person who—

- (a) has applied to a board for the grant, renewal, amendment or transfer of any permit;
 - (b) is the holder of any permit issued by a board;
 - (c) in the manner and within the time prescribed by regulation, submitted representations to the board concerned objecting to or supporting any application published under section 14 (1) or any application for the grant, renewal or amendment of a private permit,
- and is affected by any act, direction or decision of [a] that board, may, in the manner prescribed by regulation, within 21 days after the said act was performed or the said direction or decision was given by the board concerned, appeal against such act, direction or decision to the commission.”.

5. The following section is hereby inserted in the principal Act after section 8:

Insertion of section 8A in Act 74 of 1977.

"Coming into operation of certain tariff increases not to be suspended pending judgment in court proceedings in connection with such increases.

8A. Whenever the commission or a board has, in the case of a public permit authorizing the conveyance of persons for reward, imposed a requirement or condition that such conveyance shall be undertaken at tariffs approved or laid down by the commission or that board, as the case may be, and the commission or the competent board thereafter on application in terms of section 12 (2), or the commission thereafter in the exercise of any power conferred upon it by section 8 (2) (b) (i) or (2) (c), amends that requirement or condition by increasing any of the tariffs so approved or laid down, the coming into operation of the tariffs so increased shall not be suspended pending final judgment in any proceedings in a court of law in connection with such amendment.”.

6. The following section is hereby substituted for section 12 of Substitution of section 12 of Act 74 of 1977.

40 the principal Act:

"Application in respect of a public permit.

12. (1) Any person who desires to undertake any road transportation other than road transportation which may be authorized by the issue of a private permit or temporary permit, [may] shall apply in the manner prescribed by regulation to the commission or a competent board for the grant of a public road carrier permit authorizing him to do so.

45 (2) Any holder of a public permit may apply [in the manner prescribed by regulation] to the commission or the competent board, as the case may be, for the renewal or amendment of such permit, and any such application shall be made in the manner prescribed by regulation.

50 (3) Any person [may] who desires to take transfer of a public permit, shall apply in the manner prescribed by regulation and with the written consent of the holder of [a] the [public] permit in question, to the commission or the competent board, as the case may be, for the transfer of such permit to him.”.

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Invoeging van artikel 12A in Wet 74 van 1977.

7. Die volgende artikel word hierby in die Hoofwet na artikel 12 ingevoeg:

„Verhoging van sekere tariewe voor aansoek om wysiging van betrokke openbare permit.

12A. Wanneer die kommissie of 'n raad die houer van 'n openbare permit wat die vervoer van persone teen vergoeding magtig, kragtens 'n bepaling van hierdie Wet gelas het om te voldoen aan 'n vereiste of voorwaarde, opgelê deur die kommissie of daardie raad, na gelang van die geval, dat sodanige vervoer onderneem moet word teen tariewe wat die kommissie of genoemde raad, na gelang van die geval, goedgekeur of vasgestel het, kan daardie houer te eniger tyd na 'n stygging van die prys van petroleumbrandstof in die Republiek, sodanige tariewe verhoog met soveel, maar met nie meer nie as 10% van sodanige tariewe, as wat hom in staat sal stel om sy verhoogde uitgawe aan petroleumbrandstof wat regstreeks deur daardie stygging van die prys van petroleumbrandstof veroorsaak word, te verhaal, mits genoemde houer binne 10 dae na die inwerkingtreding van die aldus verhoogde tariewe ooreenkomstig die bepaling van artikel 12 (2) by die kommissie of die bevoegde raad, na gelang van die geval, aansoek doen om 'n gepaste wysiging van die betrokke permit.”.

Wysiging van artikel 13 van Wet 74 van 1977.

8. Artikel 13 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Behoudens die bepaling van hierdie Wet, moet die kommissie of 'n raad 'n aansoek om **[of ten opsigte]** die toestaan, hernuwing, wysiging of oordrag van 'n openbare padvervoerpermit wat daardagten by hom gedoen of na hom verwys word, ontvang en oorweeg en kan hy daarna, na goeddunke—”; en

(b) deur in subartikel (2) die volgende paragrawe na paragraaf (b) in te voeg:

,,(bA) Die kommissie of 'n raad kan weier om 'n aansoek

om die toestaan, wysiging of oordrag van 'n openbare permit of enige vertoe ter bestryding van sodanige aansoek te oorweeg indien die aansoeker of die persoon wat daardie vertoe rig, na gelang van die geval, nie die by regulasie voorgeskrewe gelde in verband met daardie aansoek of genoemde vertoe, na gelang van die geval, betaal het nie.

(bB) Die kommissie of 'n raad oorweeg nie 'n aansoek om die hernuwing van 'n openbare permit wat vir 'n vaste tydperk toegestaan is nie tensy die aansoek, tesame met die by regulasie voorgeskrewe gelde in verband met daardie aansoek, voor die verstrikingsdatum van daardie permit deur die kommissie of die betrokke raad, na gelang van die geval, ontvang is.”.

Wysiging van artikel 14 van Wet 74 van 1977.

9. Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

,,(1) Die kommissie of 'n raad—

(a) moet, voordat hy 'n aansoek oorweeg om die toestaan, wysiging (uitgesonderd 'n wysiging in paragraaf (b) bedoel) of oordrag van 'n openbare permit **[oorweeg, en]**; of

(b) kan, voordat hy 'n aansoek oorweeg om—

(i) die hernuwing van **[so]** 'n openbare permit **[oorweeg]; of**

(ii) die wysiging soos beoog in artikel 12A van so 'n permit; of

(iii) die wysiging van so 'n permit ten einde die permanente vervanging van 'n motorvoertuig in daardie permit vermeld, deur 'n motorvoer-

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7. The following section is hereby inserted in the principal Act after section 12:

Insertion of
section 12A in
Act 74 of 1977.

“Increase of
certain
tariffs prior
to applica-
tion for
amendment
of relevant
public
permit.
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12A. Whenever the commission or a board has under any provision of this Act directed the holder of a public permit authorizing the conveyance of persons for reward, to comply with a requirement or condition, imposed by the commission or that board, as the case may be, that such conveyance shall be undertaken at tariffs approved or laid down by the commission or the said board, as the case may be, that holder may at any time after any increase in the price of petroleum fuel in the Republic, increase such tariffs by so much, but by not more than 10% of such tariffs, as will enable him to recover his increased expenditure on petroleum fuel resulting directly from that increase in the price of petroleum fuel, provided the said holder applies, within 10 days after the coming into effect of any tariff so increased, in accordance with the provisions of section 12 (2) to the commission or the competent board, as the case may be, for an appropriate amendment of the relevant permit.”.

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8. Section 13 of the principal Act is hereby amended—

Amendment of
section 13 of
Act 74 of 1977.

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(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Subject to the provisions of this Act, the commission or a board shall receive and consider any application for **[or in respect]** the grant, renewal, amendment or transfer of a public road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—”;

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(b) by the insertion in subsection (2) of the following paragraphs after paragraph (b):

“(b A) The commission or a board may refuse to consider any application for the grant, amendment or transfer of a public permit or any representations objecting to such application if the applicant or the person who submits those representations, as the case may be, has not paid the fee prescribed by regulation in connection with that application or the said representations, as the case may be.

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(b B) The commission or a board shall not consider an application for the renewal of a public permit granted for a fixed period unless the application, together with the fee prescribed by regulation in connection with that application, has been received by the commission or the board concerned, as the case may be, before the date on which that permit expires.”.

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9. Section 14 of the principal Act is hereby amended—

Amendment of
section 14 of
Act 74 of 1977.

(a) by the substitution for subsection (1) of the following subsection:

“(1) The commission or a board—

(a) shall, before considering any application for the grant, amendment (other than an amendment referred to in paragraph (b)) or transfer of a public permit; **[and]**

(b) may, before considering any application for—

- (i) the renewal of **[such]** a public permit; or
- (ii) the amendment as contemplated in section 12A of such a permit; or
- (iii) the amendment of such a permit so as to authorize the permanent replacement of a motor vehicle specified in that permit, by a

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tuig waarvan die draagvermoë met nie meer nie as 20% verskil van dié van eersgenoemde motorvoertuig, te magtig,

【volle】 die by regulasie voorgeskrewe besonderhede van die aansoek in die *Staatskoerant* publiseer.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Enige belanghebbende wat vertoë ter bestryding of ondersteuning van 'n kragtens subartikel (1) gepubliseerde aansoek tot die kommissie of die betrokke raad, na gelang van die geval, wil rig, **【kan】** moet sodanige vertoë op die wyse en binne die tydperk by regulasie voorgeskryf **【vertoë ter bestryding of ondersteuning van 'n kragtens subartikel (1) gepubliseerde aansoek】** tot die kommissie of **【betrokke】** daardie raad, na gelang van die geval, rig, en die kommissie of **【die betrokke】** daardie raad—

(a) moet so iemand wat binne die aldus voorgeskrewe tydperk vertoë ter bestryding van sodanige aansoek rig, toelaat om die voltooide aansoekvorm van die aansoeker, tesame met enige ander stuk wat die aansoeker saam met sy aansoekvorm ingedien het, kosteloos in te sien, en om afskrifte daarvan te maak, by die kantoor van die kommissie of daardie raad, na gelang van die geval, waar daardie aansoekvorm of so 'n ander stuk gehou word; en

(b) kan, op versoek van so iemand wat sodanige vertoë aldus rig, afskrifte van die betrokke aansoekvorm en van enige sodanige ander stuk aan hom voorsien teen betaling van die gelde by regulasie voorgeskryf.”; en

(c) deur na subartikel (2) die volgende subartikel in te voeg:
 „**(2A)** Die kommissie of 'n raad moet, in die geval van 'n kragtens subartikel (1) gepubliseerde aansoek, die aansoeker toelaat om enige vertoë ter bestryding of ondersteuning van sy aansoek kosteloos in te sien, en om afskrifte daarvan te maak, by die kantoor van die kommissie of daardie raad, na gelang van die geval, waar daardie vertoë gehou word, en kan, op versoek van daardie aansoeker, afskrifte van bedoelde vertoë aan hom voorsien teen betaling van die gelde by regulasie voorgeskryf.”.

Wysiging van artikel 15 van Wet 74 van 1977.

10. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) die bestaande vervoergeriewe wat in daardie gebied of op daardie roete of tussen daardie punte vir die publiek beskikbaar is, of daar 'n besparing in die verbruik van petroleumbrandstof as gevolg van die voorgenome padvervoer sal wees en, indien daar nie so 'n besparing sal wees nie, of daar in al die omstandighede van die geval regverdiging bestaan al dan nie vir die verbruik van petroleumbrandstof wat die voorgenome padvervoer sal meebring.”;

(b) deur subparagraph (i) van paragraaf (a) van subartikel (2) deur die volgende subparagraph te vervang:

„(i) sodanige bestaande vervoergeriewe nie bevredigend en voldoende is om in die vervoerbehoeftes van die publiek in daardie gebied of langs daardie roete of tussen daardie punte te voorsien nie; **【of】** en”;

(c) deur na subparagraph (i) van paragraaf (a) van subartikel (2) die volgende subparagraph in te voeg:

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- motor vehicle of which the carrying capacity differs by not more than 20% from that of the first-mentioned motor vehicle,
- 5 publish in the *Gazette* [full] such particulars of [such] the application as may be prescribed by regulation [in the *Gazette*];
- (b) by the substitution for subsection (2) of the following subsection:
- 10 “(2) Any interested person who desires to submit representations to the commission or the board concerned, as the case may be, objecting to or supporting an application published under subsection (1), [may] shall submit such representations in the manner and within the time prescribed by regulation [submit representations] to the commission or [the] that board [concerned], as the case may be, [objecting to or supporting an application published under subsection (1)] and the commission or that board [concerned]—
- 15 (a) shall allow any such person who, within the time so prescribed, submits representations objecting to an application, to inspect free of charge, and to make copies [free of charge] of, the completed application form of the applicant, together with any other [documents] document which the applicant has submitted with his application form, at the office of the commission or that board, as the case may be, where that application form or such other document is being kept; and
- 20 (b) may, at the request of any such person who so submits such representations, provide him with copies of the application form in question and of any such other document, on payment of the fee prescribed by regulation.”; and
- 25 (c) by the insertion after subsection (2) of the following subsection:
- 30 “(2A) The commission or a board shall, in the case of an application published under subsection (1), allow the applicant to inspect free of charge, and to make copies of, any representations objecting to or supporting his application at the office of the commission or that board, as the case may be, where those representations are being kept; and may, at the request of that applicant, provide him with copies of the representations referred to, on payment of the fee prescribed by regulation.”.
- 35 10. Section 15 of the principal Act is hereby amended—
- 40 (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- 45 “(c) the existing transportation facilities available to the public in that area or over that route or between those points, whether or not there will be a saving in the consumption of petroleum fuel resulting from the intended road transportation and, if there will be no such saving, whether or not justification exists, in all the circumstances of the case, for the consumption of petroleum fuel which the intended road transportation will occasion.”;
- 50 (b) by the substitution for subparagraph (i) of paragraph (a) of subsection (2) of the following subparagraph:
- 55 “(i) such existing transportation facilities are not satisfactory and sufficient to meet the transportation requirements of the public in that area or along that route or between those points; [or] and”;
- 60 (c) by the insertion after subparagraph (i) of paragraph (a) of subsection (2) of the following subparagraph:

Amendment of
section 15 of
Act 74 of 1977.

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- „(iA) hy oor die vermoë beskik om op 'n vir die publiek bevredigende wyse die vervoer te verskaf waarvoor die permit verlang word; en”;
- (d) deur subparagraaf (iv) van paragraaf (a) van subartikel (2) deur die volgende subparagraaf te vervang:
- „(iv) hy tot dieselfde klas behoort as die meerderheid van die persone wat deur die vervoerdien waarvoor die permit verlang word, bedien sal word, en dat dit in belang van daardie persone wenslik is om die permit aan hom toe te staan **[en]**; en
- (e) deur in subartikel (2) subparagraaf (v) van paragraaf (a) te skrap.

Vervanging van artikel 17 van Wet 74 van 1977.

11. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

- „Aansoek ten opsigte van 'n privaat-permit.**
17. (1) Iemand wat 'n bedryf uitoefen of handel of besigheid dryf en wat—
- (a) goedere deur hom verkry of andersins van die hand gesit, deur middel van 'n motorvoertuig waarvan hy die eienaar is, in die loop van daardie bedryf, handel of besigheid wil vervoer tussen enige plek waar hy die bedryf, handel of besigheid uitoefen of dryf en enige plek geleë buite 'n vrygestelde gebied of buite 'n gebied in artikel 1 (2) (y) vermeld;
- (b) **Behoudens die bepalings van artikel 1 (2) (k), sy werkneemers deur middel van 'n motorvoertuig waarvan hy die eienaar is, wil vervoer—**
- (i) vanaf 'n plek waar hulle in die loop van die bedryf, handel of besigheid werk of gewerk het, na enige ander plek waar hulle aldus moet werk; of
- (ii) tussen 'n plek waar hulle in die loop van die bedryf, handel of besigheid moet werk of gewerk het, en hulle plek van verblyf.]

goedere wat hy onderneem het in die loop van daardie bedryf, handel of besigheid vir iemand anders in stand te hou, skoon te maak, op te knap, te herstel of te verander, wil vervoer deur middel van 'n motorvoertuig waarvan hy die eienaar is, tussen enige plek waar hy sodanige bedryf, handel of besigheid uitoefen of dryf en enige plek waar hy daardie goedere afhaal om aldus daarmee te handel of aflewer nadat hy aldus daarmee gehandel het,

[kan] moet op die by regulasie voorgeskrewe wyse by die kommissie of **die** bevoegde raad aansoek doen om die toestaan van 'n privaatpadvervoerpermit wat magtiging verleen vir bedoelde vervoer deur hom op 'n openbare pad.

(2) 'n Houer van 'n privaatpermit kan **[op die by regulasie voorgeskrewe wyse]** by die kommissie of die bevoegde raad aansoek doen om die hernuwing of wysiging van daardie permit, en so 'n aansoek word op die by regulasie voorgeskrewe wyse gedoen.”

Wysiging van artikel 18 van Wet 74 van 1977.

12. Artikel 18 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „Behoudens die bepalings van hierdie Wet, moet die kommissie of 'n raad 'n aansoek om **[of ten opsigte]** die toestaan, hernuwing of wysiging van 'n privaatpadvervoerpermit wat daarkragtens by hom gedoen of na hom verwys word, ontvang en oorweeg, en kan hy daarna na goedgunke maar

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- “(iA) he has the ability to provide in a manner satisfactory to the public the transportation for which the permit is sought; and”;
- 5 (d) by the substitution for subparagraph (iv) of paragraph (a) of subsection (2) of the following subparagraph:
- “(iv) he belongs to the same class as the majority of the persons to be served by the transportation service for which the permit is sought, and that it is in the interests of such persons desirable to grant him the permit [and];”;
- 10 (e) by the deletion in subsection (2) of subparagraph (v) of paragraph (a).

11. The following section is hereby substituted for section 17 of the principal Act:

Substitution of
section 17 of
Act 74 of 1977.

- 15 “Application in respect of a private permit. 17. (1) Any person who carries on any industry or trade or business and who—
- (a) wishes to convey, in the course of such industry, trade or business, goods acquired or sold or otherwise disposed of by him, by means of a motor vehicle of which he is the owner, between any place where he carries on such industry, trade or business and any place situated outside any exempted area or outside any area mentioned in section 1 (2) (y);
- 20 (b) [subject to the provisions of section 1 (2) (k), wishes to convey his own employees by means of a motor vehicle of which he is the owner—
- (i) from any place where they are or have been employed in the course of such industry, trade or business to any other place where they are to be so employed; or
- 25 (ii) between any place where they are to be or have been employed in the course of such industry, trade or business, and their place of residence]
- 30 wishes to convey any goods which he has undertaken to maintain, clean, renovate, repair or alter for any other person in the course of such industry, trade or business, by means of a motor vehicle of which he is the owner, between any place where he carries on such industry, trade or business and any place where he collects those goods in order so to deal with them or delivers those goods having so dealt with them,
- 35 [may] shall in the manner prescribed by regulation apply to the commission or the competent board for the grant of a private road carrier permit authorizing such conveyance by him on a public road.
- 40 (2) Any holder of a private permit may [in the manner prescribed by regulation] apply to the commission or the competent board for the renewal or amendment of such permit, and any such application shall be made in the manner prescribed by regulation.”.
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12. Section 18 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

Amendment of
section 18 of
Act 74 of 1977.

- 60 “Subject to the provisions of this Act, the commission or a board shall receive and consider any application for [or in respect] the grant, renewal or amendment of a private road carrier permit made or referred to it thereunder, and may thereafter, in

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- behoudens die bepalings van subartikels (2), **[en]**
(3) en (4)—”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
 „(2) Enige belanghebbende—
 (a) wat binne die tydperk by regulasie voorgeskryf daarom aansoek doen—
 (i) moet deur die kommissie of die betrokke raad, na gelang van die geval, toegelaat word om die voltooide aansoekvorm van die aansoeker, tesame met enige ander stuk wat die aansoeker saam met sy aansoekvorm ingedien het, kosteloos in te sien, en om afskrifte daarvan te maak, by die kantoor van die kommissie of daardie raad, na gelang van die geval, waar daardie aansoekvorm of so 'n ander stuk gehou word;
 (ii) kan deur die kommissie of daardie raad voorsien word van afskrifte van die betrokke aansoekvorm en van enige sodanige ander stuk, teen betaling van die gelde by regulasie voorgeskryf;
- (b) **[kan op die wyse en binne die tydperk insgelyks voorgeskryf]** wat vertoe ter bestryding of ondersteuning van 'n in subartikel (1) vermelde aansoek tot die kommissie of die betrokke raad, na gelang van die geval, wil rig, moet sodanige vertoe tot die kommissie of genoemde raad, na gelang van die geval, rig op die wyse en binne die tydperk insgelyks voorgeskryf, en die kommissie of daardie raad moet vertoe aldus gerig, by die afhandeling van **[die]** daardie aansoek in aanmerking neem.”;
- (c) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
 „(b) **[In die geval van 'n aansoek wat betrekking het op die goedere in artikel 17 (1) (a) vermeld]** dat dit onder die omstandighede onredelik sou wees om van die **[applikant]** aansoeker te verwag dat hy vir die vervoer van die goedere waarop die aansoek betrekking het, van 'n beskikbare spoorwegdiens gebruik moet maak, nieteenstaande dat die betrokke spoortariewe geag word redelik te wees.”;
- (d) deur subartikel (4) deur die volgende subartikel te vervang:
 „(4) By die besluit of 'n aansoek om die toestaan, hernuwing of wysiging van 'n privaatpermit **[wat padvervoer beoog in artikel 17 (1) (b) (ii) magtig]** toegestaan of geweier moet word en by die bepaling van voorwaardes en vereistes waaraan so 'n permit onderworpe gestel moet word, moet die kommissie of 'n raad oorweging skenk aan die **[bepalings van artikel 15 (1) (b), (c), (e) en (f)]** bevordering van besparing by die gebruik van petroleumbrandstof **[in aanmerking neem]**; en
- (e) deur die volgende subartikel by te voeg:
 „(5) Die kommissie of 'n raad oorweeg nie 'n aansoek om die hernuwing van 'n privaatpermit wat vir 'n vaste tydperk toegestaan is nie tensy die aansoek, tesame met die by regulasie voorgeskrewe gelde in verband met daardie aansoek, voor die verstrykingsdatum van daardie permit deur die kommissie of die betrokke raad, na gelang van die geval, ontvang is.”.

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- its discretion but subject to the provisions of subsections (2), [and] (3) and (4);
- (b) by the substitution for subsection (2) of the following subsection:
- 5 “(2) Any interested person—
- (a) who applies therefor within the period prescribed by regulation—
- 10 (i) shall be allowed by the commission or the board concerned, as the case may be, to inspect free of charge the completed [form of] application form of the applicant, together with any other document which the applicant has submitted with his [form of] application form, and to make copies thereof [free of charge], at the office of the commission or that board, as the case may be, where that application form or such other document is being kept;
- 15 (ii) may be provided by the commission or that board with copies of the application form in question and of any such other document, on payment of the fee prescribed by regulation;
- 20 (b) [may in the manner and within the time similarly prescribed, submit] who desires to submit representations to the commission or the board concerned, as the case may be, objecting to or supporting any application mentioned in subsection (1), shall submit such representations to the commission or the said board, as the case may be, in the manner and within the time similarly prescribed, and the commission or [such] that board shall take any representations so submitted into account in disposing of such application.”;
- 25 (c) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
- 30 “(b) [in the case of any application relating to the goods mentioned in section 17 (1) (a)] that it would be unreasonable under the circumstances to expect the applicant to make use of any available railway service for the conveyance of the goods to which the application relates, notwithstanding that the railway tariffs concerned shall be deemed to be reasonable.”;
- 35 (d) by the substitution for subsection (4) of the following subsection:
- 40 “(4) In deciding whether an application for the grant, renewal or amendment of a private permit [authorizing road transportation contemplated in section 17 (1) (b) (ii)] shall be granted or refused, and in determining conditions and requirements to which any such permit shall be made subject, the commission or a board shall [take into] give consideration to the [provisions of section 15 (1) (b), (c), (e) and (l)] promotion of economy in the use of petroleum fuel.”; and
- 45 (e) by the addition of the following subsection:
- 50 “(5) The commission or a board shall not consider an application for the renewal of a private permit granted for a fixed period unless the application, together with the fee prescribed by regulation in connection with that application, has been received by the commission or the board concerned, as the case may be, before the date on which that permit expires.”.

- 60 13. Section 20 of the principal Act is hereby amended—
- 65 (a) by the substitution for subsection (1) of the following subsection:

Amendment of
section 20 of
Act 74 of 1977.

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,,(1) Enigiemand **[kan]** wat padvervoer van 'n tydelike aard wil onderneem, moet op die by regulasie voorgeskrewe wyse by die kommissie of 'n bevoegde raad aansoek doen om die toestaan van 'n tydelike padvervoerpermit wat hom magtig om sodanige padvervoer **[van 'n tydelike aard en]** op 'n bepaalde datum of in verband met 'n bepaalde gebeurtenis te onderneem, en die las om die noodsaaklikheid vir die voorgenome padvervoer te bewys, rus op die aansoeker.''; en

(b) deur subartikel (3) deur die volgende subartikel te 10 vervang:

,,(3) Die kommissie of 'n raad staan nie 'n aansoek om 'n tydelike permit toe nie indien daar na sy oordeel redelike vervoergeriewe bestaan deur middel waarvan die persone of goedere ten opsigte waarvan die permit verlang word, vervoer kan word en indien daar in al die omstandighede van die geval geen regverdiging bestaan vir die verbruik van petroleumbrandstof wat die voorgenome padvervoer sal meebring nie.''.
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Invoeging van artikel 23A in Wet 74 van 1977.

14. Die volgende artikel word hierby in die Hoofwet na artikel 20 23 ingevoeg:

,,Tydelike vervanging van motorvoertuig waarop permit betrekking het.

23A. Die kommissie of 'n lid daarvan deur die voorsitter van die kommissie vir dié doel aangewys, of die raad wat die betrokke openbare permit of privaatpermit toegestaan het of die voorsitter van daardie raad, kan na goeddunke skriftelike vergunning verleen dat 'n motorvoertuig waarvan die draagvermoei met nie meer nie as 20% verskil van dié van 'n motorvoertuig waarop 'n openbare permit of 'n privaatpermit betrekking het, vir die vaste tydperk van hoogstens 21 dae wat hy bepaal, in die plek van laasgenoemde motorvoertuig wat defek geraak het of weens 'n ongeluk tydelik aan diens ontrek is, gebruik word deur die houer van die betrokke permit vir die padvervoer deur daardie permit gemagtig, en eersgenoemde motorvoertuig word daarop, gedurende bedoelde tydperk, by die toepassing van hierdie Wet geag die motorvoertuig te wees waarop die betrokke permit betrekking het.''.
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Wysiging van artikel 24 van Wet 74 van 1977.

15. Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

,,(a) behalwe waar die kommissie anders gelas het, die skriftelike vergunning in artikel 23A bedoel, as daar is, en die permit op die motorvoertuig waarop dit betrekking het, hou en dit op aanvraag aan 'n gemagtigde amptenaar toon;''.
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Wysiging van artikel 25 van Wet 74 van 1977.

16. Artikel 25 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

,,(c) indien die kommissie of daardie raad dit nodig ag met die oog op die bevordering van besparing by die gebruik van petroleumbrandstof, of om enige ander rede, uit eie beweging 'n voorwaarde of vereiste van 'n [in paragraaf (a) vermelde 55 permit] openbare permit of 'n privaatpermit wat deur hom toegestaan is, rooier of verander, of 'n voorwaarde of vereiste byvoeg by so 'n permit, of die magtiging wat in so 'n permit vervat is, omskryf, heromskryf, inkort of andersins wysig.''; 60 en

(b) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

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- 5 “(1) Any person **may** who desires to undertake road transportation of a temporary nature, shall in the manner prescribed by regulation apply to the commission or a competent board for the grant of a temporary road carrier permit authorizing him to undertake such road transportation **of a temporary nature and** upon a particular date or in connection with a particular occurrence, and the onus of proving the necessity for the intended road transportation shall be 10 upon the applicant.”; and
- 15 (b) by the substitution for subsection (3) of the following subsection:
- 15 “(3) The commission or a board shall not grant any application for a temporary permit if, in its opinion, reasonable transportation facilities exist by means of which the persons or goods in respect of which such permit is sought can be conveyed and if no justification exists, in all the circumstances of the case, for the consumption of petroleum fuel which the intended road 20 transportation will occasion.”.

14. The following section is hereby inserted in the principal Act after section 23:

Insertion of
section 23A in
Act 74 of 1977.

- 25 “Temporary replacement of motor vehicle to which permit relates.
- 30 23A. The commission or a member thereof designated by the chairman of the commission for that purpose, or the board which has granted the public or private permit concerned or the chairman of that board, may at will grant written permission for any motor vehicle the carrying capacity of which differs by not more than 20% from that of a motor vehicle to which any public or private permit relates, to be used for such fixed period not exceeding 21 days as it or he may determine, by the holder of the permit in question for the road transportation authorized by that permit, in place of the last-mentioned motor vehicle which has become defective or, due to an accident, has been temporarily withdrawn from service, and the first-mentioned motor vehicle shall thereupon, during the period referred to, for purposes of this Act be deemed to be the motor vehicle to which the permit in 35 question relates.”.
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15. Section 24 of the principal Act is hereby amended by the Amendment of substitution for paragraph (a) of subsection (1) of the following section 24 of paragraph:

Act 74 of 1977.

- 45 “(a) except where the commission has directed otherwise, carry the written permission referred to in section 23A, if any, and the permit on the motor vehicle to which **it relates** they relate, and produce **it** them on demand to any authorized officer.”.

16. Section 25 of the principal Act is hereby amended—

Amendment of
section 25 of
Act 74 of 1977.

- 50 (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

- 55 “(c) if the commission or that board deems it necessary with a view to the promotion of economy in the use of petroleum fuel, or for any other reason, of its own accord cancel or vary any condition or requirement of, or add any condition or requirement to, or define, redefine, curtail or otherwise amend, the authority contained in any **permit referred to in paragraph (a)** public or private permit granted by it.”; and

- 60 (b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

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,,(c) in die geval van 'n openbare permit wat die daaglikse vervoer van persone **[deur middel van 'n bus]** binne of na of van die regssgebied van 'n plaaslike bestuur magtig, daardie plaaslike bestuur 'n geleentheid gegee is om, op die wyse en binne die tydperk by regulasies voorgeskryf, vertoë in verband met die voorgestelde optrede tot die kommissie of die betrokke raad te rig.”.

Wysiging van artikel 30 van Wet 74 van 1977.

17. Artikel 30 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

,,(d) wat die bevoegdhede van die kommissie of 'n raad, by versuim deur enige persoon om geldige kragtens paragraaf (b) of (c) voorgeskryf, te betaal, met inbegrip van die bevoegdheid om te weier om die betrokke aansoek 15 (uitgesonderd 'n aansoek bedoel in artikel 13 (2) (bA) of (bB) of 18 (5)) of appèl te oorweeg of die betrokke stuk uit te reik, of om die betrokke permit op te skort of in te trek, voorskryf;”.

Wysiging van artikel 31 van Wet 74 van 1977.

18. Artikel 31 van die Hoofwet word hierby gewysig— 20

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

,,(b) terwyl hy die houer van 'n permit is, padvervoer anders as volgens die bepaling van daardie permit onderneem, of, **behoudens die bepaling van artikel 25 12A**, 'n voorwaarde of vereiste **[daarvan] van 'n permit** of 'n bepaling van artikel 24 oortree of versuim om daaraan te voldoen; of ”; en

(b) deur subparagraaf (ii) van paragraaf (c) van subartikel 30 (1) deur die volgende subparagraaf te vervang:

,,(ii) **behoudens die bepaling van artikel 12A**, vir sodanige vervoer 'n prys vra wat nie met die tarief in die permit uiteengesit of wat hy ingevolge daardie permit moes publiseer, ooreenstem nie; of ”.

Kort titel en inwerkingtreding.

19. Hierdie Wet heet die Wysigingswet op Padvervoer, 1980, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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- 5 “(c) in the case of a public permit authorizing the daily conveyance of persons ~~by means of a bus~~ within or to or from the area of jurisdiction of a local authority, such local authority has been given an opportunity to submit representations, in the manner and within the time prescribed by regulation, to the commission or the board concerned in regard to the proposed action.”.

17. Section 30 of the principal Act is hereby amended by the
10 substitution for paragraph (d) of subsection (1) of the following Amendment of
paragraph:
Act 74 of 1977.

- 15 “(d) prescribing the powers of the commission or a board upon the failure by any person to pay any fee prescribed under paragraph (b) or (c), including the power to refuse to consider the application (except an application referred to in section 13 (2) (bA) or (bB) or 18 (5)) or appeal in question or issue the document in question, or to suspend or withdraw the permission in question;”.

18. Section 31 of the principal Act is hereby amended—
20 (a) by the substitution for paragraph (b) of subsection (1) of Amendment of
the following paragraph:
Act 74 of 1977.

- 25 “(b) being the holder of a permit, undertakes road transportation otherwise than in accordance with the provisions of such permit, or, subject to the provisions of section 12A, contravenes or fails to comply with any condition or requirement [thereof] of a permit or any provision of section 24; or”; and

- 30 (b) by the substitution for subparagraph (ii) of paragraph (c) of subsection (1) of the following subparagraph:
35 “(ii) subject to the provisions of section 12A, makes any charge for such conveyance which is not in accordance with any tariff set forth in such permit or which he may have been required to publish in terms of such permit; or”.

19. This Act shall be called the Road Transportation Amendment Act, 1980, and shall come into operation on a date fixed by the State President by proclamation in the Gazette. Short title and commencement.

