



Government Gazette Iphephandaba Lezaziso Likahulumeni

REPUBLIC OF SOUTH AFRICA
IRIPHABILIKI YASENINGIZIMU AFRIKA

Vol. 437 Cape Town,
Ekapa,

29 November 2001
Novemba 2001

No. 22875

THE PRESIDENCY

No. 1252 29 November 2001

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

No. 31 of 2001: National Land Transport Transition Amendment Act, 2001.

IHHOVISI LIKAMONGAMELI

Ino. 1252 29 Novemba 2001

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile lo mthetho nosewuzoshicilelelwa umphakathi:—

Ino. 31 ka 2001: isiChibiyelo soMethetho wokuGuqula ezoku-Thutha eMgaqweni kuZwelonke, ka-2001.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

Act No. 31, 2001

NATIONAL LAND TRANSPORT TRANSITION
AMENDMENT ACT, 2001

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 22 November 2001.)

ACT

To amend the National Land Transport Transition Act, 2000, so as to substitute certain definitions; to make certain textual alterations; to make provision for vehicles imported or built by registered importers or builders to be used in terms of the Act; to make provision for subsidised service contracts to be concluded despite the absence of transport plans; to allow extensions of contracts to be concluded while preparations are being made for the tender process with a view to a subsidised service contract; to enable municipal and parastatal operators to use money made available under the Act for interim contracts, current tendered contracts and extensions of contracts; to allow the board to exercise certain powers under the Road Transportation Act, 1977, subject to replacing provincial laws; to provide for remuneration of members of public transport licencing boards and quorums for meetings thereof unless provincial legislation prescribes otherwise; to further regulate the registration of members of minibus taxi associations; to repeal two provisions relating to certain definitions in road traffic legislation; to validate certain subsidised service contracts and actions; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 22 of 2000

1. Section 1 of the National Land Transport Transition Act, 2000 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “contracting authority” of the following definition:

“ ‘contracting authority’ means the Department, any provincial department, transport authority, [designated] municipality [and] or any core city, bound to a contract or concession agreement concluded with a public transport operator;”;

5

10

INCAZELO EJWAYELEKILE:

- [] Amagama abhalwe ngokugqamile akokeleziwe asho amagama asilele emithethweni esebenzayo.
- Amagama adwetshelwe ngomugqa asho okujotshelwe emithethweni esebenzayo.

(English text signed by the President.)
(Assented to 22 November 2001.)

UMTHETHO

Ukuchibiyela uMthetho wokuGuqula ezokuThutha eMgaqweni kuZwelonke ka-2000, ukuze kujotshelwe izincazelo ezithile; ukuze kwenziwe izinguquko ezithile; ukuhlinzekela izithuthi ezivela kwamanye amazwe noma ezakhiwe ngabazithenga kwamanye amazwe noma abazakhayo ukuze zisetshenziswe ngokulandela uMthetho; ukuhlinzekela izivumelwano zokwenza imisebenzi exhasiwe noma izinhlelo zokuthutha zingakenziwa; ukuvumela ukwelula isikhathi sezivumelwano ezizokwenziwa kusenziwa amalungiselelo mayelana nenqubo yokufaka izilinganiso zokwenza umsebenzi (*amathenda*) ukuze kwenziwe izivumelwano zokwenza imisebenzi exhasiwe; ukuvumela abakomasipala nezinhlangano ezixhaswa nguhulumeni ukusebenzisa izimali ezikhona ngaphansi koMthetho mayelana nezivumelwano zesikhashana, izivumelwano zokwenza imisebenzi ezikhona okwamanje kanye nokwelulwa kwesikhathi sezivumelwano; ukuvumela ibhodi ukuba lisebenzise amandla athile ngaphansi koMthetho wezokuThutha eMgaqweni ka-1997, kweyame ekufakeni imithetho yesifundazwe emisha; ukuhlinzekela ukuholela amalunga ebhodi elikhipha amalayisense okuthutha umphakathi kanye nokuhlinzekela inani elivumelekile lokubamba umhlangano ngaphandle uma umthetho wesifundazwe usho okunye; ukulawula futhi ukubhaliswa kwamalunga ezinhlangano zamatekisi; ukuchitha izimiso ezimbili eziphathelele nencazelo ethile mayelana nomthetho wezithuthi emgaqweni; ukugunyaza izivumelwano zokwenza imisebenzi exhasiwe nemisebenzi ethile; kanye nokuhlinzekela izindaba eziphathelele nalokho.

MAWUMISWE yiPhalamende leRiphabhliki yaseNingizimu Afrika kanje:—

Ukuchibiyela isigaba 1 soMthetho 22 ka-2000

1. Isigaba 1 soMthetho wokuGuqula ezokuThutha eMgaqweni kuZwelonke ka-2000 (emva kwalokhu ozokwaziwa ngokuthi uMthetho omkhulu) lapha uyachitshiyelwa— 5
- (a) ngokufaka esikhundleni sencazelo “isiphathimandla esenza isivumelwano” encazelweni elandelayo:
- “‘isiphathimandla esenza isivumelwano’ sisho uMnyango, noma yimuphi umnyango wesifundazwe, isiphathi-mandla sezokuthutha, umasipala [okhonjiwe] [kanye] noma yiliphi idolobha elimqoka, elenze isivumelwano sokwenza umsebenzi noma isivumelwano esiguquliwe esenziwe nomthuthi womphakathi,”;
- 10

Act No. 31, 2001

NATIONAL LAND TRANSPORT TRANSITION
AMENDMENT ACT, 2001

- (b) by the substitution in the definition of “current tendered contract” for paragraph (b) of the following paragraph:
 “(b) public transport operator and a transport authority or a **[designated]** municipality or a core city to which the province, after the date of commencement of this Act—
 (i) may have assigned its rights and obligations; or
 (ii) as the case may be, may have further assigned the rights and obligations assigned to it by the Department in terms of paragraph (a);”;
- (c) by the substitution for the definition of “long-distance service” of the following definition:
 “‘long-distance service’ means a scheduled or unscheduled public transport service **[operated by road]**, other than a service for commuting, that is provided beyond the boundary of the area covered by a transport plan, where passengers are charged fares individually;”;
- (d) by the substitution for the definition of “planning authority” of the following definition:
 “‘planning authority’ means **[any body which, in terms of section 20, has to prepare transport plans for its area]** a transport authority, a core city or any municipality whose jurisdictional area has not been included wholly or partly in a transport area or a MTA in respect of its jurisdictional area or the parts thereof that have not been so included, as the case may be;”;
- (e) by the substitution for the definition of “registered manufacturer” of the following definition:
 “‘registered manufacturer’ means a manufacturer, importer or builder of motor vehicles registered under section 5 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);”.

Amendment of section 30 of Act 22 of 2000

2. Section 30 of the principal Act is hereby amended—
- (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 “(3) The functions of a board are to receive, consider and decide on or otherwise dispose of, in accordance with this Act and relevant provincial laws, subject to sections 90 and 94—”; and
- (b) by the substitution in subsection (3) for paragraph (d) of the following paragraph:
 “(d) applications for the renewal, amendment or transfer of operating licences that had been so granted by it for interprovincial transport, subject to the approval of the relevant board of the other province, or of every other province, in which passengers are picked up or set down, as the case may be, but subject to subsection [(3)] (5).”.

Amendment of section 47 of Act 22 of 2000

3. Section 47 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
 “(1) After the expiry of any interim contract or current tendered contract or any extension thereof, whether provided for in such contract or negotiated, if the public transport service that had been operated in terms thereof will continue to be subsidised, that service must be operated in terms of a subsidised service contract.”;
- (b) by the substitution in subsection (3) for paragraph (f) of the following paragraph:
 “(f) the public transport operator concerned may not for a period of such negotiated contract calculated as 80 per cent of that period, beginning on the date of commencement thereof, be party to any **[other current**

- (b) ngokufaka encazelweni “isivumelwano esikhona okwamanje” mayelana nendima (b) sendima elandelayo:
“(b) umthuthi womphakathi nesiphathimandla sezokuthutha noma umasipala [okhonjiwe] noma idolobha elimqoka isifundazwe, emva kokuqala ukusebenzi kwalo Mthetho— 5
- (i) esingase silinikeze amalungelo kanye nezibopho zaso; noma
- (ii) kube sekutheni yikuphi okuyikona, singase futhi silinikeze amalungelo noma izibopho esizinikezwe nguMnyango ngokulandela indima (a);”;
- (c) ngokufaka esikhundleni sencazelo “umsebenzi wamabanga amade” encazelweni elandelayo: 10
- “ ‘umsebenzi wamabanga amade’ usho umsebenzi wokuthutha umphakathi ohleliwe noma ongahleliwe [ngomgwaqo], ngale komsebenzi wokuthutha abantu, owenziwa ngaphandle komngcele wendawo engaphansi kohlelo lwezokuthutha, lapho abagibeli bekhokhiswa imali ngamunye;”;
- (d) ngokufaka esikhundleni sencazelo “isiphathimandla esihlelayo” encazelweni elandelayo: 15
- “ ‘isiphathimandla esihlelayo’ sisho [noma yisiphi isakhiwo ngokulandela isigaba 20 okufanele silungise izinhlelo zokuthutha endaweni yaso] isiphathimandla sezokuthutha, idolobha elimqoka noma yimuphi umasipala indawo ayengamele ingafakiwe ngokuphelele noma ingxenye yayo endaweni yokuthutha noma iMTA mayelana nendawo eyengamele noma izingxenye zayo zingafakiwe kanjalo, kube sekutheni yikuphi okuyikona;”;
- (e) ngokufaka esikhundleni sencazelo “umkhiqizi obhalisiwe” encazelweni elandelayo: 20
- “ ‘umkhiqizi obhalisiwe’ usho umkhiqizi noma othenga kwamanye amazwe noma umakhi wezimoto ezibhaliswe ngokulandela isigaba 5 soMthetho kaZwelonke wezokuThutha eMgaqweni ka-1996 (uMthetho nombolo 93 ka-1996);”.

Ukuchibiyela isigaba 30 soMthetho 22 ka-2000

2. Isigaba 30 soMthetho omkhulu lapha siyachitshiyelwa— 30
- (a) ngokufaka esigabeni esincane (3) endaweni yamagama aphambi kwendima (a) amagama alandelayo:
- “(3) Imisebenzi yebhodi ukwemukela, ukucubungula nokunquma noma ukuchitha, ngokuhambisana nalo Mthetho nemithetho yesifundazwe efanele, kweyame ezigabeni 90 no94—” futhi 35
- (b) ngokufaka esigabeni esincane (3) mayelana nendima (d) indima elandelayo:
- “(d) izicelo mayelana nokuvuselela, nokuchibiyela noma nokudlulisela amalaysense okusebenza anikezwe ngaleyo ndlela mayelana nokuthutha phakathi kwezifundazwe, kweyame ekugunyazweni yibhodi elifanele lesinye isifundazwe, noma laleso naleso sifundazwe, lapho abagibeli becoshwa khona noma behliswa khona, kube sekutheni yikuphi okuyikona, kodwa kweyame esigabeni esincane [(3)(5)].”.

Ukuchibiyela isigaba 47 soMthetho 22 ka-2000

3. Isigaba 47 soMthetho omkhulu lapha siyachitshiyelwa— 45
- (a) ngokufaka esikhundleni esigabeni esincane (1) esigabeni esincane esilandelayo:
- “(1) Emva kokuphela kwanoma yisiphi isivumelwano sesikhashana noma isivumelwano esikhona okwamanje noma yikuphi ukwelula kwaso, noma kuhlizekelwe kuleso sivumelwano noma kuxoxiswene, uma umsebenzi wokuthutha umphakathi bewenziwa ngokulandela sona uyoqhubeka uxhaswe, lowo msebenzi kumele wenziwe ngokulandela isivumelwano sokwenza umsebenzi oxhasiwe.”;
- (b) ngokufaka esigabeni esincane (3) mayelana nendima (f) endimeni elandelayo: 50
- “(f) umthuthi womphakathi othintekayo akayuvunyelwa ngesikhathi saleso sivumelwano okuvunyelwane ngaso esibalwe njengama-80% aleso sikhathi, kusukela osukwini lokuqala ukusebenza kwaso, ukuba abe yingxenye yanoma [yisiphi esinye isivumelwano sokwenza umsebenzi esikhona noma] isivumelwano sokwenza umsebenzi

tendered contract or] subsidised service contract, [or another contract negotiated under this subsection]; and”.

Amendment of section 49 of Act 22 of 2000

4. Section 49 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Subject to section 47(3), no moneys made available for the purposes of this Act may be used in connection with the operation of a public transport service by a municipal transport operator or parastatal transport operator otherwise than in accordance with a commercial service contract, **[or] a subsidised service contract, an interim contract or a current tendered contract, or a negotiated contract contemplated in section 47(3).**”.

Amendment of section 77 of Act 22 of 2000

5. Section 77 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsections:

“(1A) The MEC must appoint such members and determine their conditions of service.

(1B) Such members receive the remuneration determined by the MEC with the agreement of the member of the executive council responsible for finance in the province.

(1C) The MEC must appoint a chairperson for the board.

(1D) The MEC must, before appointing any member to the board, publish a notice of intention to do so, and invite applications for membership in at least one newspaper circulating in the province.”.

Amendment of section 78 of Act 22 of 2000

6. Section 78 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

“Powers and duties of board”;

(b) by the addition of the following subsections:

“(5) Subject to any replacing provincial laws—

(a) for the purpose of dealing with a matter before it in terms of this Act, the board may exercise the powers contemplated in section 9 of the Road Transportation Act, 1977 (Act No. 74 of 1977), with the changes required by the context;

(b) the board or an official contemplated in section 20(5) of the Road Transportation Act, 1977, may consider and grant or refuse applications for temporary permits contemplated in section 20 of that Act, or operating licences or other authorisations for special events in terms of replacing provincial laws if, in the case of such an official, that official places a record of actions taken by him or her in terms of this paragraph before the board at its next meeting for the board’s ratification;

(c) the board may withdraw, suspend or vary a permit or operating licence in the circumstances contemplated in section 25(1)(a) of the Road Transportation Act, 1977, which applies with the changes required by the context.

(6) (a) A decision of a majority of members of the board present at a meeting constitutes the decision of the board.

(b) In the event of an equality of votes on any matter, the person presiding at the meeting has a casting vote in addition to his or her deliberative ordinary vote, unless the MEC prescribes alternative arrangements.”.

esixhasiwe, [noma esinye isivumelwano okuvunyelwene ngaso ngokulandela lesi sigaba esincane]; futhi”.

Ukuchibiyela isigaba 49 soMthetho 22 ka-2000

4. Isigaba 49 soMthetho omkhulu lapha siyachitshiyelwa ngokufaka esikhundleni esigabeni esincane (3) esigabeni esincane esilandelayo:

“(3) kweyame esigabeni 47(3), akukho zimali ezikhishwe mayelana nenhloso yalo Mthetho ezingasetshenziswa mayelana nokwenziwa komsebenzi wokuthutha umphakathi ngumthuthi kamasipala noma umthuthi oxhaswe nguhulumeni ngaphandle uma ehambisana nesivumelwano sokwenza umsebenzi wokuhweba, [noma] isivumelwano sokwenza umsebenzi oxhasiwe, isivumelwano sesikhashana noma isivumelwano esikhona okwamanje, noma isivumelwano okuvunyelwene ngaso esihlongozwe esigabeni 47(3).”.

Ukuchibiyela isigaba 77 soMthetho 22 ka-2000

5. Isigaba 77 soMthetho omkhulu lapha siyachitshiyelwa ngokujobelela emva kwesigaba esincane (1) esigabeni esincane esilandelayo:

“(1A) ILunga loMkhandlu oLawulayo kumele liqoke lawo malunga futhi linqume izimo zokusebenza.

(1B) Lawo malunga ayothola amaholo anqunywe yiLunga loMkhandlu oLawulayo ngokuvumelana nelunga lomkhandlu olawulayo elibhekele izimali esifundazweni.

(1C) ILunga loMkhandlu oLawulayo kumele liqoke uSihlalo webhodi.

(1D) ILunga loMkhandlu oLawulayo, ngaphambi kokuqokela noma yiliphi ilunga eBhodini, kumele likhiphi isaziso okungenani ephaphandabeni elilodwa elifundwa esifundazweni esichaza inhloso yokwenza lokho, limema izicelo zobulunga”.

Ukuchibiyela isigaba 78 soMthetho 22 ka-2000

6. Isigaba 78 soMthetho omkhulu lapha siyachitshiyelwa—

(a) ngokufaka esikhundleni sesihloko esihlokweni esilandelayo:

“**Amandla nemisebenzi yebhodi**”;

(b) ngokwengeza izigaba ezincane ezilandelayo:

“(5) kweyame kunoma yikuphi ukufaka kwemithetho yesifundazwe emisha -

(a) mayelana nenhloso yokubhekana nodaba oluphambi kwalo ngokulandela lo Mthetho, ibhodi lingasebenzisa amandla ahlolongozwe esigabeni 9 soMthetho wokuThutha eMgaqweni ka-1977 (uMthetho nombolo 74 ka-1977), kubhekelelwa izinguquko ezidingwa yisimo;

(b) ibhodi noma isiphathimandla esihlongozwe esigabeni 20(5) soMthetho wokuThutha eMgaqweni ka-1977 lingacubungula futhi linikeze noma lenqabe izicelo maqondana nezimvume zesikhashana ezihlongozwe esigabeni 20 salowo Mthetho, noma amalayisense okusebenza noma okunye ukugunyazwa mayelana nezimo eziphuthumayo ngokulandela imithetho efakiwe yesifundazwe emisha, uma kuyisiphathimandla, leso siphathimandla sithumele umbhalo oqoshwe phansi wezinyathelo esizithathile ngokulandela lesi sigaba emhlanganweni webhodi olandelayo ukuze zigunyazwe yibhodi;

(c) ibhodi lingahoxisa, limise noma liguqule imvume noma ilayisense lokusebenza ezimweni ezihlongozwe esigabeni 25(1)(a) zoMthetho wokuThutha eMgaqweni ka-1977, esisebenza mayelana nezinguquko ezidingwa yisimo.

(6)(a) Isinqumo seningi lamalunga ebhodi akhona emhlanganweni siyisinqumo sebhodi.

(b) Lapho amavoti elingana maqondana nanoma yiluphi udaba, umuntu owengamele umhlangano unevoti lokwehlulela ngaphezu kwevoti lakhe lokuqoka elijwayelekile, ngaphandle uma iLunga loMkhandlu oLawulayo limisa enye inqubo.”.

Amendment of section 112 of Act 22 of 2000

7. Section 112 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph (b)(i) of the following subparagraph:

- “(i) the new member—
- (aa) holds an appropriate operating licence or permit for each vehicle by means of which the member operates a public transport service or has applied for such an operating licence; and
 - (bb) operates the public transport service to which such an operating licence or permit relates, in compliance with the terms of, and conditions attached to, [the] every operating licence or permit which such member holds;

Amendment of section 113 of Act 22 of 2000

8. Section 113 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (d)(ii) of the following subparagraph:

- “(ii) operates the public transport service to which such an operating licence or permit relates, in compliance with the terms of, and conditions attached to, the operating licence or permit;

Amendment of section 130 of Act 22 of 2000

9. Section 130 of the principal Act is hereby amended by the substitution for the words preceding paragraph (g) of the following words:

“Section [104] 10A of the Urban Transport Act, 1977, is hereby amended by the addition after paragraph (f) of the following paragraph:”.

Repeal of sections 131 and 132 of Act 22 of 2000

10. Sections 131 and 132 of the principal Act are hereby repealed.

Amendment of section 134 of Act 22 of 2000

11. Section 134 of the principal Act is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

“(2) (a) Wherever this Act requires regard to be had to any transport plan, a board, contracting authority, transport authority, core city or municipality may proceed with the relevant matter, with the approval of the relevant MEC in consultation with the Minister, despite the fact that the relevant transport plan has not been prepared or has not been submitted for required approvals, or has not been published under section 29(1).

(b) The MEC may grant such approval either in general or in specific terms.

(c) The board, contracting authority, transport authority, core city or municipality must, however, have regard to any available transport planning or other matter which is relevant.

(3) A current public transport record prepared in terms of section 3 of the National Land Transport Interim Arrangements Act, 1998 (Act No. 45 of 1998), is deemed to be a current public transport record contemplated in section 23 of this Act until the latter has been prepared.

(4) Where this Act empowers the Minister or MEC to determine a date by which transport plans must be prepared, different dates may be so determined for different planning authorities, or different areas, and such dates may be extended.

(5) Until a board has been established for a province in terms of section 30(1)—

- (a) a local road transportation board established in terms of section 4 of the Road Transportation Act, 1977 (Act No. 74 of 1977), or a similar body established in terms of a replacing provincial law (in this section referred to as a “previous

Ukuchibiyela isigaba 112 soMthetho 22 ka-2000

7. Isigaba 112 soMthetho omkhulu lapha siyachitshiyelwa ngokufaka esigabeni esincane (3) mayelana nendima (b)(1) endimeni encane elandelayo:

“(i) ilunga elisha—

(aa) linelayisense elifanele lokusebenza noma imvume ngesithuthi ngasinye 5
ilunga eliyisebenzisa ukuthutha umphakathi noma lifake isicelo
sokuthola lelo layisense lokusebenza, futhi

(bb) lithutha umphakathi lelo layisense lokusebenza noma imvume
ephathelene nawo, ngokulandela imibandela kanye nemigomo
ehambisana nalelo nalelo layisense lokusebenza noma imvume lelo 10
lunga elinayo;”.

Ukuchibiyela isigaba 113 soMthetho 22 ka-2000

8. Isigaba 113 soMthetho omkhulu lapha siyachitshiyelwa ngokufaka esigabeni esincane (1) mayelana nendima (d)(ii) endimeni encane elandelayo:

“(ii) lithutha umphakathi leyo layisense lokusebenza noma imvume ephathelene 15
nawo, ngokulandela imibandela kanye nemigomo ehambisana nelayisense
lokusebenza noma imvume;”.

Ukuchibiyela isigaba 130 soMthetho 22 ka-2000

9. Isigaba 130 soMthetho omkhulu lapha siyachitshiyelwa ngokufaka esikhundleni mayelana namagama endulela indima (g) emagameni alandelayo: 20

“Isigaba [104] 10A soMthetho wokuThutha eNdaweni eyiDolobha ka-1977,
lapha siyachitshiyelwa ngokwengeza emva kwendima (f) endimeni elandelayo:”.

Ukuchitha izigaba 131 no-132 zoMthetho 22 ka-2000

10. Izigaba 131 no-132 zoMthetho omkhulu lapha ziyachithwa.

Ukuchibiyela isigaba 134 soMthetho 22 ka-2000

11. Isigaba 134 soMthetho omkhulu lapha siyachitshiyelwa ngokwengeza izigaba ezincane ezilandelayo, isigaba esikhona siguquka siba isigaba esincane (1):

“(2) (a) Lapho lo Mthetho udinga kubhekelelwe noma yiluphi uhlelo
lokuthutha, ibhodi, isiphathimandla esenza isivumelwano, isiphathimandla
sezokuthutha, idolobha elimqoka, noma umasipala angaqhubeka nodaba olufanele, 30
ngokugunyazwa yiLunga loMkhandlu oLawulayo elifanele ngokubonisana
noNgqongqoshe, noma uhlelo lokuthutha olufanele lungakenziwa noma
lungakathunyelelwa ukugunyazwa okudingekayo noma lungakamenezelwa
ngokulandela isigaba 29(1).

(b) Ilunga loMkhandlu oLawulayo lingenza lokho kugunyaza ngokujwayelekile 35
noma ngokuqonde ngqo.

(c) Ibhodi, isiphathimandla esenza isivumelwano, isiphathimandla sezoku-
thutha, idolobha elimqoka noma umasipala nokho, kufanele abhekelele yinoma
yikuphi ukuhlela kwezokuthutha okwenziwe noma olunye udaba olufanele.

(3) Umbhalo oqoshiwe wokuthutha umphakathi okhona olungiswe 40
ngokulandela isigaba 3 soMthetho kaZwelonke wamaLungiselelo esiKhashana
wezokuThutha eMgaqweni ka-1998 (UMthetho nombolo 45 ka-1998), uthathwa
njengombhalo oqoshiwe wokuthutha umphakathi okhona ohlongozwe esigabeni
23 salo Mthetho kuze kube owakamuva sewulungiswe.

(4) Lapho lo Mthetho ugunyaza uNgqongqoshe noma iLunga loMkhandlu 45
oLawulayo ukuba limise usuku olufanele izinhlelo zokuthutha ukuba zilungiswe
ngalo, izinsuku ezahlukeni zingamiselwa iziphathimandla zokuhlela ezahlukeni,
noma izindawo ezahlukeni, futhi lezo zinsuku zingelulwa.

(5) Kuze kube ibhodi selimisiwe esifundazweni ngokulandela isigaba 30(1)—

(a) ibhodi lendawo lezokuthutha ngomgwaqo elimiswe ngokulandela isigaba 4 50
soMthetho wezokuThutha eMgaqweni ka-1977 (uMthetho nombolo 74
ka-1977) noma isakhiwo esifanayo esimiswe ngokulandela umthetho ofakiwe
wesifundazwe omusha (kulesi sigaba owaziwa ngokuthi “ibhodi elidala”)
lingasebenzisa amandla futhi lenze imisebenzi yebhodi ngokulandela le

Act No. 31, 2001

NATIONAL LAND TRANSPORT TRANSITION
AMENDMENT ACT, 2001

- board”) may exercise the powers and perform the duties of a board under this Act in the province concerned, but only until a date to be determined by the Minister, after consultation with the relevant MEC, by notice in the *Gazette*;
- (b) any power exercised or duty or function validly performed by a previous board in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977), or a replacing provincial law after the commencement of this Act is deemed to have been validly exercised or performed; and 5
- (c) any application to a previous board relating to the granting, amendment, renewal or transfer of a permit which has not been disposed of, is deemed to be an application under this Act or a replacing provincial law relating to the appropriate operating licence.”. 10

Validation of certain subsidised service contracts

12. Any subsidised service contract concluded before the commencement of the principal Act and any preparations made or steps taken with a view to the conclusion of such a contract are hereby validated, despite the fact that— 15

- (a) relevant public transport plans have not or had not been prepared, submitted for required approvals, or published under section 29(1) of the principal Act; or
- (b) there has not or had not been compliance with section 47(4) of the principal Act. 20

Short title

13. This Act is called the National Land Transport Transition Amendment Act, 2001.

ISICHIBIYELO SOMTHETHO WOKUGUQULA
EZOKUTHUTHA EMGAQWENI KUZWELONKE, KA-2001

uMthetho Ino. 31, 2001

mithetho esifundazweni esithintekayo, kodwa kuphela kuze kube usuku olumiswe nguNgqongqoshe emva kokubonisana neLunga loMkhandlu oLawulayo elifanele ngokukhipha isaziso *kwiGazethi*;

- (b) noma yimaphi amandla asetshenziwe noma izibopho noma umsebenzi owenziwe ngokusemthethweni yibhodi elidala ngokulandela uMthetho wezokuThutha eMgaqweni ka-1977 (uMthetho nombolo 74 ka-1977) noma umthetho ofakiwe wesifundazwe omusha emva kokuqala ukusebenza kwalo Mthetho uthathwa njengomsebenzi owenziwe noma amandla asetshenziwe ngokusemthethweni; futhi 5
- (c) noma yisiphi isicelo esenziwe ebhodini elidala esiphathelene nokunikeza, nokuchibiyela, nokuvuselela noma nokudlulisela imvume engakachithwa, sithathwa njengesicelo ngaphansi kwalo Mthetho noma komthetho ofakiwe wesifundazwe omusha ophathelene nelayisense elifanele lokusebenza.”. 10

Ukugunyazwa kwezivumelwano zokwenza umsebenzi oxhasiwe

12. Noma yisiphi isivumelwano sokwenza umsebenzi oxhasiwe esenziwe ngaphambi kokuqala kokusebenzi koMthetho omkhulu nanoma yimaphi amalungiselelo enziwe noma izinyathelo ezithathiwe mayelana nokwenziwa kwaleso sivumelwano siyagunyazwa lapha, ngaphandle kokuthi— 15

- (a) izinhlelo zokuthutha umphakathi ezifanele azilungisiwe noma zazingalungisiwe, azithunyelelwe ukugunyazwa okudingekayo, noma azimenyezwe ngokulandela isigaba 29 soMthetho omkhulu; 20
- (b) akulandelwe noma akuzange kulandelwe isigaba 47 (4) soMthetho omkhulu.”

Isihloko esifingqiwe

13. Lo mthetho ubizwa ngokuthi isiChibiyelo soMthetho wokuGuqula ezokuThutha eMgaqweni kuZwelonke, ka-2001. 25

