



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1324.

6 Julie 1988

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

No. 74 van 1988: Wet op die Suid-Afrikaanse Padraad, 1988.

No. 1324.

6 July 1988

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

No. 74 of 1988: South African Roads Board Act, 1988.

WET

Tot instelling van 'n Suid-Afrikaanse Padraad en van 'n Tolpadkomitee; om die werksaamhede van daardie raad en van daardie komitee te bepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1988.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "beampte" 'n beampte soos omskryf in artikel 1 (1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984); (ix) 5
 - (ii) "Departement" die Departement van Vervoer; (iii)
 - (iii) "Direkteur-generaal" die Direkteur-generaal: Vervoer; (iv)
 - (iv) "komitee" 'n komitee wat kragtens artikel 9 ingestel is, en ook die Tolpadkomitee; (ii) 10
 - (v) "Minister" die Minister van Vervoerwese; (vii)
 - (vi) "Nasionale Padfonds" die Nasionale Padfonds bedoel in artikel 2 van die Wet op Nasionale Paaie, 1971 (Wet No. 54 van 1971); (viii)
 - (vii) "plaaslike owerheid" 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983); (vi) 15
 - (viii) "Raad" die Suid-Afrikaanse Padraad ingestel by artikel 2; (i)
 - (ix) "Tolpadkomitee" die Tolpadkomitee ingestel by artikel 6; (x)
 - (x) "werknemer" 'n werknemer soos omskryf in artikel 1 (1) van die Staatsdienswet, 1984. (v) 20

Instelling van Suid-Afrikaanse Padraad

2. (1) Daar word hierby 'n raad met die naam die Suid-Afrikaanse Padraad ingestel.
- (2) Die Raad is 'n regspersoon.

Samestelling van Raad

3. (1) Die Raad bestaan uit agt lede, deur die Minister aangestel, van wie—
 - (a) een die Direkteur-generaal moet wees, wat ook die voorsitter van die Raad is;
 - (b) twee beamptes in die Departement moet wees wat deur die Direkteur-generaal benoem word en wat na sy oordeel oor toereikende kennis met betrekking tot die beplanning, bou en instandhouding van paaie beskik;
 - (c) een 'n persoon moet wees wat deur die Administrateurs van die vier provinsies benoem is en wat na die oordeel van die bedoelde Administrateurs oor toereikende kennis met betrekking tot die beplanning, bou en instandhouding van paaie beskik;

ACT

To establish a South African Roads Board and a Toll Roads Committee; to determine the functions of that board and of that committee; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 23 June 1988.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—

- 5 (i) "Board" means the South African Roads Board established by section 2; (viii)
- (ii) "committee" means a committee established under section 9, and includes the Toll Roads Committee; (iv)
- (iii) "Department" means the Department of Transport; (ii)
- 10 (iv) "Director-General" means the Director-General: Transport; (iii)
- (v) "employee" means an employee as defined in section 1 (1) of the Public Service Act, 1984 (Act No. 111 of 1984); (x)
- (vi) "local authority" means a local authority as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983);
- 15 (vii) "Minister" means the Minister of Transport Affairs; (v)
- (viii) "National Road Fund" means the National Road Fund referred to in section 2 of the National Roads Act, 1971 (Act No. 54 of 1971); (vi)
- (ix) "officer" means an officer as defined in section 1 (1) of the Public Service Act, 1984; (i)
- 20 (x) "Toll Roads Committee" means the Toll Roads Committee established by section 6. (ix)

Establishment of South African Roads Board

2. (1) There is hereby established a board to be known as the South African Roads Board.

(2) The Board shall be a juristic person.

Constitution of Board

3. (1) The Board shall consist of eight members, appointed by the Minister, of whom—

- 30 (a) one shall be the Director-General, who shall also be the chairman of the Board;
- (b) two shall be officers in the Department, nominated by the Director-General, and who in his opinion have adequate knowledge of the planning, construction and maintenance of roads;
- 35 (c) one shall be a person nominated by the Administrators of the four provinces and who, in the opinion of the said Administrators, has adequate knowledge of the planning, construction and maintenance of roads;

- (d) een 'n persoon moet wees wat in die diens van 'n plaaslike owerheid is en wat breë ondervinding het van, en bekwaamheid aan die dag gelê het met betrekking tot, aangeleenthede wat in verband staan met die beplanning, bou en instandhouding van paaie; en
- (e) drie persone moet wees, een uit elk van die kategorieë persone ingevolge subparagrafe (i), (ii) en (iii), onderskeidelik, van subartikel 2 (b) benoem, wat nie in die diens van die Staat is nie en wat persone moet wees wat breë ondervinding het van, en bekwaamheid aan die dag gelê het met betrekking tot, aangeleenthede wat in verband staan met die beplanning, bou en instandhouding van paaie of met die vervoerwese, die handel, finansies, die mynwese of dié landbou.
- (2) Ten einde hom in staat te stel om—
- (a) die aanstelling beoog in subartikel (1) (d) te doen, moet die Minister by skriftelike kennisgewing die getal benoemings wat hy nodig ag, aanvra van liggame wat die Minister, na oorleg met die Minister van Staatkundige Ontwikkeling en Beplanning, ag verteenwoordigend van plaaslike owerhede te wees;
- (b) die aanstellings beoog in subartikel (1) (e) te doen, moet die Minister by skriftelike kennisgewing die getal benoemings wat hy nodig ag, aanvra van liggame wat na die oordeel van die Minister die belange van—
- (i) die georganiseerde handel, nywerheid, mynwese en landbou;
- (ii) padgebruikers;
- (iii) persone betrokke by die beplanning, ontwerp, bou en instandhouding van paaie, verteenwoordig.
- (3) Wanneer benoemings ingevolge die bepalings van subartikel (2) aangevra is en daar binne 'n tydperk vir die indiening van sodanige benoemings bepaal in die kennisgewing waarby sodanige benoemings aangevra word, geen of onvoldoende benoemings by die Minister ingedien word, kan die Minister, behoudens die bepalings van subartikel (1) (d) of (1) (e), na gelang van die geval, in plaas van 'n persoon benoem uit hoofde van die bepalings van subartikel (2), enige ander persoon wat hy geskik ag, as 'n lid van die Raad aanstel.

Ampstermyn van lede van Raad

4. (1) Behoudens die bepalings van subartikel (2) beklee 'n lid van die Raad sy amp op die voorwaardes en vir die tydperk wat die Minister bepaal wanneer hy die aanstelling doen: Met dien verstande dat—
- (a) individuele lede van die Raad vir verskillende tydperke en op verskillende voorwaardes aldus deur die Minister aangestel kan word;
- (b) die Minister die voorwaardes onderworpe waaraan 'n lid van die Raad aangestel is, te eniger tyd kan wysig.
- (2) Ondanks die bepalings van subartikel (1) word iemand wat ingevolge die bepalings van artikel 3 (1) (e) as 'n lid van die Raad aangestel word, vir 'n tydperk van hoogstens vier jaar aldus aangestel.
- (3) 'n Lid van die Raad kan, behoudens die bepalings van artikel 3, by verstryking van sy ampstermyn weer deur die Minister aangestel word.

Bevoegdhede, werksaamhede en pligte van Raad

5. (1) Met ingang van die datum beoog in artikel 3 (1) van die Wet op Deregulering van Vervoer, 1988, oefen die Raad die bevoegdhede uit en verrig hy die werksaamhede en pligte wat by daardie artikel aan hom oorgedra word.
- (2) Die Raad moet by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte—
- (a) bestaande en beoogde padgeriewe; en
- (b) bestaande en beoogde vervoergeriewe, in aanmerking neem.

Instelling van Tolpadkomitee

6. Daar word hierby 'n komitee met die naam die Tolpadkomitee ingestel.

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- (d) one shall be a person who is in the service of a local authority and who has wide experience of, and has shown ability in relation to, matters connected with the planning, construction and maintenance of roads; and
- 5 (e) three shall be persons, one from each of the categories of persons nominated in terms of subparagraphs (i), (ii) and (iii), respectively, of subsection (2) (b), who are not in the service of the State and who shall be persons who have wide experience of, and have shown ability in relation to, matters connected with the planning, construction and maintenance of roads or with transport, commerce, finance, mining or agriculture.
- 10 (2) To enable him to—
- (a) make the appointment contemplated in subsection (1) (d), the Minister shall by notice in writing invite as many nominations as he may deem necessary from bodies which the Minister, after consultation with the Minister of Constitutional Development and Planning, deems to be representative of local authorities;
- 15 (b) make the appointments contemplated in subsection (1) (e), the Minister shall by notice in writing invite as many nominations as he may deem necessary from bodies which, in the opinion of the Minister, represent the interests of—
- 20 (i) organized commerce, industry, mining and agriculture;
- (ii) road users;
- (iii) persons concerned in the planning, design, construction and maintenance of roads.
- (3) When nominations have been invited in terms of the provisions of subsection 25 (2) and no or insufficient nominations are lodged with the Minister within a period determined for the lodging of such nominations in the notice inviting such nominations, the Minister may, subject to the provisions of subsection (1) (d) or (1) (e), as the case may be, instead of a person nominated by virtue of the provisions of subsection (2), appoint as a member of the Board any other person whom he thinks 30 fit.

Term of office of members of Board

4. (1) Subject to the provisions of subsection (2), a member of the Board shall hold office upon such conditions and for such period as the Minister may determine when making the appointment: Provided that—
- 35 (a) individual members of the Board may be so appointed by the Minister for different periods and upon different conditions;
- (b) the Minister may at any time amend the conditions subject to which a member of the Board has been appointed.
- (2) Notwithstanding the provisions of subsection (1), a person appointed in terms 40 of the provisions of section 3 (1) (e) as a member of the Board shall be so appointed for a period not exceeding four years.
- (3) Subject to the provisions of section 3 a member of the Board shall upon the expiration of his term of office be eligible for reappointment by the Minister.

Powers, functions and duties of Board

- 45 5. (1) The Board shall with effect from the date contemplated in section 3 (1) of the Transport Deregulation Act, 1988, exercise the powers and perform the functions and duties transferred to it by that section.
- (2) The Board shall in the exercise of its powers and the performance of its functions and duties take into consideration—
- 50 (a) existing and contemplated road facilities; and
- (b) existing and contemplated transport facilities.

Establishment of Toll Roads Committee

6. There is hereby established a committee to be known as the Toll Roads Committee.

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Samestelling van Tolpadkomitee**7. (1) Die Tolpadkomitee bestaan uit—**

- (a) 'n voorsitter wat deur die Minister aangestel word uit die lede van die Raad bedoel in artikel 3 (1) (b);
- (b) 'n ander lid van die Raad as 'n lid bedoel in artikel 3 (1) (a) of (b), deur die Raad aangewys; en
- (c) nie meer as drie ander persone nie wat kragtens die bepalinge van artikel 10 as lede van die Tolpadkomitee gekoöpteer is en wat persone moet wees wat, na die oordeel van die Raad, breë ondervinding het van, en bekwaamheid aan die dag gelê het met betrekking tot, die inrig van paaie as tolpaaie 10 en die bedryf van sodanige tolpaaie, of die vervoerwese, die handel of finansies: Met dien verstande dat minstens twee van die persone aldus gekoöpteer persone moet wees wat nie in die diens van die Staat is nie.

(2) Persone wat soos in subartikel (1) (c) beoog kragtens artikel 10 as lede van die Tolpadkomitee gekoöpteer word, word, ondanks die bepalinge van artikel 10 (1), 15 aldus gekoöpteer vir 'n tydperk van hoogstens vier jaar.

Werkzaamhede van Tolpadkomitee**8. Die Tolpadkomitee—**

- (a) oefen die bevoegdhede uit en verrig die werkzaamhede en pligte wat ingevolge artikel 9 (3) deur die Raad aan hom gedelegeer of opgedra word; 20
- (b) moniteer die uitvoering van konsessie-ooreenkomste wat ingevolge artikel 9A van die Wet op Nasionale Paaie, 1971 (Wet No. 54 van 1971), aangegaan is; en
- (c) neem ook by die uitoefening van sy bevoegdhede en die verrigting van sy werkzaamhede en pligte die uitwerking wat die oprigting van 'n tolhek soos 25 bedoel in artikel 9 van die Wet op Nasionale Paaie, 1971, sal hê op die vervoer van persone woonagtig binne 'n radius van 20 kilometer vanaf sodanige tolhek, in aanmerking.

Komitees van Raad

9. (1) Die Raad kan komitees instel om hom by die verrigting van sy werkzaam- 30 hede en pligte by te staan en kan uit sy lede die persone wat hy goedvind, aanstel as lede van so 'n komitee.

(2) Die Raad wys een van die lede van 'n komitee kragtens subartikel (1) ingestel, as voorsitter daarvan aan.

(3) Die Raad kan, onderworpe aan die voorwaardes wat hy goedvind, enige van 35 sy bevoegdhede, werkzaamhede of pligte deleger of opdra aan 'n komitee ingestel kragtens subartikel (1) of aan die Tolpadkomitee, maar is nie ontdoen van 'n bevoegdheid, werkzaamheid of plig aldus gedelegeer of opgedra nie en kan enige besluit deur so 'n komitee geneem by die uitoefening van 'n bevoegdheid of die verrigting van 'n werkzaamheid of plig wat aldus gedelegeer of opgedra is, wysig of 40 intrek.

Koöptering van persone as lede van komitees

10. (1) 'n Komitee kan, nadat hy die toestemming van die Raad verkry het, enige persoon koöpteer—

- (a) om in daardie komitee te dien vir die tydperk wat die komitee bepaal; of 45
- (b) om 'n bepaalde vergadering van die komitee by te woon; of
- (c) om by 'n bepaalde vergadering van die komitee deel te neem aan die oorweging deur die komitee van 'n bepaalde aangeleentheid.

(2) Iemand wat ingevolge die bepalinge van subartikel (1) gekoöpteer is, dien in die betrokke komitee of woon die betrokke vergadering van die komitee by, na 50 gelang van die geval, in 'n raadgevende hoedanigheid en het, behoudens die bepalinge van subartikel (3), nie stemreg by enige vergadering van daardie komitee nie.

(3) Die Minister kan, op aanbeveling van die voorsitter van die Raad, ten opsigte van 'n bepaalde persoon wat ingevolge die bepalinge van subartikel (1) gekoöpteer 55 is, gelas dat daardie persoon toegelaat word om te stem—

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Constitution of Toll Roads Committee

7. (1) The Toll Roads Committee shall consist of—
- (a) a chairman appointed by the Minister out of the members of the Board referred to in section 3 (1) (b);
 - 5 (b) a member of the Board, other than a member referred to in section 3 (1) (a) or (b), designated by the Board; and
 - (c) not more than three other persons co-opted under the provisions of section 10 as members of the Toll Roads Committee and who shall be persons who, in the opinion of the Board, possess wide experience of, and have shown ability in relation to, the adaptation of roads as toll roads and the operation of such toll roads, or transport, commerce or finance: Provided that at least
 - 10 two of the persons so co-opted shall be persons who are not in the service of the State.
- (2) Persons co-opted under section 10, as contemplated in subsection (1) (c), as
- 15 members of the Toll Roads Committee shall, notwithstanding the provisions of section 10 (1), be so co-opted for a period not exceeding four years.

Functions of Toll Roads Committee

8. The Toll Roads Committee shall—
- (a) exercise the powers and perform the functions and duties delegated or
 - 20 assigned to it by the Board in terms of section 9 (3);
 - (b) monitor the execution of concession agreements concluded in terms of section 9A of the National Roads Act, 1971 (Act No. 54 of 1971); and
 - (c) in exercising its powers and performing its functions and duties also take
 - 25 into consideration the effect which the erection of any toll gate as contemplated in section 9 of the National Roads Act, 1971, will have on the transport of persons residing within a radius of 20 kilometres from such toll gate.

Committees of Board

9. (1) The Board may establish committees to assist it in the performance of its
- 30 functions and duties and may from among its members appoint such persons as members of any such committee as it may deem fit.
- (2) The Board shall designate one of the members of a committee established under subsection (1) as the chairman thereof.
- (3) The Board may delegate or assign, subject to such conditions as it may deem
- 35 fit, to any committee established under subsection (1) or to the Toll Roads Committee, any of its powers, functions or duties, but shall not be divested of any power, function or duty so delegated or assigned and may amend or withdraw any decision made by such committee in the exercise of a power or the performance of a function or duty so delegated or assigned.

40 Co-option of persons as members of committees

10. (1) A committee may, after having obtained the consent of the Board, co-opt any person—
- (a) to serve on that committee for such period as the committee may determine; or
 - 45 (b) to attend a particular meeting of the committee; or
 - (c) to take part in the consideration by the committee of a particular matter at a particular meeting of the committee.
- (2) A person co-opted in terms of the provisions of subsection (1), shall serve on the committee in question or attend the relevant meeting of the committee, as the
- 50 case may be, in an advisory capacity and shall, subject to the provisions of subsection (3), not be entitled to vote at any meeting of that committee.
- (3) The Minister may, on the recommendation of the chairman of the Board, direct, in respect of a particular person co-opted in terms of the provisions of subsection (1), that that person be allowed to vote—

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- (a) by alle vergaderings van die betrokke komitee gedurende die tydperk wat die Minister in die lasgewing bepaal; of
 - (b) by 'n bepaalde vergadering van die betrokke komitee wat die Minister aldus bepaal,
- en kan te eniger tyd so 'n lasgewing wysig of intrek. 5

Persone wat onbevoeg is vir lidmaatskap van Raad of komitee, ontruiming van amp en vul van vakatures

11. (1) Niemand word as 'n lid van die Raad of van 'n komitee aangestel of as 'n lid van 'n komitee gekoöpteer nie indien hy—

- (a) 'n ongerehabiliteerde insolvent is; 10
 - (b) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens twaalf maande, tensy amnestie of algehele gracie aan hom toegestaan is, of tensy die tydperk van sodanige gevangenisstraf minstens vyf jaar voor die datum van sy aanstelling of koöptering verstryk het; of 15
 - (c) in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is.
- (2) 'n Lid van die Raad of van 'n komitee ontruim sy amp indien hy—
- (a) onderworpe word aan 'n onbevoegdheid in subartikel (1) genoem;
 - (b) skriftelik sy bedanking as lid, in die geval van die Raad, by die Minister, of, in die geval van 'n komitee, by die voorsitter van dié komitee, indien; 20
 - (c) in die geval van 'n lid van die Raad, sonder verlof van die Raad of, in die geval van 'n lid van 'n komitee, sonder verlof van dié komitee, afwesig is van drie agtereenvolgende vergaderings van die Raad of dié komitee, na gelang van die geval; of
 - (d) kragtens subartikel (3) van sy amp onthef word. 25
- (3) 'n Lid van die Raad of van 'n komitee kan te eniger tyd deur die Minister van sy amp onthef word indien so 'n lid—
- (a) versuim het om aan 'n voorwaarde van sy aanstelling te voldoen;
 - (b) na die oordeel van die Minister hom skuldig gemaak het aan onbehoorlike gedrag; 30
 - (c) na die oordeel van die Minister nie in staat is om sy pligte as so 'n lid doeltreffend te verrig nie; of
 - (d) volgens die bevinding van die Minister 'n bepaling van artikel 14 oortree het.
- (4) 'n Vakature in die Raad of in 'n komitee wat ontstaan as gevolg van 'n 35 omstandigheid in subartikel (2) van hierdie artikel beoog en so 'n vakature wat ontstaan as gevolg van die dood van 'n lid, word gevul deur die aanstelling, in die geval van so 'n vakature in die Raad, deur die Minister of, in die geval van so 'n vakature in 'n komitee, deur die Raad, behoudens die bepalinge van artikels 3 en 9 en van subartikel (1) van hierdie artikel, van iemand anders as 'n lid van die Raad 40 of, na gelang van die geval, van die betrokke komitee, en elke lid wat aldus aangestel word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel was.

Waarnemende voorsitter

12. Indien die voorsitter van die Raad of van 'n komitee nie 'n vergadering van die Raad of van die betrokke komitee, na gelang van die geval, kan bywoon nie, kan hy 'n ander lid van die Raad of van die komitee, na gelang van die geval, as waarnemende voorsitter vir die doeleindes van daardie vergadering aanwys.

Vergaderings van Raad en van komitees

13. (1) Die Raad of 'n komitee hou vergaderings op die tye en plekke wat van tyd 50 tot tyd bepaal word deur die voorsitter van die Raad of van die betrokke komitee, na gelang van die geval, of, in sy afwesigheid, deur die betrokke waarnemende voorsitter wat ingevolge artikel 12 aangewys is.

(2) Die voorsitter of ingevolge artikel 12 aangewese waarnemende voorsitter sit voor by elke vergadering van die Raad of van die betrokke komitee, na gelang van 55 die geval, wat hy moet bywoon, en indien nóg die voorsitter nóg die betrokke

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- (a) at all meetings of the committee in question during such period as the Minister may determine in the direction; or
- (b) at a particular meeting, so determined by the Minister, of the committee in question,

5 and may at any time amend or withdraw such direction.

Persons disqualified from membership of Board or committee, vacation of office and filling of vacancies

11. (1) No person shall be appointed as a member of the Board or of a committee or be co-opted as a member of a committee if he—
- 10 (a) is an unrehabilitated insolvent;
 - (b) has at any time been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine for a period of not less than twelve months, unless he has received a grant of amnesty or a free pardon, or unless the period of such imprisonment expired at least five
 - 15 years before the date of his appointment or co-option; or
 - (c) is of unsound mind, and has been so declared by a competent court.
- (2) A member of the Board or of a committee shall vacate his office if he—
- (a) becomes subject to any disqualification mentioned in subsection (1);
 - 20 (b) in writing tenders his resignation as a member, in the case of the Board, to the Minister, or, in the case of a committee, to the chairman of such committee;
 - (c) has been absent without the leave of the Board, in the case of a member of the Board, or without the leave of the committee in question, in the case of a member of a committee, from three consecutive meetings of the Board or
 - 25 such committee, as the case may be; or
 - (d) is relieved of his office under subsection (3).
- (3) A member of the Board or of a committee may at any time be relieved of his office by the Minister if such a member—
- (a) has failed to comply with a condition of his appointment;
 - 30 (b) has, in the opinion of the Minister, been guilty of improper conduct;
 - (c) is, in the opinion of the Minister, unable to perform efficiently his duties as such a member; or
 - (d) is found by the Minister to have contravened a provision of section 14.
- (4) Any vacancy on the Board or on a committee arising from a circumstance
- 35 referred to in subsection (2) of this section and any such vacancy caused by the death of a member, shall be filled by the appointment, in the case of such a vacancy on the Board, by the Minister, or, in the case of such a vacancy on a committee, by the Board, subject to the provisions of sections 3 and 9 and of subsection (1) of this section, of another person as a member of the Board or of the committee in question,
- 40 as the case may be, and every member so appointed shall hold office for the unexpired portion of the period for which the vacating member was appointed.

Acting chairman

12. If the chairman of the Board or of a committee cannot attend any meeting of the Board or of the committee in question, as the case may be, he may designate any
- 45 other member of the Board or of the committee, as the case may be, as acting chairman for the purposes of such meeting.

Meetings of Board and of committees

13. (1) The Board or a committee shall hold meetings at such times and places as may from time to time be determined by the chairman of the Board or of the
- 50 committee in question, as the case may be, or, in his absence, by the acting chairman concerned who has been designated in terms of section 12.
- (2) The chairman or any acting chairman designated in terms of section 12 shall preside at every meeting of the Board or of the committee in question, as the case may be, which he is required to attend, and if neither the chairman nor the acting

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waarnemende voorsitter 'n vergadering kan bywoon, moet die waarnemende voorsitter een van die ander lede van die Raad of van die betrokke komitee, na gelang van die geval, aanwys om by daardie vergadering voor te sit.

(3) Die kworum vir 'n vergadering van die Raad is vyf lede daarvan: Met dien verstande dat minstens—

- (a) twee van die lede wat ingevolge die bepalings van artikel 3 (1) (a) en (b) aangestel is; en
- (b) twee van die lede wat ingevolge die bepalings van artikel 3 (1) (e) aangestel is,

by die vergadering teenwoordig moet wees.

(4) Die kworum vir 'n vergadering van die Tolpadkomitee is drie lede daarvan: Met dien verstande dat twee lede van die Tolpadkomitee wat ook lede van die Raad is by die vergadering teenwoordig moet wees.

(5) Die kworum vir 'n vergadering van 'n komitee, uitgesonderd die Tolpadkomitee, is die meerderheid van sy lede.

(6) 'n Besluit van die meerderheid van die lede wat op 'n vergadering van die Raad aanwesig is en 'n besluit van die meerderheid van die stemgeregtigde lede wat op 'n vergadering van 'n komitee aanwesig is, is die besluit van die Raad of die betrokke komitee, na gelang van die geval, en in die geval van 'n staking van stemme het die persoon wat op die vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem.

(7) 'n Besluit van 'n komitee word geag 'n besluit van die Raad te wees, behalwe vir sover die Raad anders gelas.

(8) 'n Komitee het nie die bevoegdheid om 'n besluit van die Raad te wysig of tersyde te stel nie.

(9) Sowel die Raad as 'n komitee moet notule laat hou van die verrigtinge van elke vergadering daarvan.

Onpartydigheid en geldigheid van besluite

14. (1) Indien—

- (a) 'n lid van die Raad of van 'n komitee (met inbegrip, in die geval van 'n komitee, van 'n gekoöpteerde lid) in sy persoonlike hoedanigheid;
- (b) enige naverwante familiebetrekking van so 'n lid; of
- (c) enige persoon of liggaam wat deur so 'n lid verteenwoordig word, enige direkte of indirekte geldelike belang het by 'n saak wat by 'n vergadering van die Raad of die betrokke komitee behandel staan te word, mag daardie lid nie—
 - (i) daardie vergadering bywoon nie;
 - (ii) op enige ander wyse deelneem aan die behandeling van die saak deur die Raad of die betrokke komitee, na gelang van die geval, nie; of
 - (iii) op enige wyse poog om die mening of stem van enige ander lid van die Raad of die betrokke komitee, na gelang van die geval, in verband met die saak te beïnvloed nie;

Met dien verstande dat die bepalings van paragraaf (c) nie so uitgelê word dat dit ook betrekking het op die verteenwoordigende hoedanigheid van 'n lid met betrekking tot enige instelling, owerheid, sektor of Staatsdepartement beoog in artikel 3 (1) nie.

(2) Geen besluit deur die Raad of 'n komitee geneem of handeling op gesag van die Raad of 'n komitee verrig, is bloot vanweë 'n tydelike vakature in die Raad of so 'n komitee of vanweë die feit dat iemand wat nie geregtig was om as 'n lid van die Raad of so 'n komitee sitting te neem of om 'n vergadering van die Raad of so 'n komitee by te woon nie, as 'n lid sitting geneem het of bedoelde vergadering bygewoon het op die tydstip waarop die besluit geneem of die handeling gemagtig is, ongeldig nie indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die Raad of die betrokke komitee, na gelang van die geval, wat toe aanwesig was en geregtig was om as lede sitting te neem of om die vergadering by te woon.

Besoldiging en toelaes van lede van Raad en van komitees

15. (1) Behoudens die bepalings van subartikel (2) word aan 'n lid van die Raad of van 'n komitee uit die Nasionale Padfonds die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Finansies in elke geval bepaal.

(2) Aan 'n lid van die Raad of van 'n komitee wat 'n persoon in die diens van die Staat is, mag daar nie ten opsigte van die dienste deur hom gelewer as voorsitter,

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chairman concerned is able to attend a meeting, the acting chairman concerned shall designate one of the other members of the Board or of the committee in question, as the case may be, to preside at that meeting.

(3) The quorum for a meeting of the Board shall be five of the members thereof: 5 Provided that at least—

(a) two of the members appointed in terms of the provisions of section 3 (1) (a) and (b); and

(b) two of the members appointed in terms of the provisions of section 3 (1) (e), shall be present at the meeting.

10 (4) The quorum for a meeting of the Toll Roads Committee shall be three of the members thereof: Provided that two members of the Toll Roads Committee who are also members of the Board shall be present at the meeting.

(5) The quorum for a meeting of a committee, other than the Toll Roads Committee, shall be the majority of its members.

15 (6) A decision of the majority of the members present at any meeting of the Board and a decision of the majority of the members entitled to vote who are present at any meeting of a committee, shall be the decision of the Board or the committee in question, as the case may be, and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

20 (7) A decision of a committee shall be deemed to be a decision of the Board, save in so far as the Board may otherwise direct.

(8) A committee shall not have the power to amend or set aside any decision of the Board.

(9) The Board as well as any committee shall cause minutes to be kept of every 25 meeting thereof.

Impartiality and validity of decisions

14. (1) If—

(a) a member of the Board or of a committee (including, in the case of a committee, a co-opted member), in his personal capacity;

30 (b) any near relation of such a member; or

(c) any person who or body which is represented by such a member, has any direct or indirect financial interest in any matter to be dealt with at any meeting of the Board or the committee in question, such member shall not—

(i) attend that meeting;

35 (ii) in any other manner take part in the consideration of such matter by the Board or the committee in question, as the case may be; or

(iii) in any manner endeavour to influence the opinion or vote of any other member of the Board or the committee in question, as the case may be, in connection with the said matter:

40 Provided that the provisions of paragraph (c) shall not be construed as also relating to the representative capacity of any member in relation to any institution, authority, sector or department of State envisaged in section 3 (1).

(2) No decision taken by the Board or a committee or act performed under authority of the Board or a committee shall be invalid by reason only of an interim 45 vacancy on the Board or such a committee, or of the fact that a person who was not entitled to sit as a member of the Board or such a committee or to attend any meeting of the Board or such a committee, sat as a member or attended such meeting at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the Board or 50 the committee in question, as the case may be, who were present at the time and entitled to sit as members or to attend the meeting.

Remuneration and allowances of members of Board and of committees

15. (1) Subject to the provisions of subsection (2), a member of the Board or of a committee shall be paid such remuneration and allowances from the National Road 55 Fund as may in each case be determined by the Minister with the concurrence of the Minister of Finance.

(2) A member of the Board or of a committee who is a person in the service of the State shall not, in respect of the services rendered by him as chairman, acting

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waarnemende voorsitter of lid van die Raad of van 'n komitee besoldiging betaal word bo en behalwe sy salaris as persoon in die diens van die Staat nie, en daar mag ook nie aan so 'n lid 'n toelae ten opsigte van verblyfkoste of reiskoste betaal word teen 'n hoër skaal as dié wat op hom, as persoon in die diens van die Staat, van toepassing is nie.

(3) Aan 'n persoon wat ingevolge die bepalings van artikel 10 as 'n lid van 'n komitee gekoöpteer is en wat nie heeltyds in die diens van die Staat is nie, kan daar ten opsigte van sy dienste as so 'n gekoöpteerde lid en uitgawes in verband met sodanige dienslewering deur hom aangegaan, uit die Nasionale Padfonds dié besoldiging (as daar is) en toelaes betaal word wat die Minister met die instemming van die Minister van Finansies in die algemeen ten opsigte van aldus gekoöpteerde persone of ten opsigte van 'n bepaalde aldus gekoöpteerde persoon van tyd tot tyd bepaal.

Sekretariële werk van Raad en komitees

16. (1) Die sekretariële werk verbonde aan die verrigting van sy werksaamhede en pligte deur die Raad of 'n komitee word, onderworpe aan die beheer en voorskrifte van die Direkteur-generaal, verrig deur beamptes of werknemers in die Departement wat vir dié doel deur die Direkteur-generaal aangewys word.

(2) Alle uitvoerende en administratiewe werk wat voortspruit uit die verrigting deur die Raad of 'n komitee van sy werksaamhede en pligte, word deur die Departement onderneem.

Finansiering en verrekening

17. (1) Uitgawes deur die Raad of 'n komitee by die uitoefening van sy bevoegdthede en die verrigting van sy werksaamhede en pligte aangegaan, word bestry uit geld deur die Minister uit die Nasionale Padfonds beskikbaar gestel.

(2) Daar word op die tye wat deur die Minister met die instemming van die Minister van Finansies bepaal word, uit die Nasionale Padfonds in die Staatsinkomstefonds die bedrae gestort wat aldus bepaal word as verhaalbare bedrae ten opsigte van—

- (a) besoldiging wat die Staat betaal aan 'n lid van die staatsdiens in daardie hoedanigheid, wat 'n lid van die Raad of van 'n komitee is of wat as 'n lid van 'n komitee gekoöpteer is en wat, na die oordeel van die Minister, al sy tyd of 'n aansienlike deel van sy tyd aan sy werksaamhede in laasgenoemde hoedanigheid bestee;
- (b) bydraes wat die Staat betaal aan 'n pensioen- of voorsorgfonds ten opsigte van 'n lid van die staatsdiens in daardie hoedanigheid, wat 'n lid van die Raad of van 'n komitee is en wat, na die oordeel van die Minister, al sy tyd of 'n aansienlike deel van sy tyd aan sy werksaamhede in laasgenoemde hoedanigheid bestee;
- (c) uitgawe aan Staatsgeld wat die toepassing van die bepalings van artikel 16 meebring.

Jaarverslag

18. (1) Die Raad moet so gou doenlik ná 31 Maart van elke jaar maar nie later nie as 31 Desember van daardie jaar aan die Minister 'n verslag (hieronder die jaarverslag genoem) voorlê waarin besonderhede verstrek word aangaande die werksaamhede van die Raad en van elke komitee gedurende die jaar wat op eersgenoemde datum geëindig het.

(2) Die Raad moet in die jaarverslag uitdruklik melding maak van enige aangeleentheid in verband waarmee daar nie ooreenkomstig 'n aanbeveling wat die Raad of 'n komitee gedurende die betrokke jaar aan die Minister gedoen het, gehandel is nie.

(3) Die Minister moet 'n afskrif van die jaarverslag binne dertig dae nadat hy dit ontvang het in die Parlement ter Tafel lê indien die Parlement dan byeen is, of, indien die Parlement dan nie byeen is nie, binne dertig dae na die aanvang van sy eersvolgende sessie.

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chairman or a member of the Board or of a committee, be paid any remuneration in addition to his salary as a person in the service of the State, nor shall such member be paid any allowance in respect of subsistence or transport costs at a rate higher than that applicable to him as a person in the service of the State.

- 5 (3) A person who is co-opted in terms of the provisions of section 10 as a member of a committee and who is not in the full-time service of the State may, in respect of his services as such a co-opted member and expenditure incurred by him in connection with the rendering of such services, be paid such remuneration (if any) and allowances from the National Road Fund as the Minister may, with the
10 concurrence of the Minister of Finance, from time to time determine generally in respect of such co-opted persons or in respect of a particular person so co-opted.

Secretarial work of Board and committees

16. (1) The secretarial work incidental to the performance by the Board or a committee of its functions and duties shall be performed, subject to the control and
15 directions of the Director-General, by such officers or employees in the Department as may be designated for that purpose by the Director-General.

(2) All executive and administrative work arising out of the performance by the Board or a committee of its functions and duties, shall be undertaken by the Department.

20 Financing and adjustment

17. (1) Expenditure incurred by the Board or a committee in the exercise of its powers and the performance of its functions and duties, shall be defrayed from moneys made available from the National Road Fund by the Minister.

- (2) There shall be paid from the National Road Fund into the State Revenue
25 Fund, at such times as may be determined by the Minister with the concurrence of the Minister of Finance, such amounts as may be so determined as recoverable amounts in respect of—

- (a) remuneration paid by the State to a member of the public service in that capacity, who is a member of the Board or of a committee or who is
30 co-opted as a member of a committee and who, in the opinion of the Minister, devotes the whole or a substantial portion of his time to his functions in the latter capacity;
- (b) contributions paid by the State to a pension or provident fund in respect of a member of the public service in that capacity, who is a member of the
35 Board or of a committee and who, in the opinion of the Minister, devotes the whole or a substantial portion of his time to his functions in the latter capacity;
- (c) expenditure of State money occasioned by the application of the provisions of section 16.

40 Annual report

18. (1) The Board shall as soon as practicable after 31 March of each year but not later than 31 December of that year submit to the Minister a report (hereinafter referred to as the annual report) giving particulars regarding the activities of the Board and of each committee during the year which has ended on the first-
45 mentioned date.

(2) The Board shall in the annual report make specific mention of any matter in connection with which any recommendation made by the Board or a committee to the Minister during the relevant year was not acted upon.

- (3) The Minister shall lay a copy of the annual report upon the Table in Parliament
50 within thirty days after it has been received by him if Parliament is then in session, or, if Parliament is not then in session, within thirty days after the commencement of its next ensuing session.

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Short title and commencement

19. (1) This Act shall be called the South African Roads Board Act, 1988, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

- 5 (2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

