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REPUBLIEK VAN SUID-AFRIKA**

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8 April 2009

No. 32110

THE PRESIDENCY

No. 413

8 April 2009

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

No. 5 of 2009: National Land Transport Act, 2009.

IHHOVISI LIKAMONGAMELI

Ino. 413

8 April 2009

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelelwa umphakathi:—

Ino. 5 Ka 2009: NguMthetho kaZwelonke Wezinto Zokuthutha Ezihamba Phansi ka-2009.

(English text signed by the President.)
(Assented to 3 April 2009.)

ACT

To provide further the process of transformation and restructuring the national land transport system initiated by the National Land Transport Transition Act, 2000 (Act No. 22 of 2000); and to provide for matters connected therewith.

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

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(English text signed by the President.)
(Assented to 3 April 2009.)

UMTHETHO

Inhloso wukuqhubekisela phambili inqubo yoshintsho nokwakhiwa kabusha kwenqubo kazwelonke yezinto zokuthutha ezihamba phansi eyaqalwa yiNational Land Transport Transition Act 22 ka-2000; nokulungiselela izindaba eziphathelene nalokho.

NGAKHO-KE KUSHAYWA UMTHETHO yiPhalamende leRiphabliki yeNingizimu-Afrika ngale ndlela elandelayo:-

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Izigaba

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SCHEDULE**CHAPTER 1**

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GENERAL PROVISIONS**Definitions**

1. (1) In this Act, unless the context indicates otherwise—
- “**adapted light delivery vehicle**” means a vehicle that has been designed or modified by a registered manufacturer to carry persons in accordance with the National Road Traffic Act; 25
- “**authorised officer**” means—
- (a) an inspector contemplated in section 86;
- (b) a member of the South African Police Service, including a member of a municipal police service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995); 30
- (c) a person in the service of a provincial department or a municipality, or the Road Traffic Management Corporation established by the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999), whose duty is to control traffic or to inspect motor vehicles or licences for motor vehicles; 35
- (d) a road transport inspector contemplated in section 37 of the Cross-Border Act;
- “**bus**” means a motor vehicle designed or modified to carry more than 35 persons, including the driver;
- “**charter service**” means a public transport service operated by road involving the hire of a vehicle and a driver for a journey at a charge arranged beforehand with the operator, where— 40
- (a) neither the operator nor the driver charges the passengers individual fares;
- (b) the person hiring the service has the right to decide the route, date and time of travel; and
- (c) the passengers are conveyed to a common destination, 45
and includes vehicles hired with drivers contemplated in section 67;
- “**commercial service contract**” means an agreement concluded between a contracting authority and an operator in terms of section 43, and in terms of which the operator—

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ISAPHLUKO 1

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OKUSHIWO YILO MTHETHO KABANZI

Incazelo yamagama

- 1.** (1) Kulo Mthetho, ngaphandle uma kungqubuzana nokunye okubhaliweyo kuwo—
- “**iveni efanelaniswe nesimo**” yimoto enjalo eklanyelwe noma efaneliswe nesimo yifektri ebhalisiwe ukuba ithwale abantu ngokuvumelana ne*National Road Traffic Act*; 25
- “**isikhulu esigunyaziwe**”—
- (a) ngumhloli ohloswe kwisigaba 86;
- (b) yiphoyisa leSouth African Police Service, kuhlangukise nephoyisa likamasipala njengoba lichazwe kwisigaba 1 se*South African Police Service Act* 68 ka-1995; 30
- (c) ngumuntu osebenzela umnyango wesifundazwe noma umasipala, noma iRoad Traffic Management Corporation esungulwe yi*Road Traffic Management Corporation Act* 20 ka-1999, omsebenzi wakhe uwukulawula izimoto emgwaqweni noma ukuhlola izimoto noma amalayisense ezimoto; 35
- (d) ngumhloli wezimoto ezihamba emgwaqweni ohloswe kwisigaba 37 se*Cross Border Road Transport Act* 4 ka-1998;
- “**ibhasi**” yimoto eklanyelwe noma efanelaniswe nesimo ukuba ithwale abantu abangaphezu kuka-34, sekuhlangene nomshayeli;
- i-“charter service”** wukuthuthwa komphakathi kusetshenziswa umgwaqo, kuqashwe imoto nomshayeli ukuze kuthathwe uhambo ngenkokhelo ekuvunyelweni ngayo kusengaphambili nomnini-moto, lapho—
- (a) umnini-moto noma umshayeli bengakhokhisi umgibeli ngamunye;
- (b) umuntu oqasha into yokuhamba enelungelo lokunquma umzila okuzohanjwa ngawo, usuku nesikhathi sokuhamba; futhi 45
- (c) abagibeli beyiswa endaweni eyodwa bonke; futhi kuhlangukiswa nezimoto eziqashwe nabashayeli bazo njengoba kuhloswe kwisigaba 67;
- “**isivumelwano sohlobo lohwebo**” yisivumelwano esiphakathi kwesiphathi-mandla esikwisivumelwano nomnini-moto ngokwesigaba 43, okuyothi ngaso umnini-moto— 50

- (a) is to operate a public transport service provided for in an integrated transport plan; and
- (b) does not receive any subsidy or other financial support from any organ of state except, where applicable, a subsidy in respect of concessionary fares;
- “commuting”** means travelling daily between home and work by means of a public transport service, and “commuter” has a corresponding meaning; 5
- “concessionary fare”** means the fare paid by a passenger falling within a special category;
- “Constitution”** means the Constitution of the Republic of South Africa, 1996;
- “contract”** means a subsidised service contract, negotiated contract or commercial service contract; 10
- “contracting authority”** means—
- (a) the Department;
- (b) a province, subject to section 11(6); and
- (c) a municipality, subject to section 11(2) and (5); 15
- “courtesy service”** means a service provided by or on behalf of an organisation such as an hotel, which is not an operator, for its customers or clients, either by means of its own vehicle or the vehicle of an operator in terms of an agreement with that organisation, with no direct charge to the passengers;
- “Cross-Border Act”** means the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998); 20
- “cross-border road transport”** means cross-border road transport as defined in section 1 of the Cross-Border Act;
- “Department”** means the national Department of Transport;
- “designed or modified”** means designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act; 25
- “eNaTIS”** means the electronic National Traffic Information System controlled by the Department, or any similar replacing system;
- “framework”** means an outline for the structure within and the form according to which a plan, policy or strategy is determined and developed; 30
- “Gazette”** means the national Government Gazette;
- “holder”** means the holder of an operating licence or permit;
- “infrastructure”**, in relation to land transport, means fixed capital equipment and facilities in the land transport system;
- “inspector”** means an inspector appointed under section 86; 35
- “integrated development plan”** means the integrated development plan which, in terms of Chapter 5 of the Systems Act, must be prepared by a municipality;
- “integrated public transport network”** means a system in a particular area that integrates public transport services between modes, with through-ticketing and other appropriate mechanisms to provide users of the system with the optimal solutions to be able to travel from their origins to destinations in a seamless manner; 40
- “integrated transport plan”** means an integrated transport plan contemplated in section 36;
- “interprovincial service”** means a public transport service operating between two or more provinces; 45
- “intraprovincial service”** means a public transport service operating within the boundaries of a province;
- “land transport”** means the movement of persons and goods on or across land by means of any conveyance and through the use of any infrastructure and facilities in connection therewith; 50
- “lift club”** means an arrangement whereby every member of the club has a turn to convey or cause to be conveyed by means of a motor car the other members of such a club or other person designated by such members to or from specified places for a specified purpose as contemplated in section 69, and subject to that section; 55
- “long-distance service”** means a scheduled or unscheduled public transport service, other than a service for commuting, that is provided beyond the boundary

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- (a) enze umsebenzi wokuthuth' umphakathi, osohlelweni lokuhlanganiswa kwezinto zokuthutha; futhi
- (b) abe engatholi mxhaso nhlobo kunoma iyiphi ingxenye kahulumeni mayelana nesaphulelo ezimalini zokugibela, uma lokhu kusebenza endabeni yakhe; **“ukugibela”** kusho ukuhamba nsuku zonke ukusuka ekhaya ukuya emsebenzini ngento yokuthuth' umphakathi; elithi **“umgibeli”** nalo lisho lokho; **“imali yokugibela yesaphulelo”** yimali yokugibela ekhokhwa ngumgibeli owela emkhakheni othile; **“uMthetho-sisekelo”** nguMthetho-sisekelo weRiphabliki yeNingizimu-Afrika; **“isivumelwano”** yisivumelwano sokuthutha okunomxhaso, isivumelwano okuxoxiswene ngaso noma isivumelwano sohlobo lohwebo; **“isiphathimandla esikwisivumelwano”**—
- (a) nguMnyango;
- (b) yisifundazwe, ngokuqondiswa yisigaba 11(6);
- (c) umasipala, ngokuqondiswa yisigaba 11(2) no-(5);
- “ukubonelela”** wusizo olwenziwa yinhlangano ethile noma egameni lenhlangano ethile enjengehotel, ibe ingeyena umnini-moto osemsebenzini wokuthuth' abantu, ilwenzela amakhasimende ayo, noma ngabe ilwenzela ngemoto yayo noma ngemoto yomuntu osemsebenzini wokuthuth' abantu ngokwesivumelwano naleyo nhlangano, kungekho mali ebizwa ngqo kubagibeli;
- i-“Cross Border Act”** yi*Cross Border Road Transport Act* 4 ka-1998;
- “izimoto ezeqa umngcele”** yizimoto ezeqa umngcele njengoba zichazwe kwisigaba 1 se*Cross Border Act*;
- “uMnyango”** nguMnyango Wezokuthutha kazwelonke;
- “eklanyelwe noma efanelaniswe nesimo”** kusho eklanyiwe, noma efanelaniswe nesimo ngokusemthethweni yifektri eyenza izimoto ngokulandelela okufunwa yi*National Road Traffic Act* 29 ka-1996;
- “eNaTis”** (electronic National Traffic Information System) wuhlelo lokuthol' incazelo ngezimoto ezweni lonke;
- “uhlaka”** wuhlaka lwesakhiwo esingaphakathi nesimo okumelwe kunqunywe futhi kuthuthukiswe ngaso iplani, inkqubo noma isu;
- “iGazette”** yi*Government Gazette* yezwe lonke;
- “umnikazi”** ngumnikazi welayisense yokuthutha;
- “ingqalasizinda”**, mayelana nezinto zokuthutha ezihamba phansi, yizinto zokusebenza eziyisiqalo ezingenakugudluzwa ohlelweni lwezinto zokuthutha ezihamba phansi;
- “umhloli”** ngumhloli oqokwe ngokwesigaba 86;
- “uhlelo lwentuthuko oluhlanganisa konke”** wuhlelo lwentuthuko oluhlanganisa konke lolo, ngokwesahluko 5 se*Systems Act*, okumelwe luhlelwe ngumasipala;
- “inhlanganisela yezinto zokuthuth' umphakathi”** wuhlelo endaweni ethile oluhlanganisa ukuthuthwa komphakathi phakathi kwezindawo ezimbili, ngokusetshenziswa kwamathikithi asebenza ezintweni ezingafani zokugibela nangokusetshenziswa kwezinye izindlela ezifanele ukuze kuxazululeke izinkinga zabazisebenzisayo bakwazi ukuhamba besuka lapho beqhamuka khona beya endaweni abaya kuyo ngendlela eshelelayo;
- “uhlelo lokuhlanganiswa kwezinto zokuthutha”** wuhlelo lokuhlanganiswa kwezinto zokuthutha oluhloswe kwisigaba 36;
- “ukuthutha phakathi kwezifundazwe”** wukuthuthwa komphakathi phakathi kwezifundazwe ezimbili noma ezingaphezu kwalokho;
- “ukuthutha ngaphakathi esifundazweni”** wukuthuthwa komphakathi ngaphakathi kwemingcele yesifundazwe;
- “ukuthuthwa ngezinto ezihamba phansi”** kusho ukuhanjiswa kwabantu nezimpahla phansi emhlabeni nganoma iyiphi indlela yokubahambisa nangokusebenzisa noma iyiphi ingqalasizinda exhumene naleyo ndlela yokubahambisa;
- “ilifthi-klabhu”** wuhlelo lapho ilungu ngalinye leklabhu liba nethuba lalo lokuhambisa noma licele omunye alihambisele ngemoto amanye amalungu eklabhu noma omunye umuntu oqokwe yilawo malungu ukuya nokubuya endaweni ethile ngenjongo ethile njengoba kuhloswe kwisigaba 69, nangokulawulwa yileso sigaba;
- “amabanga amade”** wukuthuthwa komphakathi okuhlelelwe isikhathi noma okungahlelelwe isikhathi, kungekona ukuthutha abantu abaya emsebenzini nabagodukayo, kunalokho kube wukuthuthela ngale kwemingcele yendawo

of the area covered by an integrated transport plan, where passengers are charged fares individually, as contemplated in section 65;

“**major special event**” means an event such as, but not limited to, the FIFA 2010 World Cup, and includes the periods before and after that event necessary to conduct and finalise the necessary land transport arrangements; 5

“**MEC**” means the Member of the Executive Council of a province who is responsible for public transport in that province;

“**metered taxi service**” means a public transport service operated by means of a motor vehicle contemplated in section 66 which—

(a) is available for hire by hailing while roaming, by telephone or otherwise; 10

(b) may stand for hire at a rank; and

(c) is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable, that is calibrated for such fare or complies with any other requirements applicable to such meters;

“**midibus**” means a motor vehicle designed or modified solely or principally for conveying more than 16 but not more than 35 persons, including the driver, and for the purposes of the National Road Traffic Act is a type of sub-category of bus; 15

“**minibus**” means a motor vehicle designed or modified solely or principally for conveying more than nine but not more than 16 seated persons, including the driver; 20

“**minibus taxi-type service**” means an unscheduled public transport service operated on a specific route or routes, or where applicable, within a particular area, by means of a motor car, minibus or midibus;

“**Minister**” means the Minister responsible for transport in the national sphere of government; 25

“**motor car**” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle as defined in the National Road Traffic Act, designed or modified solely or principally for conveying not more than nine persons, including the driver;

“**motor vehicle**” and “**vehicle**” means a motor vehicle as defined in section 1 of the National Road Traffic Act; 30

“**municipal entity**” means a municipal entity as defined in section 1 of the Systems Act;

“**Municipal Finance Management Act**” means the Municipal Finance Management Act, 2003 (Act No. 56 of 2003); 35

“**Municipal Land Transport Fund**” means a municipal land transport fund established in terms of section 27;

“**municipality**” includes all types of municipalities contemplated in section 155 of the Constitution;

“**municipal operator**” means a municipality or municipal entity which operates a public transport service; 40

“**municipal public transport**” means public transport contemplated in section 11(1)(c) and any other function assigned to the municipality under section 11(2) or (3);

“**National Land Transport Strategic Framework**” means the National Land Transport Strategic Framework contemplated in section 34; 45

“**National Public Transport Regulator**” means the National Public Transport Regulator contemplated in section 20;

“**National Road Traffic Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and includes regulations made under that Act; 50

“**negotiated contract**” means a contract contemplated in section 41(1);

“**non-contracted service**” means a public transport service other than one operated in terms of a commercial service contract, subsidised service contract or negotiated contract;

“**operating licence**” means a licence required by section 50 and granted and issued in accordance with this Act or the Transition Act; 55

“**operator**” means a person carrying on the business of operating a public transport service;

“**organ of state**” means an organ of state as defined in section 239 of the Constitution; 60

“**permit**” means a public road carrier permit issued in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977), or another law predating the Transition Act and recognised as valid by the Transition Act, and which is in force

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engaphansi kohlelo lokuhlanganiswa kwezinto zokuthutha, lapho abagibeli bekhokhiswa umuntu ngamunye, njengoba kuhloswe kwisigaba 65;

“isehlakalo esikhulu esibalulekile” yisehlakalo esinjengeFIFA 2010 World Cup, kodwa kungekona ukuthi yilesa kuphela, futhi sihlanganisa nenkathi engaphambi kwesehlakalo lesa nengemuva kwaso ekudingeka kuleyo nkathi ukuba kwenziwe amalungiselelo adingekayo ezinto zokuthutha ezihamba phansi bese ayaphothulwa; 5

“uNgqongqoshe wesiFundazwe” nguNgqongqoshe weSifundazwe obhekene nokuthuthwa komphakathi kuleso sifundazwe;

“ukuthuthwa ngama-metered taxi” kusho ukuthuthwa komphakathi ngemoto ehloswe kwisigaba 66— 10

(a) etholakalela ukuba iqashwe ngokumane nje uyiqhwebe ngesikhathi izula, uyishayele ucingo noma usebenzise enye indlela;

(b) engase ime erenki ilinde ukuqashwa;

(c) nefakwe imitha evalisiwe, esebenza kahle, ngenhloso yokunquma imali yokugibela okumelwe ikhokhwe, okuyimitha ehlangabezana nezimfuneko ezisebenza emamitheni anjalo; 15

“imid-bhasi” yimoto eklanyelwe noma efanelaniswe nesimo ukuba ithwale kuphela abantu abangaphezu kuka-16 kodwa bangadluli ku-35, sekuhlangene nomshayeli, futhi uma kucatshangwa nge*National Road Traffic Act*, imid-bhasi iwuhlobo oluthile lwebhasi olusezingeni elingezansi emkhakheni wamabhasi; 20

“imini-bhasi” yimoto eklanyelwe noma efanelaniswe nesimo ukuba ithwale kuphela abantu abangaphezu kuka-9 kodwa bangadluli ku-16, sekuhlangene nomshayeli;

“ukuthuthwa ngohlobo lwethekisi eyimini-bhasi” kusho ukuthuthwa komphakathi okungahlelelwe sikhathi ngomzila othile noma ngemizila ethile, noma ngaphakathi kwemingcele yendawo ethile, kusetshenziswa imoto encane, noma imini-bhasi noma imid-bhasi; 25

“uNgqongqoshe” nguNgqongqoshe Wezokuthutha kuhulumeni omkhulu;

“imoto” yimoto, hhayi isithuthuthu, njengoba ichazwe kwi*National Road Traffic Act*, eklanyelwe noma efanelaniswe nesimo ukuba ithwale kuphela abantu abangadlulile ku-9, sekuhlangene nomshayeli; 30

“imoto” yimoto njengoba ichazwe kwisigaba 1 se*National Road Traffic Act*;

“igunya elingumasipala” yigunya elingumasipala njengoba lichazwe kwisigaba 1 se*Systems Act*; 35

“iMunicipal Finance Management Act” yi*Municipal Finance Management Act* 56 ka-2003;

“iMunicipal Land Transport Fund” yisikhwama sikamasipala sezinto zokuthutha ezihamba phansi esisungulwe ngokwesigaba 27;

elithi “umasipala” lihlanganisa zonke izinhlobo zomasipala abahloswe kwisigaba 155 soMthetho-sisekelo; 40

“othuthela umasipala” ngumasipala noma igunya elingumasipala elenza umsebenzi wokuthutha umphakathi;

“iNational Land Transport Strategic Framework” wuHlaka lweCebo Lezinto Zokuthutha Ezihamba Phansi kuZwelonke oluhloswe kwisigaba 43; 45

“iNational Public Transport Regulator” yisiGungu Sokulawulwa Kwezinto Zokuthutha Ezihamba Phansi kuZwelonke (isiGungu sikaZwelonke) oluhloswe kwisigaba 24;

“iNational Road Traffic Act” yi*National Road Traffic Act* 93 ka-1996 futhi ihlanganisa izimiso ezenziwe ngaphansi kwalowo Mthetho; 50

“isivumelwano okuxoxiswene ngaso” yisivumelwano esihloswe kwisigaba 41(1);

“ukuthuthwa kwabantu okungenasivumelwano” wukuthuthwa komphakathi okungenziwa ngokwesivumelwano sohlobo lohwebo, noma isivumelwano somsebenzi wokuthutha okunomxhaso, noma isivumelwano okuxoxiswene ngaso; 55

“ilayisense yokuthutha” yilayisense efunwa yisigaba 59 nekhishwa ngokuvumelana nalo Mthetho noma uMthetho wesikhathi esiphakathi;

“othuthayo” ngumuntu owenza ibhizinisi lokuthutha umphakathi;

“igatsha eliyinxenye yombuso” yigatsha eliyinxenye yombuso njengoba lichazwe kwisigaba 239 soMthetho-sisekelo; 60

“iphemithi” yiphemithi yokuthutha abantu emgwaqweni womphakathi ekhishwe ngokwe*Road Transportation Act* 74 ka-1977 noma omunye umthetho ongaphambi koMthetho wesikhathi esiphakathi, okuyiphemithi eqashelwa njengesebenzayo

and has not yet been converted to an operating licence on the date of commencement of this Act;

“persons with disabilities” means all persons whose mobility is restricted by temporary or permanent physical or mental disability, and includes the very young, the blind or partially-sighted and the deaf or hard of hearing;

“planning authority” means a municipality in relation to its planning functions;

“prescribed” means prescribed by regulation by the Minister, unless otherwise indicated or unless the Minister has delegated to the MEC the power to make the regulation in question by notice in the *Gazette*;

“provincial department” means the department within the administration of a province that is charged with public transport matters;

“Provincial Land Transport Framework” means a provincial land transport framework contemplated in section 35;

“provincial law” includes a provincial act or regulations made by the MEC under this Act;

“Provincial Regulatory Entity” means a provincial regulatory entity contemplated in section 23;

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“public transport”—

(i) in relation to the national sphere of government, means the functions mentioned in section 11(1)(a);

(ii) in relation to the provincial sphere of government, means the functions mentioned in section 11(1)(b), and any other function assigned to the province under section 11(2);

“public transport service” means a scheduled or unscheduled service for the carriage of passengers by road or rail, whether subject to a contract or not, and where the service is provided for a fare or any other consideration or reward, including cabotage in respect of passenger transport as defined in the Cross-Border Act, and except where clearly inappropriate, the term “public transport” must be interpreted accordingly;

“rail service” means a public transport service operated on a rail track or any rail guiding mechanism, and includes light and heavy rail;

“registered manufacturer” means a manufacturer, importer or builder of motor vehicles registered under section 5 of the National Road Traffic Act;

“regulatory entity” means the National Public Transport Regulator, a Provincial Regulatory Entity, or a municipality to which the operating licence function has been assigned;

“roadworthy certificate” means a certificate certifying the roadworthiness of a motor vehicle in accordance with the requirements of the National Road Traffic Act;

“scheduled service” means a public transport service operated by road on a particular route or routes in accordance with a timetable;

“service” means a public transport service;

“South African Rail Commuter Corporation” means the South African Rail Commuter Corporation established in terms of section 23 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989);

“special categories of passengers” means persons with disabilities, the aged, pregnant women and those who are limited in their movements by children;

“special event” means a one-off cultural, religious, sporting or recreational event, or any entertainment, conference, exhibition or show;

“staff service” means a public transport service by road provided by means of a vehicle owned by an employer or a vehicle provided by an operator in terms of a contract with the employer, used exclusively for conveying the employer’s employees;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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nguMthetho wesikhathi esiphakathi, nesebenzayo futhi ingekaguqulelwa ekubeni yilayisense yokuthutha ngosuku lokuqala kwalo Mthetho ukusebenza;

“abantu abakhubazekile” yibo bonke abantu abangakwazi ngokuphelele ukuhamba ngenxa yokukhubazeka kwesikhashana noma okungunomphelelo noma ngabe wukukhubazeka okusemzimbeni noma okusengqondweni, futhi 5
kuhlanganiswe ngisho nabancane kakhulu, nabayizimpumpithe noma abangaboni kahle nabayizithulu noma abangezwa kahle;

“isiphathimandla esihlelayo” ngumasipala mayelana nemisebenzi yakhe yokuhlela;

elithi “efunekayo” lisho efunwa yisimiso sikaNgqongqoshe ngaphandle uma kuboniswa ngenye indlela noma uNgqongqoshe eliphathise uNgqongqoshe weSifundazwe igunya lakhe lokwenza isimiso esidingekayo ngokwenza isimemezelolo kwi*Gazette*;

“umnyango wesifundazwe” ngumnyango ongaphakathi esifundazweni ophathiswe ukusingatha izindaba zokuthuthwa komphakathi; 15

“iProvincial Land Transport Framework” wuhlaka lwezinto zokuthutha ezihamba phansi esifundazweni oluhloswe kwisigaba 35;

“umthetho wesifundazwe” uhlanganisa uMthetho wesifundazwe noma izimiso ezenziwe nguNgqongqoshe wesifundazwe ngaphansi kwalo Mthetho;

“iProvincial Regulatory Entity” yisiGungu Sokulawulwa Kwezokuthutha Esifundazweni (isiGungu seSifundazwe) esihloswe kwisigaba 35; 20

“i-Public Finance Management Act” yi*Public Finance Management Act* 1 ka-1999 njengoba ichibiyelwe;

“ukuthuthwa komphakathi”—

(i) mayelana nohulumeni, yimisebenzi eshiwo kwisigaba 11(1)(a); 25

(ii) mayelana nohulumeni wesifundazwe, yimisebenzi eshiwo kwisigaba 11(1)(b), kanye nanoma yiyiphi eminye imisebenzi eyabelwe isifundazwe ngokwesigaba 11(2);

“ukuthuthwa komphakathi” wukuthuthwa kwabagibeli okuhlelelwe isikhathi noma okungahlelelwe isikhathi bethuthwa ngomgwaqo noma ngomzila kaloliwe, noma ngabe kungesivumelwano noma cha, nalapho bethuthwa bezokhokha imali yokugibela noma bezokhokha ngenye indlela noma umvuzo, kuhlanganisa nokuthuthwa ngaphansi kwemingcele yezwe mayelana nokuthuthwa kwabagibeli njengoba kuchazwe kwi*Cross Border Act*, futhi-ke negama elithi “ukuthuthwa komphakathi” kumelwe lichazwe ngaleyo ndlela, ngaphandle uma kubonakala kungafanele ngokucacile; 30

“ukuthuthwa ngololiwe” wukuthuthwa komphakathi ngomzila kaloliwe noma okunye okusajantshi, futhi kuhlanganisa ololiwe abancane nabakhulu;

“ifektri ebhalisiwe” yifektri yezimoto ebhalisiwe, ezi-oda kwamanye amazwe noma ezakhayo ngaphansi kwesigaba se*National Road Traffic Act*; 40

“igunya elilawul’ isimo” yisiGungu Sokulawulwa Kwezinto Zokuthutha Ezihamba Phansi Kuzwelonke, isiGungu Sokulawulwa Kwezokuthutha eSifundazweni, noma umasipala owabelwe umsebenzi wamalayisense okuthutha;

“isitifikethi sokufaneleka ukuba semgaqweni” yisitifikethi esiqinisekisa ukufaneleka kwemoto ukuba ibe semgaqweni ngokuvumelana nezimfuneko ze*National Road Traffic Act*; 45

“ukuthuthwa okuhlelelwe isikhathi” wukuthuthwa komphakathi ngomgwaqo emzileni othile noma emzileni ethile ngokohlelo lwezikhathi;

“ukuthuthwa” wukuthuthwa komphakathi;

“iSouth African Rail Commuter Corporation” yiSouth African Rail Commuter Corporation eyasungulwa ngokwesigaba 23 se*Legal Succession to the South African Transport Services Act* 9 ka-1989; 50

“imikhakha ekhethekile yabagibeli” ngabantu abakhubazekile, abavakashi, abagugile, abesifazane abakhulelwe nalabo abangakwazi ukuya lapho befuna ukuya khona ngenxa yezingane; 55

“isehlakalo esibalulekile” yisehlakalo esenzeka kanye esiphathelene namasiko, nenkolo, nezemidlalo noma ukungcebeleka, nanoma yikuphi nje ukuzijabulisa, ingqungquthela, noma umboniso;

“ukuthuthwa kwabasebenzi” wukuthuthwa komphakathi ngomgwaqo kusetshenziswa imoto yomqashi noma imoto ekhishwe ngumnikazi wayo ngokwesivumelwano nomqashi, esetshenziselwa kuphela ukuthutha abasebenzi bomqashi; 60

“iStructures Act” yiLocal Government: Municipal Structures Act 117 ka-1998;

“subsidised”, in relation to services, means a situation where passengers are provided with financial assistance to be able to afford services that they could not otherwise afford or where services are subsidised for other reasons, for example to encourage public transport usage, relieve traffic congestion, or to support land use and transport integration; 5

“subsidised service contract” means an agreement between a contracting authority and an operator to operate a service provided for in an integrated transport plan and in terms of which the operator receives direct or indirect financial support in terms of a tendered contract;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); 10

“this Act” includes any regulation made in terms of this Act;

“timetable” means a published document informing passengers of headways (intervals between departures or the passing of vehicles), or times when and places where public transport services are available, indicating at least origin and destination points and significant intermediate locations along the route; 15

“tourist transport service” means a scheduled, unscheduled or chartered public transport service by road for the carriage of tourists to or from tourist attractions according to a predetermined itinerary, and includes transfers of tourists, for example from hotels to and from airports; 20

“transfer”, in relation to an operating licence, means a transfer from the holder of the operating licence to another person;

“Transition Act” means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

“Transport Appeal Tribunal” means the Transport Appeal Tribunal established by section 3 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998); 25

“transport plan” includes the National Land Transport Strategic Framework, the Provincial Land Transport Framework and an Integrated Transport Plan;

“travel demand management” means a system of actions to maximise the capacity of the transport system for the movement of people and goods rather than vehicles, among others, through increasing vehicle occupancy, developing priority measures for public transport, encouraging travel during off-peak periods, shifting demand between modes, restricting the space available for parking, adjusting the price of parking, and other appropriate measures; 30

“tuk-tuk” means a three-wheeled motor vehicle designed or modified solely or principally for conveying not more than three seated persons, including the driver; and 35

“unscheduled service” means a public transport service operated by road on a particular route or routes, or, where applicable, within a particular area, without a timetable. 40

Purpose and scope of Act

2. The purpose of this Act is—
- (a) to further the process of transformation and restructuring the national land transport system initiated by the Transition Act;
 - (b) to give effect to national policy; 45
 - (c) to prescribe national principles, requirements, guidelines, frameworks and national norms and standards that must be applied uniformly in the provinces and other matters contemplated in section 146 (2) of the Constitution; and
 - (d) to consolidate land transport functions and locate them in the appropriate sphere of government. 50

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“ukuxhaswa” kusho isimo lapho abagibeli benikezwa usizo lwemali ukuze bakwazi ukuthola usizo abebengenakukwazi ukuluthola noma lapho ukuthutha kuxhasiswe ngezinye izizathu, ngokwesibonelo nenhloso yokukhuthaza ukusetshenziswa kwezinto zokuthutha zomphakathi, ukunciphisa ukuminyaka kwezimoto, noma ukweseka ukusetshenziswa komgwaqo nokuhlanganiswa kwezinto zokuthutha; 5

“isivumelwano sokuthutha okunomxhaso” yisivumelwano esiphakathi kwesiphathimandla esingene kwisivumelwano kanye nomnini-moto sokuba athuthe abantu njengoba kuhloswe ohlelweni lokuhlanganiswa kwezinto zokuthuthwa, ekuthi-ke kuleso sivumelwano umnini-moto athole ukuxhaswa ngemali ngendlela eqondile noma engaqondile ngokwesivumelwano sethenda; 10

i-“Systems Act” yi *Local Government: Municipal Systems Act* 32 ka-2000;

“lo Mthetho” uhlunganisa noma yisiphi isimiso esenziwe ngokwalo Mthetho;

“uhlelo lwezikhathi” yincwadi enyathelisiwe eyazisa abagibeli ngezikhathi ezisuka ngazo izinto zokugibela, noma izikhathi nezindawo lapho zitholakala khona izinto zokuthutha umphakathi, incwadi ibonise okungenani indawo ezisuka kuyo nendawo eziya kuyo izinto zokugibela kanye nezindawo ezibalulekile eziphakathi nendawo ohambeni; 15

“ukuthuthwa kwabavakashi” wukuthuthwa komphakathi okuhlelelwe izikhathi noma okungahlelelwe izikhathi ngomgwaqo ukuze kuthuthwe abavakashi abaya noma abaqhamuka ezindaweni eziheha abavakashi ngokohambo lwabo oluhleliwe, futhi kuhlanganisa ukudluliselwa kwabavakashi—isibonelo: ukusuka emahhotela ukuya ezikhumulweni zezindiza noma ukusuka ezikhumulweni zezindiza ukuya emahhotela; 20

“ukusulela” ngokuphathelene nelayisense yokuthutha kusho ukusulelwa kwayo egameni lomunye umuntu isuka kumnikazi wayo; 25

i-“Transition Act” yi *National Land Transport Transition Act* 22 ka-2000;

i-“Transport Appeal Tribunal” yisiGungu Sokudlulisela iziKhalo Ngezokuthutha esisungulwe yisigaba 3 *Transport Appeal Tribunal Act* 39 ka-1998;

“uhlelo lokuthutha” luhlanganisa uhlelo lwecebo lezinto zokuthutha ezihamba phansi, nohlelo lwezinto zokuthutha ezihamba phansi esifundazweni, nohlelo lokuhlanganiswa kwezinto zokuthutha; 30

“ukulawulwa kwesidingo sokuhamba” kusho izenzo zokuba kusebenziseke kakhulu ngangokwesimandleni ukuthuthwa kwabantu nezimpahla, phakathi kokunye ngokwandisa umthamo othwalwa yizimoto, ngokuqala ngezinto okumelwe kuqalwe ngazo ekuthuthweni komphakathi, nokukhuthaza ukuba kuhanjwe ngezikhathi ezingesona esesiminyaminyana, ngokushintsha isidingo phakathi kolunye uhlobo lwezinto zokuthutha nolunye, ngokunciphisa isikhala esitholakalayo sokupaka, ukwenza ushintsho emalini yokupaka, nangezinye izindlela ezifanele; 35

i-“tuk-tuk” yimoto emasondo mathathu eklanyelwe noma efanelaniswe nesimo sokuba ithwale kuphela abantu abahleli phansi abangeqile kwabathathu, sekuhlangene nomshayeli; 40

“ukuthuthwa okungahlelelwe sikhathi” wukuthuthwa komphakathi ngomgwaqo emzileni othile noma emizileni ethile, noma kwindawo ethile, lungexho uhlelo lwezikhathi, abagibeli bekhokhiswa umuntu ngamunye. 45

Injongo yalo Mthetho nebanga olihambayo

2. (1) Injongo yalo Mthetho—

(a) wukuqhubekisela phambili inqubo yoshintsho nokwakhiwa kabusha kwenqubo kazwelonke yezinto zokuthutha ezihamba phansi eyaqalwa yi *Transition Act*; 50

(b) wukuphumelelisa inqubo kazwelonke;

(c) wukushay’ umthetho ngezinqumo-mgomo zikazwelonke, ngezinqumo-mgomo, ngezimfuneko, ngeziqondiso, ngezinhlaka nangemigomo yezwe lonke okumelwe isetshenziswe ngokufanayo ezifundazweni, nangezinye izindaba ezishiwo kwisigaba 146(2); 55

(d) wukuhlanganisa imisebenzi yezinto zokuthutha ezihamba phansi nokuyenza ibe ngaphansi kwezininga likahulumeni elifanele.

Application of Act

3. The provisions of this Act apply throughout the Republic of South Africa.

Principles for national land transport policy

4. The Minister must prescribe principles that apply to the determination, formulation, development and application of land transport policy in the Republic. 5

Functions of Minister

5. (1) The Minister may, after consulting the MECs, publish national land transport policy, which may include target dates for the transformation of the land-based public transport sector.

(2) The Minister must monitor all provincial land transport policies and frameworks and all transport planning required or envisaged by this Act, to see that it is developed, prepared and formulated within the ambit of the national transport policy, and take appropriate action where necessary to promote compliance, subject to the Constitution and the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005). 10

(3) Subject to the Cross-Border Act, the Minister is responsible for land transport arrangements with other countries regarding transport between the Republic and those countries, in collaboration with the Minister of Foreign Affairs. 15

(4) The Minister must—

(a) monitor the implementation of national land transport policy and any investigations conducted into matters arising from its implementation, and cause the necessary adjustments, if any, to be made to that policy; 20

(b) facilitate the increased use of public transport;

(c) ensure that the money available for land transport matters is applied in an efficient, economic, equitable and transparent manner;

(d) assist provincial departments that lack the necessary staff or resources in meeting their responsibilities and performing their functions and duties with regard to land transport; 25

(e) co-ordinate between the three spheres of government and public entities with a view to avoiding duplication of effort and resources;

(f) give guidance concerning education, training and capacity building in connection with land transport matters, and prescribe requirements in this regard, subject to the relevant legislation on education and training; 30

(g) in taking any measures relating to public transport—

(i) accommodate therein relevant national and international benchmarks and best practice; 35

(ii) promote, within overall land transport objectives, the safety of passengers;

(iii) encourage efficiency and entrepreneurial behaviour on the part of operators and encourage them to tender competitively for contracts and concessions; 40

(iv) promote a strategic and integrated approach to the provision of public transport;

(v) promote the efficient use of energy resources, and limit adverse environmental impacts in relation to land transport; 45

(h) promote public transport that—

Ukusetshenziswa kwalo Mthetho

3. (1) Okushiwo yilo Mthetho kusebenza kuyo yonke iRiphabliki yeNingizimu-Afrika.

Izimiso zenqubo kazwelonke yezinto zokuthutha ezihamba phansi

4. UNgqongqoshe kumelwe ashay' umthetho ngezimiso ezisebenzayo ngokuphathelene nokwenziwa, ukuthuthukiswa nokusetshenziswa kwenqubo yezinto zokuthutha ezihamba phansi kwiRiphabliki. 5

Imisebenzi kaNgqongqoshe

5. (1) Ngemva kokubonisana noNgqongqoshe bezifundazwe, uNgqongqoshe angase akhiphe inqubo kazwelonke yezinto zokuthutha ezihamba phansi, nqubo leyo engase ihlanganise nezinsuku okungafanele zidlule zingaguqulwanga ezokuthuthwa komphakathi ezihamba phansi. 10

(2) UNgqongqoshe kufanele aqaphe zonke izinqubo zezifundazwe zezinto zokuthutha ezihamba phansi kanye nezinhlaka nako konke ukuhlelwa kwezinto zokuthutha okufunwa noma okuhloswe yilo Mthetho ukuze aqikelele ukuthi ziyathuthukiswa, ziyalungiselelwa futhi zakhiwe ngokwemingcele yenqubo kazwelonke yezinto zokuthutha, futhi athathe isinyathelo esifanele lapho kufaneleke khona ukuze kwenziwe okufunekayo, ngokulawulwa nguMthetho-sisekelo nayi-*Intergovernmental Relations Framework Act 13 ka-2005*. 15

(3) Ngokulawulwa yi*Cross Border Act*, uNgqongqoshe uwenza abe semahlombe akhe amalungiselelo ezinto zokuthutha ezihamba phansi axhumene namanye amazwe ngezinto zokuthutha phakathi kweRiphabliki nalawo mazwe, ngokubambisana noNgqongqoshe weziNdaba zangaPhandle. 20

(4) UNgqongqoshe kumelwe—

- (a) aqaphe ukusetshenziswa kwenqubo kazwelonke yokusetshenziswa kwezinto zokuthutha ezihamba phansi kanye nanoma yiluphi uphenyo olwenziwa ngezindaba ezisukela ekusetshenzisweni kwayo, futhi enze ukuba kwenziwe ushintsho oludingekile kuleyo nqubo uma lukhona oludingekile; 25
- (b) akwenze kube lula ukusetshenziswa kakhudlwana kwezinto zokuthutha zomphakathi; 30
- (c) aqikelele ukuthi imali etholakalayo yezindaba zezinto zokuthutha ezihamba phansi isetshenziswa ngendlela eshelelayo, eyongayo, enobulungisa nesobala;
- (d) asize iminyango yezifundazwe entula abasebenzi abadingekayo noma izimali ukuba ifeze izinto ebophekile ukuba izifeze futhi yenze nemisebenzi ephathelene nezinto zokuthutha ezihamba phansi; 35
- (e) abe ngumxhumanisi phakathi kwamazinga amathathu ohulumeni naphakathi kwezinhlangano zomphakathi ngenhloso yokugwema ukuphindwaphindwa kwemizamo ngendlela efanayo nokusetshenziswa kwezimali ngendlela efanayo; 40
- (f) anike iziqondiso ngemfundo, ngoqeqesho, ukuthuthukisa ubungakanani balokho okungenziwa mayelana nezindaba zezinto zokuthutha ezihamba phansi, futhi anqume izimfuneko ezimayelana nalokhu, ngokulawulwa yimithetho yesishaya-mthetho ephathelene nalokhu engemfundo noqeqesho;
- (g) ekuthatheni izinyathelo ezimayelana nokuthuthwa komphakathi— 45
 - (i) acabangele izibonelo zokulingiswa ezifanele zezwe lethu nezamazwe omhlaba nalokho okuyinqubo engcono kakhulu;
 - (ii) athuthukise ukuphepha kwabagibeli, ngokwezinhloso ezingezinto zokuthutha ezihamba phansi;
 - (iii) akhuthaze ukwenziwa kwezinto ngendlela eshelelayo neyobusomabhizinisi kulabo abangabanikazi bezimoto futhi abakhuthaze ukuba bawangenise ngokuncintisana amathenda ezivumelwano nezaphulelo;
 - (iv) akhuthaze indlela eyisu nehlanganise konke yokutholakala kwezinto zokuthutha zomphakathi;
 - (v) akhuthaze ukusetshenziswa okushelelayo kwamandla, futhi anciphise umphumela ongemuhle kokusizungezile ohlobene nezinto zokuthutha ezihamba phansi; 55
- (h) akhuthaze ukusetshenziswa kwezinto zokuthuth' umphakathi—

- (i) is effective in satisfying user needs;
- (ii) operates efficiently as regards the use of resources;
- (iii) is of an acceptable standard and readily accessible and is operated in conjunction with effective infrastructure provided at reasonable cost;
- (iv) is safe;

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- (i) ensure the integration of public transport modes, giving due consideration to the needs of users; and
- (j) promote effective integrated transport planning.

(5) The Minister may, after consultation with the MECs, by notice in the *Gazette*, set standards for interoperability between fare collection and ticketing systems.

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(6) When a province or municipality cannot or does not fulfil an executive obligation in terms of matters relating to public transport, the Minister may intervene by taking the appropriate steps to ensure the fulfilment of that obligations, including issuing a directive to the provincial executive or municipal council, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations and the provincial executive or municipality must comply with such directive.

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Information systems

6. (1) The Minister must establish and maintain a national information system with regard to land transport and, in collaboration with the provinces, integrate that system with the information systems kept by provinces.

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(2) Every MEC and municipality must provide the Minister, in the manner and at the times prescribed by the Minister, with the prescribed information with regard to—

- (a) the objects and purposes of this Act;
- (b) the national land transport policy; and
- (c) the utilisation of monies made available to them by the Department, whether directly or indirectly, for the performance of their functions with regard to land transport in terms of this Act.

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(3) Despite subsection (2), the Minister may, at any time by notice in writing, request the MEC or municipality to provide the Minister with any information which the Minister may require.

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(4) The Minister must have all the information that was provided in terms of subsections (2) and (3) included in the national information system, and may make it available to interested parties on payment of the prescribed fee, if any, subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

(5) As part of the national information system, the Minister must, in the prescribed manner, establish and maintain an Operating Licence Administrative System containing the prescribed information, which must be accessible to and maintained by regulatory entities.

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(6) The Operating Licence Administrative System contemplated in subsection (5) must incorporate information in the existing Operating Licence Administrative System, the former Registration Administration System and the Subsidy Management System, and such system and eNATIS must be interoperable.

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Delegations by Minister

7. (1) The Minister may delegate to any officer in the Department any power or assign any duty conferred or imposed upon the Minister in terms of this Act, except the power to make regulations and the power to issue directives under section 5(6).

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(2) Any delegation of a power or assignment of duty under subsection (1)—

- (a) does not prevent the Minister from exercising that power or performing that duty;
- (b) must be done in writing; and
- (c) may at any time be amended or withdrawn.

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- (i) okuphumelelayo ekweneliseni izidingo zabazisebenzisayo;
 - (ii) okusebenza ngokuphumelelayo mayelana nokusetshenziswa kwezimali;
 - (iii) okusezingeni elamukelekayo futhi kufinyeleleke kalula futhi kwenziwe kanye nengqalasizinda eyenziwe yaba khona ngenani elifinyelelekayo;
 - (iv) okuphephile; 5
 - (i) aqikelele ukhlanganiswa ndawonye kwezindlela zokuthuthwa komphakathi, ecabangela izidingo zabazisebenzisayo;
 - (j) akhuthaze nokuhlelwa kwezinto zokuthutha okuphumelelayo okhlanganisa konke.
- (5) Ngemva kokubonisana noNgqongqoshe bezifundazwe, uNgqongqoshe, ngesimemezelwe kwi*Gazette*, angase anqume izindlela okuzosetshenzelwana ngazo ekuqongelelweni kwezimali zokugibela nasekukhishweni kwamathikithi. 10
- (6) Uma isifundazwe noma umasipala engenakukwazi ukuzifeza noma engazifezi isibopho anaso esiphathelene nezindaba zokuthuthwa komphakathi, uNgqongqoshe angase ayingenele indaba ngokuthatha izinyathelo ezifanele ukuqikelela ukuthi ziyafezwa lezo zibopho, okhlanganisa nokukhiphela ongqongqoshe besifundazwe noma amakhansela umyalo, echaza ukuba behluleke kangakanani ukuze izibopho zabo, esho nezinyathelo ezidingekayo ukuze zifezeke lezo zibopho abanazo, okuyothi-ke kudingeke ukuba ongqongqoshe besifundazwe noma umasipala benze njengokusho kwalowo myalo. 20

Izinhlelo zokuthol' incazelo

6. (1) UNgqongqoshe kumelwe enze futhi alondolozwe uhlelo lokuthol' incazelo ezweni lonke ngezinto zokuthutha ezihamba phansi, futhi ngokusebenzelana nezifundazwe ahlanganise lolo hlelo nezinhlelo ezigcinwa yizifundazwe.
- (2) UNgqongqoshe wesifundazwe ngamunye nomasipala ngamunye kumelwe, ngendlela nangezikhathi ezifunwa nguNgqongqoshe, banikeze uNgqongqoshe incazelo efunekayo ngezenzo zabo noma isikhundla sabo mayelana— 25
- (a) nezinjongo nezinhloso zalo Mthetho;
 - (b) nenqubo kazwelonke yezinto zokuthutha ezihamba phansi;
 - (c) nokusetshenziswa kwezimali abazinikezwe nguMnyango, noma ngabe bazinikezwe ngqo noma ngenye indlela, ukuze benze imisebenzi yabo emayelana nezinto zokuthutha ezihamba phansi njengokusho kwalo Mthetho. 30
- (3) Nakuba kushiwo kanje yisigatshana (2), uNgqongqoshe angase, nganoma yisiphi isikhathi, ngencwadi, acele ukuba uNgqongqoshe wesifundazwe noma umasipala anikeze uNgqongqoshe noma iyiphi incazelo angase uNgqongqoshe ayifune. 35
- (4) Kumelwe ukuba yonke incazelo eye yanikezwa ngokwesigatshana (2) no-(3) uNgqongqoshe ayihlanganise ohlelweni lwencazelo kazwelonke, futhi angase ayenze itholakale kubantu abathintekayo uma bekhokha inkokhelo eshiwo, uma ikhona, ngokulawulwa yilokho okushiwo yi*Promotion of Access to Information Act 2 ka-2000*.
- (5) Njengengxenywe yohlelo lokuthol' incazelo ezweni lonke, uNgqongqoshe kumelwe, ngendlela efunekayo, enze uHlelo lokuLawulwa kwamaLayisense okuThutha ngendlela efunekayo nencazelo efunekayo, ekumelwe kube efinyelelekayo nelondolozwa yizigungu zokulawulwa kwezokuthutha. 40
- (6) UHlelo lokuLawulwa kwamaLayisense Okuthutha olushiwo kwisigatshana (5) kumelwe kulona lube nencazelo esoHlelweni lwamanje lokuLawulwa kwamaLayisense okuThutha, nencazelo eyayisoHlelweni lwakuqala lokuBhaliswa, nasoHlelweni lokuLawulwa kwemiXhaso; futhi lolo hlelo kanye noHlelo lokuLawulwa kwamaLayisense okuThutha kumelwe kuvumelane. 45

UNgqongqoshe uphathisa abanye

7. (1) UNgqongqoshe angase igunya lakhe noma umsebenzi wakhe awunikwa yilo Mthetho awuphathise noma yisiphi isikhulu esiseMnyangweni, ngaphandle kwegunya lokwenza izimiso. 50
- (2) Ukuphathisa kwakhe igunya noma umsebenzi ngokwesigatshana (1)—
- (a) akumvimbi uNgqongqoshe ukulisebenzisa ngokwakhe lelo gunya noma ukuwenza ngokwakhe lowo msebenzi; 55
 - (b) kumelwe akwenze ngencwadi;
 - (c) kungachibiyelwa nganoma yisiphi isikhathi noma kuhoxiswe.

Regulations by Minister

- 8.** (1) The Minister may, after consultation with the MECs, make regulations relating to—
- (a) any matter which may or must be prescribed by way of a regulation under this Act; 5
 - (b) requirements for integrated fare systems, comprising fare structures, levels and technology, to ensure compatibility between such systems;
 - (c) national norms and standards relating to the qualifications and conduct of inspectors;
 - (d) a process to be followed for offering alternative services in the place of existing services to holders of operating licences or permits under section 39; 10
 - (e) the types of vehicles that may or may not be used for public transport services and standards or specifications for vehicles, subject to the National Road Traffic Act;
 - (f) procedures for the regulation of interprovincial transport; 15
 - (g) standard forms for responses of planning authorities under section 55;
 - (h) colour coding and branding of vehicles used for public transport;
 - (i) special requirements for drivers of vehicles used for public transport including, but not limited to, testing for knowledge of the area in question;
 - (j) policy and principles to be applied in paying subsidies; 20
 - (k) electronic fare collection and ticketing systems and the control of such systems by the provinces or municipalities either alone or in partnership with operators;
 - (l) information systems to be kept by the National Public Transport Regulator, each Provincial Regulatory Entity and planning authorities relating to this Act and information to be supplied to the national information system contemplated in section 6 from these systems, including the time within which it must be submitted; 25
 - (m) information to be kept by operators and supplied to authorities contemplated in this Act, including the time within which it must be submitted; 30
 - (n) meetings of the National Provincial Transport Regulator, Public Regulatory Entities and municipalities to which the operating licensing function contemplated in section 11(1)(a)(viii) has been assigned;
 - (o) procedures at those meetings, quorums and the keeping of records;
 - (p) functions and duties of the National Public Transport Regulator and municipalities in addition to those specified in this Act; 35
 - (q) principles for transport planning;
 - (r) the content of transport plans;
 - (s) procedures for the preparation, updating and approval of transport plans;
 - (t) procedures to be followed in promoting public participation in the transport planning process; 40
 - (u) requirements and procedures for negotiated contracts and their conversion to tendered contracts;
 - (v) amounts to be paid as a deposit to the Department or other entity to cover possible fines or penalties should the operator fail to comply with this Act or other prescribed requirements; 45
 - (w) information that must be supplied to the National Public Transport Regulator by tourist transport operators applying for accreditation under section 82;

Izimiswenziwa nguNgqongqoshe

8. (1) Ngemva kokubonisana noNgqongqoshe bezifundazwe, uNgqongqoshe angase enze izimiswenziwa ezimayelana—

- (a) nanoma yiluphi udaba olungase noma okudingeka lushayelwe umthetho ngokwenza izimiswenziwa ngaphansi kwalo Mthetho; 5
- (b) nezimfuneko zezinhlelo zezimali zokugibela ezihlanganiswe ndawonye, izimali zokugibela, amazinga nobuchwepheshe, ukuqikelela ukuthi lezo zinhlelo ziyafanelana;
- (c) izinqubo-mgomo ezimayelana nemfundo nokuziphatha kwabahloli, ngemva kokubonisana noNgqongqoshe bezifundazwe; 10
- (d) nenqubo okumelwe ilandelwe yokunikeza abantu abanamalaysense okuthutha noma amaphemithi ngaphansi kwesigaba 38 benikezwa usizo olungolunye esikhundleni sosizo lwamanje abalutholayo;
- (e) nezinhlobo zezimoto ezingasetshenziswa noma okungavumelekile ukuba zisetshenziselwe ukuthuthwa komphakathi ukusukela ezinsukwini ezithile zesikhathi esizayo ezizoshiwo kwizimiswenziwa kanye namazinga noma izimfuneko okumelwe zifinyelelwe yilezo zimoto, ngokulawulwa yi*National Road Traffic Act*; futhi izinhlobo zalezo zimoto, amazinga noma izimfuneko zazo zingase zingafani uma zizokwenza imisebenzi ehlukeni, njengasemaphandleni kungekhona emadolobheni, noma nganoma yisiphi esinye isizathu; 15
- (f) nezinqubo zokulawulwa kwezinto zokuthutha phakathi kwesifundazwe nesinye isifundazwe; 20
- (g) namaforamu ajwayelekile okuphendula okusetshenziswa yiziphathimandla ezihlelayo ngaphansi kwesigaba 55;
- (h) nokusetshenziswa kwamakhawudi emibala nezimpawu zezimoto ezisetshenziselwa ukuthuthwa komphakathi; 25
- (i) nezimfuneko ezikhethekile zabashayeli bezimoto ezisetshenziselwa ukuthuthwa komphakathi kuhlanganise, kodwa kungagcini lapho, nokuhlolwa kolwazi umuntu analo ngendawo;
- (j) inqubo nezimiswenziwa zokusetshenziswa ekukhokheni imixhaso; 30
- (k) nokuqongelelwa kwemali yokugibela ngezindlela zobuchwepheshe nezinhlelo zamathikithi nokulawulwa kwalezo zinhlelo izifundazwe noma omasipala, noma ngabe uyedwa noma ebambisene nabanini-zimoto;
- (l) nokulawulwa kwezinhlangano zabanini-zimoto, kuhlanganise nokuncane okuqukethwe yimithetho-sisekelo yazo, nezimfuneko zokukhethwa kwabasezikhundleni nezimali eziphakeme kakhulu zokuba yilungu; 35
- (m) izinhlelo zencazelo okumelwe zigcinwe yesiGungu sikaZwelonke, yesiGungu seSifundazwe, yiziphathimandla kwezokuthutha, yiziphathimandla ezihlelayo eziqokiwe, nabanye omasipala ngokuphathelene nalo Mthetho nencazelo okumelwe inikezwe abohlelo lokuthol' incazelo ezweni lonke iphuma kulezi zinhlelo, kuhlanganise nesikhathi okumelwe singapheli inganikezwanga kanye nalokho okuyoba yimiphumela yokungayinikezi; 40
- (n) incazelo okumelwe igcinwe ngabanini-zimoto futhi inikezwe iziphathimandla ezihloswe kulo Mthetho, kuhlanganise nesikhathi okumelwe singapheli inganikezwanga kanye nalokho okuyoba yimiphumela yokungayinikezi; 45
- (o) imihlangano yesiGungu sikaZwelonke neyesiGungu seSifundazwe nomasipala ababelwe umsebenzi umsebenzi wamalaysense okuthutha oshiwo kwisigaba 11(1)(a)(viii);
- (p) izinqubo zokulandelwa kuleyo mihlangano, amanani abantu okufanele okungenani babe khona ukuze umhlangano uqhubeke kanye nokugcinwa kwamarekhodi; 50
- (q) amagunya nemisebenzi yesiGungu sikaZwelonke neyomasipala;
- (r) izimiswenziwa zokuhlelwa kokuthutha;
- (s) okuqukethwe yizinhlelo zokuthutha;
- (t) izinqubo zokulungiselelwa kwezinhlelo zokuthutha, ukugcinwa kwalezo zinhlelo zihambisana nesikhathi nokuvunywa kwazo; 55
- (u) izinqubo zokulandelwa ekukhuthazeni ukuba neqhaza komphakathi kwinqubo zokuhlelwa kwezokuthutha;
- (v) izimfuneko nezinqubo zezivumelwano e kuxoxisenwe ngazo nokuguqulwa kwazo zibe yizivumelwano zethenda; 60
- (w) nezimali ezifanele zikhokhwe njengediphozi eMnyangweni noma kwenye indawo eshiwo ukuze kukhokeke izinhlawulo noma izijeziso ezingase

- (x) required signage, vehicle identification or livery for vehicles used for tourist transport services;
 - (y) requirements and time-frames for vehicles and facilities to be made accessible to persons with disabilities, including principles for accommodating such persons in the public transport system; 5
 - (z) the time within which an offer made under section 46 must be made or accepted, and the manner in which the procedures and negotiations contemplated in that section must be conducted;
 - (aa) the period within which application for renewal of existing operating licences must be submitted, and such regulations may provide that such operating licences will remain valid when the application for renewal is being processed; 10
 - (bb) requirements regarding liability insurance cover to be taken out by operators to supplement the cover provided in terms of the Road Accident Fund Act, 1996 (Act No. 56 of 1996); and 15
 - (cc) generally any other ancillary or incidental administrative or procedural matters that are necessary to prescribe for the proper implementation or administration of this Act.
- (2) Before making any regulations contemplated in subsection (1), the Minister must publish a draft of such regulations for public comment in the Gazette, and must consider any comments received in response to such publication. 20
- (3) The regulation made under this section may provide that any person who contravenes a provision thereof or fails to comply therewith is guilty of an offence, and liable on conviction to a fine or to imprisonment not exceeding three months.
- (4) A regulation made in terms of the Transition Act and in force immediately before the commencement of this Act with regard to matters in relation to which the Minister, in terms of subsection (1), is competent to make regulations, is regarded for the purposes of this Act as a regulation made under that subsection until superseded by a new regulation under this section. 25

Functions of MECs

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- 9.** (1) An MEC may, after consulting planning authorities in the province, publish provincial land transport policy.
- (2) An MEC must—
- (a) monitor the implementation of provincial land transport policy and any investigations conducted into matters arising from the implementation, and cause the necessary adjustments, if any, to be made to that policy; 35
 - (b) ensure that the money available for land transport matters is applied in an efficient, economic, equitable and transparent manner;
 - (c) assist municipalities that lack the necessary staff or resources in meeting their responsibilities and performing their functions and duties with regard to land transport; 40
 - (d) produce an annual report on the state of transport affairs in the province in the prescribed manner and submit it to the Minister in the prescribed time;
 - (e) improve the planning, co-ordination and facilitation of the land transport functions of the province; 45
 - (f) promote intergovernmental relations within the land transport environment;
 - (g) ensure that there is a link with matters having an impact on transport in the province, including land use management, environmental issues, population growth, economic development and investment in infrastructure, to facilitate integration and efficient transport; 50
 - (h) set standards, performance criteria and related indicators to ensure intermodal and intramodal co-ordination and efficient management of investment in transport and of transport infrastructure and systems;

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- ziqhamuke uma umnini-moto ehluleka ukwenza okufunwa yilo Mthetho noma ezinye izimfuneko;
- (x) nencazelo okumelwe inikezwe isiGungu sikaZwelonke ngabanini-zimoto abathutha abavakashi abafak' isicelo sokukhulunyelwa kahle ngaphansi kwesigaba 82; 5
- (y) nezimpawu ezifunekayo, nomfaniselwano wezimoto ezisetshenzisela ukuthutha abavakashi;
- (z) isikhathi okumelwe singapheli singalethwanga isicelo sokuvuselelwa kwamalaysense akhona okuthutha, futhi lezo zimiso zingase zisho ukuthi lawo malaysense okuthutha ayohlala esemthethweni ngesikhathi isicelo sokuvuselelwa sisasetshenzwa; 10
- (aa) isikhathi okumelwe singapheli singalethwanga isicelo sokuvuselelwa kwamalaysense akhona okuthutha, futhi lezo zimiso zingase zisho ukuthi lawo malaysense okuthutha ayohlala esemthethweni ngesikhathi isicelo sokuvuselelwa sisasetshenzwa; 15
- (bb) izimfuneko ngomshuwalense ofanele uthathwe ngabanini-zimoto ukwenezela kumshuwalense ongokwe*Road Accident Fund* 56 ka-1996;
- (cc) noma yiluphi olunye udaba okudingeka ukuba kushaywe umthetho ngalo ukuze usebenze kahlelo Mthetho.
- (2) Ngaphambi kokwenza izimiso ezihloswe kwisigatshana (1), uNgqongqoshe kumelwe akhiphe kuGazethi lezo zimiso eziseyisivivinywa ukuze umphakathi uphawule, futhi kumelwe akucubungule ukuphawula okutholiwe. 20
- (3) Izimiso ezenziwa ngaphansi kwalesi sigaba zingase zithi noma yimuphi umuntu owephula okushiwo yisimiso noma ongenzi okushiwo yiso uyoba necala lokwephul' umthetho, futhi uma etholakala enecala uyohlawuliswa ifayini noma avalelwe ejele isikhathi esingeqi ezinyangeni ezintathu. 25
- (4) Isimiso esenziwa ngokoMthetho wangaphambi kwalona nebesisasebenza ngaphambi kokuba kuqale ukusebenza lona uMthetho mayelana nezindaba uNgqongqoshe angenza izimiso ngazo, ngokwesigatshana (1), sithathwa ngokwalo Mthetho njengesimiso esenziwe ngaphansi kwaleso sigatshana kuze kube yilapho indawo yaso ithathwa yisimiso esisha ngaphansi kwalesi sigaba. 30

Imisebenzi yoNgqongqoshe bezifundazwe

9. (1) Ngemva kokubonisana neziphathimandla ezihlelayo esifundazweni, uNgqongqoshe wesifundazwe angase akhiphe inqubo yesifundazwe yezinto zokuthutha ezihamba phansi. 35
- (2) UNgqongqoshe wesifundazwe ngamunye kumelwe—
- (a) aqaphe ukusetshenziswa kwinqubo yesifundazwe yezinto zokuthutha ezihamba phansi kanye nanoma yikuphi ukuphenywa kwezindaba ezidalwa ukusetshenziswa kwayo, futhi enze kubekhona ushintsho oludingekile kuleyo nqubo, uma lukhona; 40
- (b) aqikelele ukuthi imali etholakalayo ephathelene nezindaba zokuthutha ezihamba phansi isetshenziswa ngendlela eshelelayo, eyongayo, enobulungisa nebonwa ngabantu bonke;
- (c) balekelele omasipala abangenabo abasebenzi abenele noma izimali, ukuba bafeze imisebenzi abayinikeziwe futhi benze imisebenzi yabo emayelana nezinto zokuthutha ezihamba phansi; 45
- (d) akhiphe ngendlela efunekayo umbiko waminyaka yonke ngesimo sezindaba zokuthutha esifundazweni futhi bawunike uNgqongqoshe ngendlela efunekayo;
- (e) athuthukise ukuhlelwa, ukuxhanyaniswa nokwenziwa lula kwemisebenzi yezinto zokuthutha ezihamba phansi yesifundazwe; 50
- (f) akhuthaze ubudlelwane bangaphakathi kohulumeni nalabo abasemkhakheni wezinto zokuthutha wezinto ezihamba phansi;
- (g) aqikelele ukuthi kukhona ukuxhumana nezindaba ezithinta ezokuthutha esifundazweni, kuhlangukise nokulawulwa kokusetshenziswa komhlaba, nezindaba eziphathelene nendawo esizungezile, ukwanda komphakathi, intuthuko kwezomnotho nokutshalwa kwemali kwingqalasizinda, ukwenziwa lula kokuhlangukiswa kwazo zonke izinto zokuthutha nokusebenza kwazo ngokushelela; 55
- (h) abeke amazinga okufinyelelwa, izinto okuzobonakala ngazo ukuthi uyenziwa umsebenzi nezinye izinto ezingase zibonise ukuqikelela ukuthi kukhona 60

- (i) take an active role in sourcing international, national, local, private and public funding to promote the objects of this Act in the province; and
- (j) co-ordinate transport initiatives with municipalities, and other stakeholders in the transport field by establishing co-ordinating structures or by other methods.

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Regulations by MEC

10. (1) An MEC may make regulations with regard to—

- (a) any matter which, in terms of this Act, may or must be prescribed by an MEC;
- (b) a code of conduct for operators or drivers of public transport vehicles, which may differ according to the mode of transport concerned;
- (c) the establishment, membership and procedures of co-ordinating structures for transport planning in the province;
- (d) frequency of meetings of Provincial Regulatory Entities;
- (e) procedures at meetings of Provincial Regulatory Entities, quorums and the keeping of records;
- (f) the powers and duties of Provincial Regulatory Entities; and
- (g) procedures to be followed in promoting public participation in the transport planning process.

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(2) The regulations may provide that any person who contravenes a provision thereof or fails to comply therewith, is guilty of an offence and on conviction liable to imprisonment not exceeding three months or to a fine.

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(3) Regulations made in terms of the Transition Act or preceding legislation and in force immediately before the commencement of this Act with regard to matters in relation to which the MEC, in terms of subsection (1), is competent to make regulations, are regarded for the purposes of this Act as regulations made in terms of this subsection until such time as the MEC makes new regulations under this section.

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(4) Where an MEC has failed to make regulations on any matter on which provincial regulations are required under this Act, the Minister may within a reasonable time make such regulations after consultation with that MEC.

CHAPTER 2

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INSTITUTIONAL ARRANGEMENTS FOR LAND TRANSPORT

Institutional arrangements: general matters

The responsibilities of the three spheres of government

11. (1) The responsibilities of the three spheres of government are as follows:

- (a) The national sphere of government is responsible for—
 - (i) the formulation of national transport policy and strategy;
 - (ii) national strategic transport planning and co-ordination, and preparing a National Land Transport Strategic Framework in terms of section 34;
 - (iii) co-ordination between provinces and to address arrangements between the three spheres of government and public entities with a view to ensuring the effective and efficient execution of the land transport function;
 - (iv) assigning functions to the most appropriate sphere of government;
 - (v) liaising with other government departments in the national sphere with

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ukuxhumana phakathi kwenye indawo nenye nokulawulwa okushelelayo kokutshalwa kwemali kwezokuthutha, nokulawulwa kwengqalazizinda nezinhlelo zokuthutha;

- (i) akhuthale ekutholeni ukuxhaswa ngezimali okuvela emazweni angaphandle, ngaphakathi kuleli zwe, ezindaweni esikuzona, kwabazimele nakuhulumeni ukukhuthaza izinhloso zalo Mthetho esifundazweni; futhi 5
- (j) axhumanise imisebenzi yezokuthutha eyenziwa ngomasipala nabanye abaneqhaza emkhakheni wezokuthutha ngokwenza izindlela zokuxhumana noma ngokusebenzisa ezinye izindlela.

Izimisisebenzi ezenziwa nguNgqongqoshe wesifundazwe 10

- 10.** (1) UNgqongqoshe wesifundazwe angase enze izimisisebenzi mayelana—
- (a) nanoma yiluphi udaba okungase noma okumelwe, ngokwalo Mthetho kushaywe umthetho ngalo nguNgqongqoshe wesifundazwe;
- (b) ngendlela abafanele baziphathe ngayo abanini-zimoto noma abashayeli bezimoto zokuthuth' umphakathi, izindlela zokuziphatha ezingase zingafani kuye ngokohlobo lwento yokuthutha esetshenziswayo; 15
- (c) ukusungulwa kwezakhiwo zokuxhumanisa zokuhlelela izinto zokuthutha esifundazweni, ukuba amalungu alezo zakiwo nezinqubo zokulandelwa kuzo;
- (d) nokuthi ifanele ivame kangakanani ukuba khona imihlangano yesiGungu zeZifundazwe; 20
- (e) nezinqubo zokulandelwa emihlangangweni yeziGungu zeZifundazwe, inani labantu abafanele babe khona ukuze umhlangano uqhubeke, nokugcinwa kwamarekhodi;
- (f) namagunya nemisebenzi yeziGungu zeZifundazwe;
- (g) izinqubo zokulandelwa ekukhuthazeni ukubamb' iqhaza komphakathi ekuhleloleni ezokuthutha. 25
- (2) Izimisisebenzi zingase zithi noma yimuphi umuntu owephula okushiwo izimisisebenzi noma ongenzi okufunwa yizo unecala lokwephul' umthetho futhi uma etholakala enecala uyogwetshwa ukuvallelwa ejele isikhathi esingeqile ezinyangeni ezintathu noma akhokhiswe ifayini. 30
- (3) Izimisisebenzi ezenziwa ngokwe*Transition Act* noma ngokwemithetho yesishayamthetho yangaphambi kwalona futhi ebezisebenza ngaphambi kokuba uqale ukusebenza lona uMthetho mayelana nezindaba uNgqongqoshe wesifundazwe angenza izimisisebenzi ngazo, ngokwesigatshana (1), zithathwa ngokwalo Mthetho njengezimisisebenzi ezenziwe ngokwaleso sigatshana kuze kube yilapho uNgqongqoshe wesifundazwe enza izimisisebenzi esisha ngaphansi kwalesi sigaba. 35
- (4) Uma uNgqongqoshe wesifundazwe engazenzanga izimisisebenzi, ngesikhathi esifanele, nganoma yiluphi udaba ekudingeka ngalo izimisisebenzi zesifundazwe ngokwalo Mthetho, uNgqongqoshe angase azenze lezo zimisisebenzi ngemva kokubonisana noNgqongqoshe wesifundazwe. 40

ISAHLUKO 2

**AMALUNGISELELO EZIGUNGU EZINTO ZOKUTHUTHA
EZIHAMBA PHANSI**

Amalungiselelo ezigungu: izindaba ezihlukahlukene

Imisebenzi kahulumeni emazingeni ahlukeneyo 45

- 11.** (1) Imisebenzi kahulumeni emazingeni ahlukeneyo yilena elandelayo:
- (a) Uhulumeni omkhulu—
- (i) usungula inqubo kazwelonke yezokuthutha nokuhlala;
- (ii) uhlela ezokuthutha kuzwelonke futhi axhumanise, bese elungiselela uHlaka lukaZwelonke Lwezinto Zokuthutha Ezihamba Phansi ngokwesigaba 44; 50
- (iii) uyaxhumanisa phakathi kwezifundazwe futhi enze amalungiselelo phakathi kwamazinga amathathu ohulumeni namagunya omphakathi ngenhloso yokuqikelela ukuthi wenziwa ngempumelelo nangokushelela umsebenzi wezinto zokuthutha ezihamba phansi; 55
- (iv) waba imisebenzi ayabele izinga ekuyilona elifanele kakhulu likahulumeni;

- responsibilities that impact on transport issues with a view to co-ordinating land transport;
- (vi) capacitating and monitoring provinces and municipalities that lack capacity or resources to perform their land transport functions; 5
 - (vii) co-ordinating transport relations between the Republic and other countries and implementing international agreements; 5
 - (viii) performing the functions contemplated in this Act in relation to applications for operating licences;
 - (ix) regulation of tourism transport;
 - (x) regulation of interprovincial road transport; 10
 - (xi) acting as contracting authority for subsidised service contracts, interim contracts, current tendered contracts and negotiated contracts concluded in terms of the Transition Act; and
 - (xii) performing the other functions assigned to the Minister in terms of this Act. 15
- (b) The provincial sphere of government is responsible for—
- (i) the formulation of provincial transport policy and strategy, within the framework of national policy and strategy;
 - (ii) planning, co-ordination and facilitation of land transport functions in the province, and preparing the Provincial Land Transport Framework in terms of section 35; 20
 - (iii) co-ordination between municipalities with a view to ensuring the effective and efficient execution of land transport in the province and promoting provincial legislation with a view to promoting the objects of this Act; 25
 - (iv) liaising with other government departments in the national and provincial spheres with responsibilities that impact on transport and land use planning issues, and bringing together key players;
 - (v) ensuring that municipalities that lack capacity and resources are capacitated to perform their land transport functions; 30
 - (vi) building capacity in municipalities to monitor the implementation of this Act;
 - (vii) ensuring implementation of the provincial integrated development strategy and public transport strategy, with due attention to rural areas, with the focus on less capacitated municipalities or those that do not fulfil their responsibilities in respect of transport service delivery, either by direct implementation or assistance under paragraph (v); and 35
 - (viii) performing the other provincial functions assigned to the MEC in terms of this Act.
- (c) The municipal sphere of government is responsible for— 40
- (i) developing land transport policy and strategy within its area based on national and provincial guidelines, which includes its vision for the area and incorporates spatial development policies on matters such as densification and infilling as well as development corridors;
 - (ii) promulgating municipal by-laws and concluding agreements, as appropriate, in the municipal sphere; 45
 - (iii) ensuring co-ordination between departments and agencies in the municipal sphere with responsibilities that impact on transport and land use planning issues, and bringing together the relevant officials;
 - (iv) in its capacity as planning authority, preparing transport plans for its area, ensuring the implementation thereof and monitoring its performance in achieving its goals and objectives; 50
 - (v) financial planning with regard to land transport within or affecting its area, with particular reference to transport planning, infrastructure, operations, services, maintenance, monitoring and administration, with due focus on rehabilitation and maintenance of infrastructure; 55

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- (v) uxhumana neminye iminyango kahulumeni kuhulumeni omkhulu okuyiminyango enemisebenzi ethintene nezindaba zokuthutha ngenhloso yokuxhumanisa emsebenzini wokuthutha ngezinto ezihamba phansi;
- (vi) uhlomisa nokuqapha izifundazwe nomasipala abangakwazi ukwenza imisebenzi yabo yokuthutha; 5
- (vii) uba ngumxhumanisi kubudlelwane bezokuthutha phakathi kweRiphabliki namanye amazwe futhi enze izivumelwano zamazwe ngamazwe zisebenze;
- (viii) wenza imisebenzi eshiwo kulo Mthetho mayela nezicelo zamalayisense okuthutha; 10
- (ix) ulawula izinto zokuthutha abavakashi;
- (x) ulawula izinto zokuthutha ezihamba ngomgwaqo phakathi kwesifundazwe nesinye;
- (xi) usebenza njengesiphathimandla sokungena kwisivumelwano kwizivumelwano zomsebenzi wokuthutha oxhasiwe, kwizivumelwano zesikhashana, kwizivumelwano zamanje ezithendarishiwe nezivumelwano ekuxoxiswene ngazo ekungenwe kuzo ngokwe*Transition Act*; 15
- (xii) wenza neminye imisebenzi eyabelwe uNgqongqoshe ngokusho kwalo Mthetho.
- (b) Uhulumeni wesifundazwe— 20
- (i) usungula inqubo yesifundazwe yezokuthutha nokuhlela;
- (ii) uhlela, axhumanise, enze lula imisebenzi yezinto zokuthutha ezihamba phansi esifundazweni, alungiselele noHlaka lweSifundazwe Lwezinto Zokuthutha Ezihamba Phansi ngokwesigaba 35;
- (iii) uyaxhumanisa phakathi komasipala ngenhloso yokuqikelela ukuthi imisebenzi yezinto zokuthutha ezihamba phansi yenziwa ngempumelelo nangokushelala esifundazweni, futhi uphakamisa imithetho yephalamende yesifundazwe ngenhloso yokuphakamisa izinhloso zalo Mthetho; 25
- (iv) uxhumana neminye iminyango kahulumeni kuhulumeni omkhulu nakohulumeni bezifundazwe okuyiminyango enemisebenzi ethintene nokusetshenziswa kwezinto zokuthutha ezihamba phansi, futhi ahlanganise abaphambili ekubamben' iqhaza; 30
- (v) uqikelela ukuthi omasipala abangakuhlomele ukwenza imisebenzi abafanele bayenze benziwa bakuhlomele ukwenza imisebenzi yabo yezinto zokuthutha ezihamba phansi; 35
- (vi) wenza omasipala bakwazi ukuqapha ukusetshenziswa kwalo Mthetho;
- (vii) uqikelela ukuthi liyasetshenziswa icebo lokuthuthukisa lesifundazwe nelokuthuthwa komphakathi, enaka kakhulu izindawo zasemaphandleni, agxile komasipala abangahlomile ngokwenele noma labo abangayifezi imisebenzi yabo yokuthutha, noma ngabe kungokuyenza ngqo noma ngokusizwa ngokwesigaba (v); 40
- (viii) wenza neminye imisebenzi yesifundazwe eyabelwe uNgqongqoshe ngokusho kwalo Mthetho.
- (c) Uhulumeni ongumasipala—
- (i) uthuthukisa inqubo yezinto zokuthutha ezihamba phansi endaweni yakhe ngokusekelwe kwiziqondiso zikazwelonke nezesifundazwe, ezihlanganisa umbono anawo ngendawo nezinqubo ezikhethekile zentuthuko ezindabeni ezinjengokuminyana nokugcwalisela kanye nemigwaqo yentuthuko; 45
- (ii) usabalalisa nemithetho eshaywe ngumasipala angene nakwizivumelwano uma kufanele, ezingeni likamasipala; 50
- (iii) uqikelela ukuthi kukhona ukuxhumana phakathi kweminyango nezinhlangano ezingeni likamasipala okuyiminyango enemisebenzi ethintene nokusetshenziswa kwezinto zokuthutha nezindaba zokuhlela, futhi ahlanganise abasebenzi okufanele abahlanganise; 55
- (iv) njengesiphathimandla esihlelayo, ulungisa izinhlelo zokuthutha zendawo yakhe, aqikelele ukuthi ziyasetshenziswa, aqaphe nokuthi zihamba kanjani ekufinyeleleni imigomo nezinhloso zakhe;
- (v) uhlela izimali eziphathelene nezinto zokuthutha ezihamba phansi endaweni yakhe, ikakhulukazi ukuhlelela ukuthutha, ingqala-sizinda, imisebenzi yokuthutha, ukulondolozwa kwezinto zisesimweni esihle, nokulawulwa kwesimo, kunakwe ikakhulu ukwakhiwa kabusha kwezimo nokulondolozwa kwengqala-sizinda; 60

- (vi) managing the movement of persons and goods on land within its area by co-ordinating such movement;
- (vii) encouraging and promoting the optimal use of the available travel modes so as to enhance the effectiveness of the transport system and reduce travelling time and costs; 5
- (viii) developing, implementing and monitoring a strategy to prevent, minimise or reduce any adverse impacts of the land transport system on the environment in its area;
- (ix) developing, operating and maintaining a land transport information system for its area; 10
- (x) encouraging, promoting and facilitating public consultation and participation in the planning, regulation and implementation of public transport, and applying the requirements of the Systems Act in that regard;
- (xi) marketing and promoting public transport and promoting publicity associated with the public transport system; 15
- (xii) providing information to users or potential users of public transport;
- (xiii) promoting safety and security in public transport;
- (xiv) ensuring there is provision for the needs of special categories of passengers in planning and providing public transport infrastructure, facilities and services to meet their needs, in so far as possible by the system provided for mainstream public transport; 20
- (xv) liaising on a continuous basis with the South African Police Service, Road Traffic Management Corporation, the relevant provincial and municipal law enforcement authorities or agencies, and the inspectors appointed under the Cross-Border Act, with a view to ensuring co-ordinated transport law enforcement within its area; 25
- (xvi) applying traffic management techniques aimed at improving road traffic movement;
- (xvii) undertaking functions relating to municipal roads, as well as measures to limit damage to the road system; 30
- (xviii) the planning, implementation and management of modally integrated public transport networks and travel corridors for transport within the municipal area and liaising in that regard with neighbouring municipalities; 35
- (xix) in relation to the planning functions contemplated in paragraph (iv) include service level planning for passenger rail on a corridor network basis in consultation with the South African Rail Commuter Corporation;
- (xx) introducing, establishing or assisting in or encouraging and facilitating the establishment of integrated ticketing systems, the managing thereof including through-ticketing and determining measures for the regulation and control of revenue-sharing among operators involved in those systems; 40
- (xxi) subject to standards set by the Minister under section 5(5), if any, set standards for interoperability between fare collection and ticketing systems in its area; 45
- (xxii) formulating and apply travel demand management measures for its area;
- (xxiii) in the case of gross cost contracts for subsidised services, determining fare structures and fare levels and periodically adjusting fares after publishing the proposed adjustment for public comment; 50
- (xxiv) determining concessionary fares for special categories of passengers in the prescribed manner;
- (xxv) exercising control over service delivery through— 55
 - (i) the setting of operational and technical standards and monitoring compliance therewith; and
 - (ii) the monitoring of contracts and concessions;
- (xxvi) concluding subsidised service contracts, commercial service contracts, and negotiated contracts contemplated in section 41(1) with operators for services within their areas;
- (xxvii) developing and managing intelligent transport systems for their areas in the prescribed manner; and 60
- (xxviii) performing the other functions of municipalities in terms of this Act.

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- (vi) wengamela umnyakazo wabantu nezimpahla emhlabeni ngaphakathi kwendawo yakhe ngokuwuhlela lowo mnyakazo;
- (vii) ukhuthaza ukusetshenziswa okuphelele kwezindlela zokuhamba ezitholakalayo ukuze lusebenze kahle uhlelo lokuthutha, kuphunguleke nesikhathi nezindleko zokuhamba; 5
- (viii) uthuthukisa, asebenzise futhi aqaphe icebo lokuvimba, lokunciphisa umphumela ongemuhle wezinto zokuthutha ezihamba phansi endaweni yakhe;
- (ix) uthuthukisa, asebenzise futhi alondoloze uhlelo lokwaziswa kwabantu ngezokuthutha endaweni yakhe; 10
- (x) ukhuthaza futhi enze kube lula ukubonisana nomphakathi nokuba neqhaza ekuhlelweni, ekulawulweni nasekussetshenzisweni kwezinto zokuthutha, futhi asebenzise izinto ezifunwa yi *Systems Act*;
- (xi) ukhuthaza ukusetshenziswa kwezinto zokuthuth' umphakathi nedumela elihambisana nezinto zokuthuth' umphakathi; 15
- (xii) udlulisela incazelo kwabasebenzisa izinto zokuthuth' umphakathi noma labo okungenzeka bazisebenzise;
- (xiii) ukhuthaza ukuphepha ezintweni zokuthuth' umphakathi;
- (xiv) uqinisekisa ukuthi ziyabonelelwa izidingo zabagibeli bemikhakha ekhethekile ekuhleleni nasekwenzeni kubekhona izidingo-ngqangi zokuthuthwa komphakathi, kubekhona izinto zokubonelela izidingo zabo, ngangokusemandleni ezinto zokuthuth' umphakathi ezimqoka; 20
- (xv) uxhumana njalo namaPhoyisa, nabaLawula iziMoto emiGwaqweni, neziphathimandla zesifundazwe nezomasipala eziphoqelet' ukugcinwa komthetho, kanye nabahloli abamiswe yi *Cross Border Act*, ngenhloso yokuqikelela ukuthi ukuphoqeletwa kokugcinwa komthetho endaweni kuhamba kahle; 25
- (xvi) usebenzisa izindlela zokulawula ukuminyana kwezimoto;
- (xvii) wenza imisebenzi ephathelene nemigwaqo kamasipala, kanye nemizamo yokunciphisa ukugugswa kwemigaqo; 30
- (xviii) uhlela, asebenzise izinhlanganisela zezinto zokuthuth' umphakathi nemigwaqo endaweni yalo, futhi axhumane nomasipala abangomakhelwane;
- (xix) mayelana nemisebenzi yokuhlela ehloswe kwisigaba (v), uhlanganisa ukuhlelela ukusebenza kololiwe emigwaqweni ngokubonisana ne *South African Rail Commuter Corporation*, kanye neminye imisebenzi ehlobene nololiwe uma leyo misebenzi yabelwe umasipala ofanele noma omasipala abafanele; 35
- (xx) usiza noma ukhuthaza ekusungulweni kwezinhlelo zokusetshenziswa kwamathikithi, futhi anqume ukuthi yiziphi izindlela zokuyihlanganyela imali engenile ihlanganyelwa yilabo abathuthayo kulezo zinhlelo; 40
- (xxi) ngemva kokubonisana noNgqongqoshe noNgqongqoshe wesifundazwe, nangokulawulwa imigomo ebekwe nguNgqongqoshe ngokwesigaba 5(5), uma ikhona, nangokwenza isimemezelo kwi *Provincial Gazette*, unquma izinqubo-mgomo zokusebenza phakathi kwezindawo zokukhokhwa kwemali yokugibela nezamathikithi endaweni yakhe; 45
- (xxii) wakha izindlela zokuhlangabezana nokudingeka kwezinto zokuhamba endaweni;
- (xxiii) uma kunezivumelwano zezindleko ezinkulu zomsebenzi wokuthutha onomxhaso, unquma ukuthi zizoma kanjani izimali zokugibela bese liyazishintsha izimali zokugibela ngemva kokuba limemezele ukuze abantu baphawule; 50
- (xxiv) unquma ukuthi zizoba yimalini izimali zokugibela zesaphulelo kubagibeli bemikhakha ethile;
- (xxv) ubhekela ukusetshenzelwa komphakathi— 55
- (i) ngokusungula izinqumo-mgomo nokuqapha ukuthi ziyagcinwa;
- (ii) ngokuqapha izivumelwano;
- (xxvi) ungena kwizivumelwano ezinomxhaso, izivumelwano zomsebenzi wohwebo, nezivumelwano ekuxoxiswene ngazo ezihloswe kwisigaba 50(1) kanye nabanini bezimoto ngaphakathi kwendawo yakhe; 60
- (xxvii) uthuthukisa futhi apha the umsebenzi wokuthutha wendawo yakhe ngendlela efunekayo;
- (xxviii) wenza neminye imisebenzi yomasipala engokwalo Mthetho.

(2) The Minister may assign any function contemplated in subsection (1)(a) to a province or municipality, subject to sections 99 and 156(4) of the Constitution and sections 9 and 10 of the Systems Act, to achieve the objectives of the Constitution and this Act.

(3) The MEC may assign any function contemplated in subsection (1)(b) to a municipality, subject to section 156(4) of the Constitution and sections 9 and 10 of the Systems Act to achieve the objectives of the Constitution and this Act. 5

(4) Any municipality may request the Minister or MEC to assign a function contemplated in subsection (1)(a) or (b) to it, subject to sections 156(4) of the Constitution and sections 9 and 10 of the Systems Act, where such municipality has an acceptable integrated transport plan. 10

(5) Where a municipality is performing a function contemplated in subsection (1) (a) on the date of commencement of this Act, such function is deemed to have been assigned to that municipality under subsection (2).

(6) Subject to section 21, where a province is performing a function contemplated in subsection (1)(a) on the date of commencement of this Act, it must continue performing that function, unless that function is assigned to a municipality by the Minister in terms of this Act. 15

(7) The Minister may make regulations or issue guidelines providing for transitional arrangements where a function is assigned under subsection (2), which may differentiate between— 20

- (a) different categories of municipalities, budgetary size or in any other determinable manner; or
- (b) functional areas.

Intergovernmental relations 25

12. (1) A province may enter into an agreement with one or more municipalities in the province to provide for the joint exercise or performance of their respective powers and functions contemplated in this Act and may establish a provincial entity or similar body in this regard, subject to the Constitution and this section.

(2) One or more adjacent municipalities may agree on the joint exercise or performance of their respective powers and functions contemplated in this Act, or may establish municipal entities in terms of the Systems Act for this purpose. 30

(3) If the spheres of government cannot agree, subject to this Act, on the division of land transport functions between them, they must act in a manner and spirit consistent with the principles of co-operative government prescribed by section 41 of the Constitution and apply the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005). 35

Impartiality

13. (1) The following persons and their spouses, partners and immediate family members must be impartial, have no direct financial or business interest in any sector of the public transport industry, and may not decide or adjudicate on a matter in which they have such an interest: 40

- (a) Members of the National Public Transport Regulator, Provincial Regulatory Entities and municipalities directly involved in dealing with applications concerning operating licences; 45
- (b) members of the Transport Appeal Tribunal established by section 3 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998);
- (c) officials of planning authorities directly responsible for the development of integrated transport plans;
- (d) officials directly involved in the management and execution of public transport related law enforcement; and 50
- (e) officials operating or working at testing stations contemplated in the National Road Traffic Act,

or such a member or official who has been such person in the year prior to his or her appointment. 55

(2) UNgqongqoshe angase noma yimuphi umsebenzi ohloswe kwisigatshana (1)(a) awabele isifundazwe noma umasipala, ngokulawulwa yisigaba 99 no-156(4) soMthetho-sisekelo nezigaba 9 no-10 ze*Systems Act*, ukuze kufezeke izinhloso zoMthetho-sisekelo nezalo Mthetho.

(3) UNgqongqoshe wesifundazwe angase noma yimuphi umsebenzi ohloswe kwisigaba (b) sesigatshana (1) awabele umasipala, ngokulawulwa yisigaba 156(4) soMthetho-sisekelo nezigaba 9 no-10 ze*Systems Act* ukuze kufezeke izinhloso zoMthetho-sisekelo nezalo Mthetho.

(4) Noma yimuphi umasipala angacela uNgqongqoshe noma uNgqongqoshe wesifundazwe ukuba umsebenzi ohloswe kwisigatshana (1)(a) noma (b) awabele yena umasipala, ngokulawulwa yisigaba 156(4) zoMthetho-sisekelo nezigaba 9 no-10 ze*Systems Act*, uma lowo masipala enohlelo olwenele nolwamukelekayo lokuhlanganiswa kwezinto zokuthuthwa.

(5) Uma umasipala enza umsebenzi ohloswe kwisigatshana (1)(a) ngosuku lokuqala kwalo Mthetho ukusebenza, lowo msebenzi uyothathwa njengowabelwe lowo masipala ngokwesigatshana (2).

(6) Ngokulawulwa yisigaba 25, uma isifundazwe senza umsebenzi ohloswe kwisigatshana (1)(a) ngosuku lokuqala kwalo Mthetho ukusebenza, kumelwe siqhubeke senza lowo msebenzi, ngaphandle uma lowo msebenzi wabelwe umasipala nguNgqongqoshe ngokusho kwalo Mthetho.

(7) UNgqongqoshe angase enze izimiso noma akhiphe iziqondiso zamalungiselelo angalesi sikhathi esiphakathi uma umsebenzi wabelwe ngokwesigatshana (2), izimiso ezingase zihlukanise phakathi—

(a) kwemikhakha eyehlukene yomasipala, ubungakanani bezimali ezibekelwe eceleni noma ngayiphi enye indlela;

(b) kwezindawo zokusebenza.

Ubudlelwane phakathi kohulumeni

12. (1) Isifundazwe singase singene kwisivumelwano nomasipala noma nomasipala abangaphezu koyedwa abasesifundazweni ukuze bawasebenzise ngokuhlanganyela amagunya nemisebenzi ehloswe kulo Mthetho futhi bangase basungule isigungu sesifundazwe noma okunye okufana nalokho, ngokulawulwa nguMthetho-sisekelo nayilesi sigaba.

(2) Umasipala noma omasipala abangaphezu koyedwa abasondelene bangase bavumelane ngokusetshenziswa ngokuhlanganyela kwamagunya abo noma ukkwenziwa kwemisebenzi yabo ehloswe yilo Mthetho, noma bangase basungule izigungu zomasipala ngokwe*Systems Act* bekwenza lokho ngale njongo.

(3) Uma, ngokulawulwa ngulo Mthetho, amazinga kahulumeni engavumelani ngokuhlukaniswa kwemisebenzi yezinto zokuthutha ezihamba phansi, kumelwe enze ngendlela nangomoya ovumelana nezimiso zokusebenzelana kohulumeni ezishiwo kwisigaba 41 soMthetho-sisekelo futhi basebenzise okushiwo yi-*Intergovernmental Relations Framework Act* 13 ka-2005.

Ukungachemi

13. (1) Abantu abalandelayo kanye nalabo abashade nabo, nabahlangene ngothando namalungu emindeni yabo eseduze kumelwe bangachemi, bangabi nokuthile abakusophe ngqo ngokwasemalini noma ngokwebhizinisi kunoma iyiphi ingxenye yomsebenzi wokuthuthwa komphakathi, futhi abavumelekile ukuba bathathe isinqumo endabeni noma basingathe udaba abanokuthile abakusophile kulo:

(a) amalungu esiGungu sikaZwelonke, iziGungu zeSifundazwe nomasipala abahileleke ngokuqondile ekusingatheni izicelo zamalaysense okuthutha;

(b) amalungu esiGungu Sokudlulisela iziKhalo esisungulwe yisigaba 3 se*Transport Appeal Tribunal Act* 39 ka-1998;

(c) abasebenza kwiziphathimandla ezihlelayo abamsebenzi wabo ngokuthe ngqo ungukuthuthukiswa kwezinhlelo zokuhlanganiswa kwezinto zokuthutha;

(d) abasebenza ngokuthe ngqo ekuphathweni nasekuphoqelelweni kwemithetho yokuthuthwa komphakathi;

(e) abasebenza ezikhungweni zokuhlolwa ezihloswe kwi*National Road Traffic Act*; noma umuntu okade eyilungu noma ekulo msebenzi eminyakeni emithathu ngaphambi kokuthi aqashwe.

(2) No serving member of Parliament or of a provincial legislature or councillor of a municipal council, or a person who has been such a member or councillor in the previous year, may be a member or official contemplated in subsection (1)(a), (b), (c), (d) or (e).

Institutional arrangements: planning authorities

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Planning authorities

14. All planning authorities must—

- (a) prepare the integrated transport plans as contemplated in section 36;
- (b) perform the constitutional transport functions listed in Parts B of Schedules 4 and 5 of the Constitution; 10
- (c) supply directions to the entities responsible for the granting, renewal, amendment or transfer of operating licences in terms of their integrated transport plans in the prescribed manner; and
- (d) perform any other land transport-related functions assigned to them in terms of the Constitution and this Act. 15

Intermodal planning committees

15. (1) Every municipality that is establishing an integrated public transport network or has significant passenger rail services in its area must establish an intermodal planning committee consisting of the prescribed technical officials and prescribed representatives of rail operators, other public transport modes, users and organised business. 20

(2) The function of an intermodal planning committee is to co-ordinate public transport between the modes in order to achieve the objects of this Act.

Land transport advisory boards

16. (1) A planning authority may establish a land transport advisory board with representation from government and the private sector, to advise it in relation to land transport matters. 25

(2) The Minister may, after consulting the relevant MECs, make regulations on the membership of such advisory boards, the appointment and qualifications for membership, procedures and frequency of meetings, and related matters. 30

Institutional arrangements: municipalities

Establishment of division for the operating licence function and arrangement of administration of certain municipalities

17. (1) Every municipality to which the operating licence function has been assigned under section 11(2) must— 35

- (a) establish a division within its administration to perform that function in terms of this Act;
- (b) ensure such division consists of dedicated officials of the municipality, appointed either on a full-time or part-time basis by virtue of their specialised knowledge, training or experience in public transport or related matters. 40

(2) The Minister may prescribe minimum qualifications or experience for officials of such division or of officials undertaking specific land transport functions.

(3) No person contemplated in section 13 may be an official of such division.

(4) Every such municipality must arrange or, if necessary, reorganise its administra-

(2) Akukho lungu lePhalamende noma lesishayamthetho sesifundazwe noma ikhansela likamasipala, noma umuntu obe yilungu elinjalo noma ikhansela eminyakeni emithathu engaphambili, ovumelekile ukuba yilungu noma ukuba ngosebenza ngendlela ehloswe kwisigatshana (1)(a), (b), (c), (d), (e).

Amalungiselelo Kulesi Sigungu: Iziphathimandla Ezihlelayo

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Iziphathimandla ezihlelayo

14. Zonke iziphathimandla ezihlelayo kumelwe—

- (a) zilungise izinhlelo zokuhlanganiswa kwezinto zokuthutha njengoba kuhloswe kwisigaba 36;
- (b) zenze imisebenzi yokuthutha engokoMthetho-sisekelo ekreliswe kwingxenye B kaSchedule 4 no-5 woMthetho-sisekelo; 10
- (c) zinikeze iziqondiso kwizinhlangano ezimsebenzi wazo ungukunikeza amalayisense okuthutha, ukuwavuselela, ukwenza ushintsho kuwo noma ukuwadlulisela kwabanye abantu ngokwezinhlelo zokuhlanganiswa kwezokuthutha ngendlela efanele; futhi 15
- (d) zenze noma yimiphi eminye imisebenzi eziyabelwe chlobene nezinto zokuthutha ezihamba phansi ngokoMthetho-sisekelo nangokwalo Mthetho.

Amakomiti ahlelayo phakathi kwezinto zokuthutha ezingafani

15. (1) Umasipala owakha inxanxathela yokuthuthwa komphakathi noma onabantu abaningi abathuthwa ngololiwe endaweni yakhe kumelwe amise ikomiti elihlelayo phakathi kwezinto zokuthutha ezingafani elakhiwa ngabasebenzi abadingekayo bezobuchwepheshe nabameli abadingekayo babanikazi bololiwe, abanye abasebenzisa izinto zokuthutha umphakathi ezingafani nabamabhizinisi ahleliwe. 20

(2) Imisebenzi yekomiti elihlelayo phakathi kwezinto zokuthutha ezingafani iwukuba ngumxhumanisi ngokuthuthwa komphakathi phakathi kwezinto zokuthutha ezingafani ukuze kufezwe izinhloso zalo Mthetho. 25

Amabhodi okweluleka ngezinto zokuthutha ezihamba phansi

16. (1) Isiphathimandla esihlelayo singase simise ibhodi eleluleka ngezinto zokuthutha ezihamba phansi elinabameli abaqhamuka kuhulumeni nasezinkampanini ezizimele, ukuba isiluleke ngezindaba zezinto zokuthutha ezihamba phansi. 30

(2) Ngemva kokubonisana noNgqongqoshe bezifundazwe abathintekayo, uNgqongqoshe angase enze izimiso ngendlela yokuba yilungu lalawo mabhodi okweluleka, nangendlela yokumiswa kwawo nemfundo edingekayo ukuze umuntu abe yilungu, nangezinqubo zokulandelwa nokuthi imihlangano kumelwe ibe khona kaningi kangakanani, nezindaba eziphathelele nalokho. 35

Amalungiselelo kulesi sigungu: omasipala

Ukusungulwa komnyango womsebenzi wamalayisense okuthutha nemisebenzi yomasipala abathile

17. (1) Umasipala ngamunye owabelwe umsebenzi wamalayisense okuthutha ngokwesigaba 11(2) kumelwe— 40

- (a) asungule umnyango wokwenza imisebenzi njengokusho kwalo Mthetho;
- (b) aqikelele ukuthi lowo mnyango unabasebenzi abazinikele bakamasipala abaqashwe ngokuphelele noma abangabesikhashana ngenxa yolwazi lwabo oluchwepheshile noma ukulolongwa okuchwepheshile ekuthuthweni komphakathi noma ezindabeni ezihlobene nako. 45

(2) UNgqongqoshe angase anqume ukuthi yiyiphi imfundo noma ulwazi okungenani umuntu okumelwe abe nalo uma umuntu ezosebenza kulowo mnyango noma ezokwenza imisebenzi ethile yezinto zokuthutha ezihamba phansi.

(3) Akukho muntu oshiwo kwisigaba 13 ovumelekile ukuba asebenze kulowo mnyango. 50

(4) Umasipala ngamunye owabelwe lowo msebenzi kumelwe ahlele noma, uma kudingekile, ahlele kabusha ukusebenza kwakhe ukuze umsebenzi wokuphatha

tion so that the function of managing and funding transport matters, and land use planning, as well as the other related functions contemplated by this Act, are integrated.

Regulatory functions of municipalities

18. (1) A municipality to which the operating licensing function has been assigned under section 11(2) must receive and decide on applications relating to operating licences for services wholly in their areas of jurisdiction, excluding applications that must be made to the National Public Transport Regulator or a Provincial Regulatory Entity. 5

(2) In considering applications regarding operating licences, such municipalities must, in the case of services provided in terms of their integrated transport plan, apply that plan and give due regard to the relevant Provincial Land Transport Framework. 10

(3) Such a municipality may give notice in the prescribed manner that it will no longer receive applications for operating licences for new services except in accordance with invitations given by it for specified services on specified routes or in specified areas in accordance with its integrated transport plan, either for the purpose of concluding a contract or because those routes or areas are already adequately served. 15

(4) Such a municipality may, in appropriate cases, make inquiries or hold hearings to enable it to perform its functions contemplated in this section, and also has the prescribed powers.

(5) Every municipality that establishes an integrated public transport network must in the prescribed manner establish a call centre where passengers and other interested persons may lodge complaints or inquiries regarding public transport services in its area, and must follow up such complaints and, where appropriate, take the necessary action to remedy the situation. 20

Adjacent municipalities

19. (1) Where there are significant transport movements between two or more adjacent municipalities, they may establish an inter-municipality forum in terms of section 28 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) to co-ordinate their functions in terms of this Act and to ensure that their integrated transport plans take account of such movements. 30

(2) As an alternative to such an inter-municipality forum, such municipalities may establish a multi-jurisdictional service utility for the purpose in terms of Part 4 of Chapter 8A of the Systems Act.

Institutional arrangements: National Public Transport Regulator

Establishment of National Public Transport Regulator

20. (1) The Minister must establish the National Public Transport Regulator within the Department, to perform the functions of that Regulator in terms of this Act. 35

(2) The National Public Transport Regulator consists of designated officials of the Department, appointed either on a full-time or part-time basis, whose specialised knowledge, training or experience, taken collectively, at least covers— 40

- (a) public transport;
- (b) transport economics;
- (c) accounting, auditing or actuarial science;
- (d) the law;
- (e) tourism transport; and
- (f) vehicle standards and specifications. 45

(3) The prescribed quorum of members of the National Public Transport Regulator contemplated in subsection (2) must take decisions of that Regulator.

(4) The Department must allocate staff as a dedicated unit to assist that Regulator in the performance of its functions. 50

izindaba zokuthutha nokusekelwa kwao ngezimali, nowokuhlelwa kokusetshenziswa komhlaba, neminye imisebenzi ehloswe yilo Mthetho, ihlanganiswe.

Imisebenzi yokulawula yomasipala

18. (1) Umasipala owabelwe umsebenzi wamalaysense okuthutha ngokwesigaba 11(2) kumelwe amukele izicelo zamalaysense okuthutha bese enza izinqumo ngazo uma kungawokuthutha ezindaweni zabo, ngaphandle kwezicelo ezifanele ziye esiGungwini sikaZwelonke noma esiGungwini seSifundazwe. 5

(2) Ekucubunguleni izicelo zamalaysense okuthutha, labo masipala, uma kungumsebenzi wokuthutha osohlelweni lwezinto zokuthutha oluhlanganisa konke, kumelwe balusebenzise lolo hlelo futhi becabangela uHlaka lweSifundazwe Lwezinto Zokuthutha Ezihamba Phansi. 10

(3) Lowo masipala angenza isaziso ngendlela efunekayo esithi ngeke esazamukela izicelo zamalaysense okuthutha zomsebenzi omusha wokuthutha ngaphandle uma ekwenza lokho ngenxa yezimemo ezikhishwe uyena kungezomsebenzi wokuthutha othile emizileni ethile noma ezindaweni ezithile ngokuvumelana nohlelo lwakhe lwezinto zokuthutha, noma ngabe kungenjongo yokungena kwisivumelwano noma kungenxa yokuthi leyo mizila noma izindawo isinezinto zokuthutha ezanele. 15

(4) Ezimweni ezifanele, lowo masipala angase enze uphenyo ukuze akwazi ukwenza imisebenzi yakhe eshiwo kulesi sigaba, futhi unamagunya afunekayo. 20

(5) Umasipala ngamunye osungula inxanxathela yezinto zokuthutha umphakathi, ngendlela efunekayo kumelwe asungule isikhungo sokushaya izingcingo lapho abagibeli nabanye abantu abathintekayo bengafaka khona izikhalo noma babuze ngezinto zokuthutha ezisendabeni yabo; umasipala ke ufanele azilandebele lezo zikhalo bese, uma kunokwenzeka, athathe isinyathelo esifanele sokulungisa isimo. 25

Omasipala abasondelene

19. (1) Uma umkhulu umnyakazo wezinto zokuthutha phakathi komasipala ababili noma abangaphezu kwalokho abasondelene, kumelwe babe nendawo yokuhlangana ngokwesigaba 28 se*Intergovernmental Relations Framework Act* 13 ka-2005 ukuze bahlele imisebenzi yabo ngokwalo Mthetho ukuze baqikelele ukuthi izinhlelo zabo zokuthutha aziwushalazeli lowo mnyakazo omkhulu wezinto zokuthutha. 30

(2) Uma bengabi nayo indawo yokuhlangana kwabo omasipala, labo masipala bangasungula icebo elihlanganisa omasipala abaningi ngenjongo engokweNgenye 4 yeSahluko 8A se*Systems Act*.

Amalungiselelo Kulesi Sigungu: Isigungu Sokulawulwa Kwezinto Zokuthuth' Umphakathi Kuzwelonke

Ukusungulwa kwesiGungu Sokulawulwa Kwezinto Zokuthuth' uMphakathi kuZwelonke

20. (1) UNgqongqoshe kumelwe asungule isiGungu Sokulawulwa Kwezinto Zokuthuth' uMphakathi kuZwelonke (isiGungu sikaZwelonke) ngaphakathi eMnyangweni, ukuba enze imisebenzi yaleso siGungu ngokwalo Mthetho. 40

(2) IsiGungu sikaZwelonke kumelwe sakhiwe ngabasebenzi abakhethiwe boMnyango, bezosebenza isikhathi esigcwele noma ngezikhathi ezithile, okumelwe ukuba ulwazi lwabo olubanzi, noqeqesho lwabo, seluhlanganiswe ndawonye, okungenani lube kule mikhakha—

- (a) umkhakha wokuthuthwa komphakathi; 45
- (b) umkhakha wokusetshenziswa kwezinto zokuthutha;
- (c) umkhakha wokubalwa kwezimali nokuhlolwa kwazo;
- (d) umkhakha womthetho;
- (e) umkhakha wokuthuthwa kwabavakashi;
- (f) okufunekayo ezimotweni. 50

(3) Izinqumo kumelwe zithathwe yinani lamalungu esiGungu sikaZwelonke adingekayo ngokwesigatshana (2).

(4) UMnyango kumelwe wabele abasebenzi abazinikele ukuba balekelele lesiGungu ekwenzeni imisebenzi yaso.

Functions of National Public Transport Regulator

21. (1) The National Public Transport Regulator must—
- (a) monitor and oversee public transport in the country in general and the activities of Provincial Regulatory Entities and municipalities in relation to their land transport functions; 5
 - (b) receive and decide on applications relating to operating licences or accreditation for—
 - (i) interprovincial transport, excluding daily commuter transport to and from the area of a municipality to which the operating licensing function has been assigned under section 11(2), which must be dealt with by that municipality; 10
 - (ii) tourist transport services; and
 - (iii) any other services designated by the Minister by notice in the *Gazette*;
 - (c) oversee fares charged for public transport services throughout the country; and 15
 - (d) advise the Minister on the making of regulations in relation to fares or fare structures in terms of section 8.
- (2) The National Public Transport Regulator must produce and regularly update a standardised procedures manual for itself and for Provincial Regulatory Entities, municipalities, contracting authorities and the Transport Appeal Tribunal in respect of their activities in terms of this Act, subject to this Act. 20
- (3) In the case of an application for an operating licence for an interprovincial service other than a tourist transport service or charter service, the National Public Transport Regulator must consult the relevant Provincial Regulatory Entities and relevant planning authorities in the prescribed manner. 25
- (4) Where a Provincial Regulatory Entity refuses to receive an application, or delays an application unduly in the prescribed manner, the applicant may submit the application to the National Public Transport Regulator in the prescribed time and manner.
- (5) Any application concerning an operating licence or conversion of a permit to an operating licence that is pending before a provincial operating licensing board on the date that this section comes into operation, and that relates to a service specified in subsection (1)(b), must be finalised by that board or by the National Public Transport Regulator once it has been established, applying the provisions of this Act. 30
- (6) As soon as possible after its appointment, the National Public Transport Regulator must formulate an implementation plan for establishing the entities required by this Act and for capacitating them, and for implementing the other provisions of this Act. 35

Powers of National Public Transport Regulator

22. (1) The National Public Transport Regulator may, in appropriate cases, make inquiries or hold hearings to enable it to perform its functions set out in section 21. 40
- (2) In dealing with any matter before it the National Public Transport Regulator must have the prescribed powers.

Institutional arrangements: Provincial Regulatory Entities

Establishment of Provincial Regulatory Entities

23. (1) Every MEC must establish a Provincial Regulatory Entity within the relevant provincial department, to perform the functions of that entity in the province. 45
- (2) The Provincial Regulatory Entity must consist of dedicated officials of the provincial department, appointed either on a full-time or part-time basis by virtue of their specialised knowledge, training or experience of public transport or related matters and is accountable to the head of the provincial government. 50

Imisebenzi yesiGungu Sokulawulwa Kwezinto Zokuthuth' uMphakathi kuZwelonke

21. (1) IsiGungu sikaZwelonke kumelwe—
- (a) siqaphe futhi sengamele izinto zokuthuthwa komphakathi ezweni lonke kanye nezinto ezenziwa yiziGungu zeZifundazwe nokwenziwa ngomasipala mayela nemisebenzi yabo yezinto zokuthutha ezihamba phansi; 5
 - (b) semukele izicelo zamalaysense okuthutha, senze nezinqumo ngazo noma ukukhulumela kahle—
 - (i) izinto zokuthutha ezihamba phakathi kwesifundazwe nesinye, ngaphandle kwezinto zokuthutha zansuku zonke eziya neziqhamuka endaweni kamasipala owabelwe umsebenzi wamalaysense okuthutha ngokwesigaba 11(2), okumelwe kusingathwe yilowo masipala; 10
 - (ii) izinto zokuthutha abavakashi;
 - (iii) noma yiziphi ezinye izinto zokuthutha ezikhonjwe nguNgqongqoshe ngesimemezelo kwiGazette; 15
 - (c) sengamele izimali zokugibela ezintweni zokuthutha umphakathi kulo lonke izwe; futhi
 - (d) seluleke uNgqongqoshe ngokwenziwa kwezimiso ngezimali zokugibela ngokwesigaba 8.
- (2) IsiGungu sikaZwelonke kumelwe sikhophe ibhukwana lezinqubo elisesimweni esifanele futhi sihlale silishintsha ukuba lihambisane nesikhathi ukulungiselela sona kanye neziGungu zeZifundazwe, nomasipala, neziphathimandla ezingene kwizivumelwano nesiGungu Sokudlulisela iziKhalongokwalo Mthetho, ngokulawulwa yilo Mthetho. 20
- (3) Endabeni yesicelo selayisense yokuthutha ngaphakathi esifundazweni kungeyona eyokuthutha abavakashi noma imoto eqashwe nomshayeli wayo, isiGungu sikaZwelonke kumelwe sibonisane neziGungu zeZifundazwe neziphathimandla ezihlelayo ezithintekayo ngendlela efunekayo. 25
- (4) Lapho isiGungu seSifundazwe senqaba ukwamukela isicelo, noma sisibambezele isicelo ngokungafanele, owenza isicelo angaletha isicelo sakhe kwisiGungu sikaZwelonke ngendlela efunekayo. 30
- (5) Noma yisiphi isicelo selayisense yokuthutha noma sokuguqulwa kwephemithi ibe yilayisense yokuthutha ebesingekacutshungulwa yibhodi yamalaysense okuthutha yesifundazwe ngosuku esiqala ngalo ukusebenza lesi sigaba uma leso sicelo siphathelene nomsebenzi owenziwa ngabantu abashiwo kwisigatshana 1(b), kumelwe sicutshungulwe siqedwe yilelo bhodi noma sicutshungulwe siqedwe yisiGungu sikaZwelonke uma sesisunguliwe, kusetshenziswa lokho okushiwo yilo Mthetho. 35
- (6) Ngokushesha ngemva kokumiswa kwaso, isiGungu sikaZwelonke kumelwe sisungule uhlelo lokusungula izigungu ezifunwa yilo Mthetho nokuzenza zikwazi ukusebenza lezo zigungu, kukwazi ukusebenza nokunye okushiwo yilo Mthetho. 40

Amagunya esiGungu Sokulawulwa Kwezinto Zokuthuth' uMphakathi kuZwelonke

22. (1) Ezimweni ezifanele, isiGungu sikaZwelonke singahlalela izindaba ezithile ukuze sikwazi ukwenza imisebenzi yaso echazwe kwisigaba 21.
- (2) Ekusingatheni noma yiluphi udaba oluphambi kwaso isiGungu sikaZwelonke kumelwe sibe namagunya afunwa ngumthetho. 45

Amalungiselelo kulesi sigungu: IziGungu Zokulawulwa Kwezokuthutha Ezifundazweni**Amalungiselelo kulesi sigungu: Izigungu Zokulawulwa Kwezokuthutha Ezifundazweni 50**

23. (1) UNgqongqoshe wesifundazwe ngamunye kumelwe asungule isiGungu Sokulawulwa Kwezokuthutha Esifundazweni (isiGungu seSifundazwe) ngaphakathi eMnyangweni wesifundazwe ofanele, ukuba sense umsebenzi waso esifundazweni.
- (2) IsiGungu seSifundazwe kumelwe sakhawe ngabasebenzi boMnyango wesifundazwe abaqokiwe, bezosebenza isikhathi esigcwele noma ngezikhathi ezithile ngenxa yolwazi lwabo olubanzi noqeqesho lwabo ekuthuthweni komphakathi noma ezindabeni ezihlobene nalokho. 55

(3) No serving member of Parliament or of a provincial legislature or councillor of a municipal council may be an official of the Provincial Regulatory Entity.

(4) No person contemplated in section 13 may be an official of the Provincial Regulatory Entity.

Functions of Provincial Regulatory Entities

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24. (1) Each Provincial Regulatory Entity must—

- (a) monitor and oversee public transport in the province;
- (b) receive and decide on applications relating to operating licences for intra-provincial transport where no municipality exists to which the operating licence function has been assigned, but excluding applications that must be made to the National Public Transport Regulator in terms of section 21.

(2) As soon as possible after this section comes into operation, the MEC must take steps to disestablish the relevant operating licensing board and to establish the relevant Provincial Regulatory Entity and transfer that board's functions to the Provincial Regulatory Entity.

(3) Any application concerning an operating licence or conversion of a permit to an operating licence that is pending before a provincial operating licensing board on the date that this section comes into operation, must be finalised either by that board before it is disestablished or by the Provincial Regulatory Entity after it is established, in terms of this Act and directions given by the MEC.

Powers of Provincial Regulatory Entities

25. (1) A Provincial Regulatory Entity may, in appropriate cases, make inquiries or hold hearings to enable it to perform its functions set out in section 24.

(2) In dealing with any matter before it a Provincial Regulatory Entity must have the prescribed powers.

Agreements on regulatory matters

Agreements on regulatory matters

26. (1) The National Public Transport Regulator, a Provincial Regulatory Entity or a municipality may agree that one of them will undertake the functions of another relating to receiving and considering applications concerning operating licences, either temporarily or permanently, where—

- (a) there is a significant travelling of commuters on a daily basis between the areas for which they are responsible;
- (b) the nature of transport movements between them would make such an agreement advisable from a transport or land use planning viewpoint; or
- (c) for other prescribed reasons.

(2) The Minister may prescribe regulations on the circumstances in which and the conditions on which such agreement may be concluded, and procedures or requirements for its implementation.

CHAPTER 3

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FUNDING ARRANGEMENTS FOR LAND TRANSPORT

Municipal land transport funds

27. (1) Subject to subsection (2), every municipality that is establishing an integrated public transport network must establish a fund for its area known as a Municipal Land Transport Fund, into which shall be paid—

- (a) money appropriated by the Minister for that Fund;
- (b) money appropriated by the MEC for that Fund;
- (c) user charges collected in terms of section 28;
- (d) interest on invested cash balances belonging to that Fund; and

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(3) Akukho lungu lePhalamende elisasebenza njengelungu noma ilungu lesishayamthetho sesifundazwe elisasebenza njengelungu noma ikhansela likamasipala elisasebenza njengekhansela elingaba kwisiGungu seSifundazwe.

(4) Akukho muntu oshiwo kwisigaba 12 ongaba kwisiGungu seSifundazwe.

Imisebenzi yeziGungu zokulawulwa kwezokuthutha ezifundazweni

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24. (1) IsiGungu seSifundazwe kumelwe—

- (a) siqaphe futhi sengamele izinto zokuthuthwa komphakathi esifundazweni;
(b) semukele izingcingane ezindaweni lapho engekho khona umasipala owabelwe umsebenzi wamalaysense okuthutha, kodwa lokhu akuhlanganisi izingcingane ezifanele zenziwe esiGungwini sikaZwelonke ngokwesigaba 25.

(2) Ngokushesha ngemva kokuba lesi sigaba siqalile ukusebenza, uNgqongqoshe wesifundazwe kumelwe athathe izinyathelo zokuhlakaza ibhodi lamalaysense okuthutha elithintekayo futhi asungule isiGungu seSifundazwe bese imisebenzi yalelo bhodi ayidlulisele kwisiGungu seSifundazwe.

(3) Noma yisiphi isicelo selaysense yokuthutha noma sokuguqulwa kwephemithi ibe yilaysense yokuthutha ebesingekacutshungulwa yibhodi yamalaysense okuthutha yesifundazwe ngosuku lokuqala kwalesi sigaba ukusebenza, kumelwe lesi sicelo sicutshungulwe siqedwe yileyo bhodi ngaphambi kokuba ihlakazwe noma sicutshungulwe siqedwe yisiGungu seSifundazwe ngemva kokuba sesisunguliwe, ngokwalo Mthetho nangokweziqondiso ezikhishwe nguNgqongqoshe wesifundazwe.

Amagunya ezigungu zokulawulwa kwezokuthutha ezifundazweni

25. (1) Ezimweni ezifanele isiGungu seSifundazwe singahlalela izindaba ezithile ukuze sikwazi ukwenza imisebenzi yaso echazwe kwisigaba 24.

(2) Ekusingatheni noma yiluphi udaba oluphambili kwaso isiGungu seSifundazwe kumelwe sibe namagunya afunwa ngumthetho.

Izivumelwano ngezindaba zokulawul' isimo

Izivumelwano ngezindaba zokulawul' isimo

26. (1) IsiGungu sikaZwelonke neseSifundazwe noma umasipala bangase bavumelane ngokuthi omunye wabo omunye uzokwenza imisebenzi yomunye ephathelene nokwamukela izingcingane nokuzicubungula kuyizicelo zamalaysense okuthutha, noma ngabe kungokwesikhashana noma njalo, uma—

- (a) bebaningi abagibeli nsuku zonke abahamba phakathi kwezindawo eziphethwe yibo;
(b) umnyakazo wezinto zokuthutha phakathi kwabo usenza lesi sivumelwano situsek; noma
(c) ngezinye izizathu.

(2) UNgqongqoshe angase asho izimiso nezimo nemibandela lezo zivumelwano eziyokwenziwa ngazo, nezinqubo zokulandelwa.

ISIAHLUKO 3

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**AMALUNGISELELO OKUXHASWA NGEZIMALI KWEZINTO
ZOKUTHUTHA EZIHAMBA PHANSI**

Izikhwama zomasipala zezinto zokuthutha ezihamba phansi

27. (1) Ngokulawulwa yisigatshana (2), umasipala ngamunye osungula inhlanganisela yezinto zokuthuthwa komphakathi kumelwe asungule isikhwama sendawo yakhe esaziwa ngokuthi yiSikhwama sikaMasipala Sezinto Zokuthutha Ezihamba Phansi, okuzongena kuso—

- (a) imali ebekelw' eceleni nguNgqongqoshe ibekelwa lesi Sikhwama;
(b) imali ebekelw' eceleni nguNgqongqoshe wesifundazwe ibekelwa lesi sikhwama;
(c) izimali ezifunwa kwabasisenzisayo eziqongelelwe ngokwesigaba 29;
(d) inzalo ngezimali ezisele ezilondolozwe ezingezeSikhwama;

- (e) donations and contributions to that fund from any other source, including foreign aid agencies.
- (2) Such a municipality must administer that fund and use it to defray the cost of the functions of that authority in terms of this Act or its integrated transport plan, and to cover any other expenditure that will promote the objects of this Act in its area. 5
- (3) Such a municipality may invest money in that fund that is not immediately required by it subject to the Municipal Finance Management Act and any other applicable legislation.
- (4) Such a municipality must keep proper accounts of all money accruing to or paid out of that fund, which must be audited by the Auditor-General. 10
- (5) The municipal manager or chief executive officer of such a municipality must submit, annually to its council, for approval estimates of expenditure to be defrayed from that fund, and may make no payment from that fund except in accordance with such estimates or with the prior approval of that council.
- (6) The provisions of the Municipal Finance Management Act apply to such funds, 15 and the Minister of Finance may make regulations clarifying the application of that Act to those funds.

Public transport user charges

28. (1) Subject to the Municipal Fiscal Powers and Functions Act, 2007 (Act No. 12 of 2007), a municipality, which has established a municipal land transport fund under section 27 may impose user charges, which may differ from case to case, on— 20
- (a) specified classes of motor vehicles entering specified portions of its area at specified times;
- (b) land, buildings or other developments that generate the movement of passengers, including land or buildings of which the State is the owner, in its area; and 25
- (c) the parking of motor vehicles in a building or on land in specified portions of its area;
- (d) parking places for, or the use of ranks, stops and terminals by, motor vehicles in such portions. 30
- (2) Amounts received in terms of subsection (1) accrue to such fund.

Minister may provide funds for land transport

29. (1) For the performance of the Minister's functions in terms of this Act and to meet the expenditure incurred by the Department in the performance of work arising from or otherwise connected with those functions, the Minister must use monies appropriated by Parliament for that purpose. 35
- (2) The moneys made available to municipal transport funds by the Minister are to be applied so as to give effect to land transport policy and to achieve the objects and purposes of this Act, and the Minister may for that purpose impose conditions including conditions relating to specific purposes for which the money is to be used. 40
- (3) Money made available in terms of this Act—
- (a) for use for a particular or specified purpose, may not be used for any other purpose; or
- (b) subject to specified conditions, may not be dealt with contrary to those conditions. 45
- (4) Any conditions imposed must be framed in such a manner as to permit flexibility and ease of implementation, while requiring compliance with the principles of land transport policy as contemplated in section 4 of this Act.

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- (e) neminikelo engena kulesi Sikhwama noma ngabe iqhamuka kuphi, kuhlanganise nezimhlangotho zosizo lwamazwe angaphandle.
- (2) Lowo masipala kumelwe asiphathe lesi sikhwama futhi asisebenzisele ukukhokhela izindleko zemisebenzi yaleso siphathimandla ngokusho kwalo Mthetho noma uhlelo lwakhe lokuhlanganiswa kwezinto zokuthutha, nokukhokhela noma yiziphi ezinye izindleko okuyoqhubekisela phambili izinhloso zalo Mthetho endaweni yakhe. 5
- (3) Lowo masipala angase ayilondoloze ngenhloso yokuba yande imali ekulesi sikhwama uma ingadingeki ngokushesha, ngokulawulwa yi *Municipal Finance Management Act* nangeminye imithetho yesishaya-mthetho esebenzisa kulokhu. 10
- (4) Lowo masipala kumelwe agcine ukubalwa kwezimali ngendlela efanele kwazo zonke izimali ezingenile noma ezikhokhwe ziphuma kulesi sikhwama, bese ziyahlolwa nguMhloli-Mabhuku.
- (5) Umphathi kamasipala noma isikhulu esiphezulu salowo masipala kumelwe, njalo ngonyaka, sinikeze amakhansela izindleko ezihlawumbiselwayo ukuze zivunye kuyizindleko ezizokhokhwa ziphuma kulesi sikhwama, futhi akufanele akhokhe lutho ethatha kulesi sikhwama ngaphandle uma kuyilokho okuhlawumbiselwe noma kukhokhwa ngemvume yamakhansela. 15
- (6) Okushiwo yi *Municipal Finance Management Act* kuyasebenza kulezo zimali, futhi uNgqongqoshe wezimali angase enze izimiso ezicacisa ukusetshenziswa kwalowo mthetho kulezo zimali. 20

Inkokhiso yezimoto ezithuth' umphakathi

- 28.** (1) Ngokulawulwa yi *Municipal Fiscal Powers and Functions Act* 12 ka-2007, umasipala osungule isikhwama sikamasipala sezinto zokuthutha ezihamba phansi angase afune inkokhiso engase ingafani ezimweni ezihlukahlukene— 25
- (a) ezimotweni zesigaba esithile ezingena ezingxenyeni zendawo yaso ngezikhathi ezithile;
- (b) ezingena kumhlaba, ezakhiweni noma kwezinye izindawo ezenza kudingeke ukunyakaza kwabagibeli, kuhlanganise nezingena kumhlaba noma kwizakhiwo ezingezoMbuso, endaweni yaso; 30
- (c) ngokupakwa kwezimoto esakhiweni noma kumhlaba othile ezingxenyeni ezithile zendawo yaso;
- (d) ngezindawo zokupaka noma ukusetshenziswa kwamarenki, ngenjongo yokumisa imoto nokujika lapho umgwaqo uphela.
- (2) Izimali ezitholakele ngokwesigatshana (1), ziba ngezaleso sikhwama. 35

UNgqongqoshe angase akhiphe izimali zezinto zokuthutha ezihamba phansi

- 29.** (1) Ukuze kwenziwe imisebenzi kaNgqongqoshe ngokwalo Mthetho nokuze kuhlangelelwe nezindleko ekungenwe kuzo nguMnyango ekwenzeni umsebenzi odalwa yileyo misebenzi, uNgqongqoshe kumelwe asebenzise izimali ezibekelwe eceleni yiPhalamende ngaleyo njongo. 40
- (2) Imali eyenziwe yatholakalela ukusetshenziswa yiziphathimandla ezihlelayo eziqokwe kumelwe ihlanganise nemali ekhokhiwe ekuqaleni kokusebenza kwalo Mthetho ikhokhelwa isifundazwe esithintekayo ukuze sixhase ngezimali izivumelwano zomsebenzi wokuthutha okunomxhaso, izivumelwano zesikhashana nezivumelwano ezibhaliwe zamathenda ngokoMthetho wangaphambi kwalona endaweni engaphansi kwesiphathimandla esihlelayo eziqokwe, futhi uNgqongqoshe angase anqume ukuthi izoba yini imibandela noma akhiphe iziqondiso zokuthi leyo mali iyosetshenziswa kanjani, leyo mibandela noma iziqondiso eyikhipha eyibhekisa kuwonkuwonke noma eyiqondisa kwiziphathimandla ezihlelayo eziqokwe. 45
- (3) Imali eyenziwa itholakalele ngokwalo Mthetho— 50
- (a) ukuba isetshenziselwe injongo ethile eshiwo ayinakusetshenziselwa enye injongo; noma
- (b) ngokwemibandela ethile eshiwo, ayinakusetshenziswa ngendlela ephambene naleyo mibandela.
- (4) Noma yimiphi imibandela ebekwayo kumelwe amazwi ayo ahlelwe ngendlela yokuthi avumele ubulula bokushintshashintsha nobulula bokuyisebenzisa, ibe ngesikhathi esifanayo ifuna ukuthi kwenziwe lokho okufunwa yizimiso zenqubo yezinto zokuthutha ezihamba phansi njengoba kuhloswe kwisigaba 4 salo Mthetho. 55

MEC may provide funds for land transport

30. (1) For the performance of an MEC's functions in terms of this Act, and to meet the expenditure incurred by the provincial department in performance of the work connected with those functions, the MEC must use moneys received from the Minister or appropriated by the relevant provincial legislature for that purpose. 5

(2) An MEC may, from funds received under subsection (1), make monies available to municipalities to perform their responsibilities in terms of this Act.

(3) The moneys made available under subsection (1) are to be applied so as to give effect to the national and provincial land transport policy and to achieve the objects and purposes of this Act, and the MEC may for that purpose impose conditions including 10 conditions relating to specific purposes for which the money is to be used.

(4) Moneys made available in terms of this section—

- (a) for use for a particular or specified purpose, may not be used for any other purpose; or
- (b) subject to specified conditions, may not be dealt with contrary to those 15 conditions.

CHAPTER 4**TRANSPORT PLANNING****General principles for transport planning and its integration with land use and development planning** 20

31. Land transport planning must be integrated with the land development and land use planning processes, and the integrated transport plans required by this Act are designed to give structure to the function of municipal planning mentioned in Part B of Schedule 4 to the Constitution, and must be accommodated in and form an essential part of integrated development plans, with due regard to legislation applicable to local 25 government, and its integrated transport plan must form the transport component of the integrated development plan of the municipality.

Types of plans required by this Act

32. For the purposes of this Act, the following plans are required:

- (a) A National Land Transport Strategic Framework prepared by the Minister; 30
- (b) Provincial Land Transport Frameworks prepared by the MECs; and
- (c) integrated transport plans prepared by planning authorities.

General provisions on transport planning

33. (1) (a) A planning authority may enter into an agreement with any other planning authority or the provincial department to assist it in performing its functions in terms of this Chapter. 35

(b) Despite subsection (1), the planning authority is not divested of its ultimate responsibility for the functions entrusted to it by this Chapter.

(2) The Minister, MEC and planning authority must, before finalising the national land transport strategic framework, provincial land transport framework or integrated transport plan, as the case may be, publish a notice in English and at least one other 40 official language in a newspaper circulating nationally, in the province, or in the area of the planning authority, as the case may be, informing the relevant stakeholders that the

UNgqongqoshe wesifundazwe angase akhiphe izimali zezinto zokuthutha ezihamba phansi

30. (1) Ukuze kwenziwe imisebenzi kaNgqongqoshe wesifundazwe ngokwalo Mthetho nokuze kuhlangukshwane nezindleko ekungenwe kuzo nguMnyango wesifundazwe ekwenzeni umsebenzi oxhumene naleyo misebenzi, uNgqongqoshe wesifundazwe kumelwe asebenzise izimali ezitholakele kuNgqongqoshe noma ezibekelwe eceleni yisishayamthetho sesifundazwe ezithintekayo azisebenzele leyo njongo. 5

(2) Izimali ezitholakele ngaphansi kwesigatshana (1), uNgqongqoshe wesifundazwe angase enze izimali zitholakalele omasipala ukuze benze imisebenzi yabo engokwalo Mthetho. 10

(3) Izimali ezenziwe zatholakala ngaphansi kwesigatshana (1) kumelwe zisetshenziswe ngendlela yokuba ziphumelelise inqubo kazwelonke neyesifundazwe yezinto zokuthutha ezihamba phansi futhi zifeze izinhloso nezinjongo zalo Mthetho. Ngaleso sizathu uNgqongqoshe angase abeke imibandela ehlanganisa nemibandela yezinjongo ezithile ezishiwo ezosetshenziselwa zona imali. 15

(4) Izimali ezenziwe zatholakala ngokwalesi sigaba—

- (a) ukuba zisetshenziselwe injongo ethile eshiwo, azinakusetshenziselwa enye injongo; 20
- (b) ngokulawulwa yimibandela ethile eshiwo, azinakusetshenziswa ngokuphambene naleyo mibandela.

ISIAHLUKO 4**UKUHLELWA KWEZOKUTHUTHA****Izimiso zokuhlelwa kwezokuthutha, nokuhlanganiswa kwazo ekusetshenzisweni komhlaba nasekuhlelelweni kwentuthuko** 25

31. Ukuhlelelwa kwezinto zokuthutha ezihamba phansi kumelwe kuhlangukshwane nezinqubo zokuhlelelwa kokuthuthukiswa komhlaba nokusetshenziswa komhlaba, kuyilapho izinhlelo zokuhlanganiswa kwezinto zokuthutha ezifunwa yilo Mthetho ziklanyelwe ukuzinza umsebenzi ekukhulunywe ngawo kwiNgxenye B kaSchedule 4 woMthetho-sisekelo, futhi kumelwe zenziwe ingxenye ebalulekile yezinhlelo zokuthuthukisa ezihlanganisiwe, kucatshangelwa imithetho yephalamende esebenzayo kohulumeni basekhaya, izinhlelo zokuhlanganiswa kwezinto zokuthutha lwaso kumelwe zibe yingxenye yezokuthutha yohlelo lwentuthuko oluhlanganisiwe lukamasipala. 30

Izinhlelo zezinhlelo ezifunwa yilo Mthetho 35

32. Kufuneka lezi zinhlelo ezilandelayo ngenjongo yalo Mthetho—

- (a) uhloko lukazwelonke lwezinto zokuthutha ezihamba phansi olulungiselelwe nguNgqongqoshe; 40
- (b) izinhlelo zezifundazwe zezinto zokuthutha ezihamba phansi ezilungiselelwe ngoNgqongqoshe bezifundazwe; 40
- (c) izinhlelo zokuhlanganiswa kwezinto zokuthutha ezilungiselelwe yiziphathimandla ezihlelayo eziqokiwe.

Okushiwo yilo Mthetho kabanzi ngokuhlelelwa kwezinto zokuthutha

33. (1) (a) Isiphathimandla esihlelayo singase singene esivumelwaneni nesinye isiphathimandla esihlelayo noma nomnyango wesifundazwe ukuze siwusize ekwenzeni imisebenzi yaso engokwale Ngxenye. 45

(b) Nakuba kushiwo kanje yisigatshana (1), isiphathimandla esihlelayo asephucwa umsebenzi esinawo ekugcineni wokwenza imisebenzi esiyithweswe yilesi Sahluko.

(2) UNgqongqoshe, uNgqongqoshe wesifundazwe nesiphathimandla esihlelayo kumelwe, ngaphambi kokuba baphothule uhlelo lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke, izinto zokuthutha ezihamba phansi esifundazweni noma uhlelo lokuhlanganiswa kwezinto zokuthutha, bakhiphe isimemezelo ngesiNgisi nangolunye ulimi okungenani olulodwa ezilimini ezisemthethweni ephaphandabeni elidayiswa ezweni lonke, esifundazweni, noma endaweni yesiphathimandla esihlelayo, bekwenza 50

plan in question has been completed and is available for public inspection at a place stated in the notice.

National Land Transport Strategic Framework

34. (1) The Minister must prepare a five-year National Land Transport Strategic Framework for the country to guide land transport planning countrywide. 5

(2) The last National Land Transport Strategic Framework prepared in terms of the Transition Act must be regarded as the applicable National Land Transport Strategic Framework, until the Minister prepares a replacing one in terms of subsection (1).

(3) The Minister must update the National Land Transport Strategic Framework every five years. 10

(4) The National Land Transport Strategic Framework must serve to guide land transport planning countrywide and must not derogate from the constitutional planning functions of provinces and municipalities.

(5) As regards overall strategic planning for transport, all spheres of government and public entities are bound by the provisions of the National Land Transport Strategic Framework. 15

Provincial Land Transport Frameworks

35. (1) Every MEC must prepare a five-year Provincial Land Transport Framework in accordance with the requirements prescribed by the Minister after consultation with all the MECs. 20

(2) The Provincial Land Transport Framework must provide a transport framework as an overall guide to transport planning within the province, being guided by the National Land Transport Strategic framework.

(3) Provincial Land Transport Frameworks must include the planning of both intraprovincial and interprovincial long-distance services, which must be linked where applicable with other public transport services, and may provide for charter services and staff services, and in the case of interprovincial transport, this must be done in consultation with the MEC of the other province or provinces concerned. 25

(4) The Minister must, as soon as possible after the commencement of this Act, in consultation with the MECs and by notice in the *Gazette*, determine a date by which each province must have prepared its Provincial Land Transport Framework. 30

(5) All Provincial Land Transport Frameworks must include routes for the transporting of dangerous goods through the province, as reflected in the integrated transport plans within its jurisdiction.

(6) The dates for preparing integrated transport plans must be linked to the Provincial Land Transport Frameworks and must be as agreed upon by the MECs and planning authorities. 35

(7) The Provincial Land Transport Framework must summarise all available integrated transport plans in the province.

(8) The last Provincial Land Transport Framework prepared under the Transition Act is regarded for all purposes as the Provincial Land Transport Framework prepared in terms of this Act, until the new Provincial Land Transport Framework has been approved by the MEC. 40

(9) The MEC must update the Provincial Land Transport Framework every two years.

(10) The Provincial Land Transport Framework must be submitted to the Minister for approval on or before the date determined under subsection (4) and must be accompanied by copies of all agreements regarding interprovincial transport concluded between the province and other provinces. 45

kwaziwe ukuthi lolu hlelo seluphuthuliwe futhi luyatholakala ukuba luhlolwe ngumphakathi endaweni echazwe lapho kwisimemezelo.

Uhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke

34. (1) UNgqongqoshe kumelwe enze kube khona uhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke lweminyaka emihlanu elwenzela izwe ukuze luqondise 5
ukuhlelelwa kwezinto zokuthutha ezihamba phansi ezweni lonke.

(2) Uhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke lokugcina olwenziwe ngokwe*Transition Act* kumelwe luthathwe njengolusebenzayo kuze kube yilapho uNgqongqoshe esenze oluthatha indawo yalo ngokwesigatshana (1).

(3) UNgqongqoshe kumelwe, njalo ngemva kweminyaka emihlanu, alubuyekeze 10
luhambisane nesikhathi uhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke.

(4) Uhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke kumelwe lusebenze ukuqondisa ukuhlelelwa kwezinto zokuthutha ezihamba phansi ezweni 15
lonke, lungaphumi eceleni emisebenzini yokuhlela yoMthetho-sisekelo yezifundazwe nomasipala. (5) Ngokuphathelene nako konke ukuhlelelwa kwezinto zokuthutha, wonke amazanga kahulumeni nezigungu zokusebenzela umphakathi ziyaphoqeleka ukuba zenze lokho okushiwo wuhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke.

Izinhlaka zezifundazwe zezinto zokuthutha ezihamba phansi 20

35. (1) UNgqongqoshe ngamunye wesifundazwe kumelwe enze uhlaka lwesifundazwe lwezinto zokuthutha ezihamba phansi lweminyaka emihlanu ngokuvumelana nezimfuneko ezishiwo nguNgqongqoshe ngemva kokubonisana nabo bonke oNgqongqoshe bezifundazwe.

(2) Uhlaka lwezinto zokuthutha ezihamba phansi esifundazweni kumelwe lunikeze 25
uhlaka lwezokuthutha njengesiqondiso ekuhlelweni kwezokuthutha ngaphakathi esifundazweni, luqondiswa wuhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke.

(3) Izinhlaka zezinto zokuthutha ezihamba phansi esifundazweni kumelwe zihlanganise nokuhlelwa kokuthuthwa kwabantu kwamabanga amade ngaphakathi 30
esifundazweni naphakathi kwesinye isifundazwe nesinye, okumelwe, lapho kufaneleka khona, kuxhunyaniswe nokuthuthwa komphakathi kwezinye izindawo, futhi kuhlanganise nokuthuthwa kwabantu ngama-“charter service”. Endabeni yezinto zokuthutha ezihamba phakathi kwesifundazwe nesinye isifundazwe, lokhu kumelwe 35
kwenziwe ngokubonisana noNgqongqoshe wesinye isifundazwe noma noNgqongqoshe bezinye izifundazwe ezithintekile.

(4) UNgqongqoshe kumelwe, ngokushesha nje ngemva kokuba uqalile ukusebenza lo Mthetho, ngokubonisana noNgqongqoshe bezifundazwe nangokwenza isimemezelo kwi*Gazette*, anqume usuku okumelwe ngalo isifundazwe ngasinye sibe sesilwenzile uhlaka lwezinto zokuthutha ezihamba phansi esifundazweni. 40

(5) Zonke izinhlaka zezinto zokuthutha ezihamba phansi esifundazweni kumelwe zihlanganise imizila yokuthuthwa kwezimpahla eziyingozi ezidabula esifundazweni.

(6) Izinsuku zokwenza izinhlelo zokuhlanganiswa kwezinto zokuthutha kumelwe zixhunye kwizinhlelo zezinto zokuthutha ezihamba phansi esifundazweni futhi kumelwe zibe njengoba kuvunyelwene ngoNgqongqoshe bezifundazwe. 45

(7) Uhlaka lwezinto zokuthutha ezihamba phansi esifundazweni kumelwe lufingqe zonke izinhlelo zokuhlanganiswa kwezinto zokuthutha ezweni.

(8) Uhlaka lokugcina lwezinto zokuthutha ezihamba phansi ezweni olwenziwe ngokoMthetho wangaphambi kwalona luthathwa njengohlaka lwezinto zokuthutha ezihamba phansi esifundazweni kuzo zonke izimo. 50

(9) UNgqongqoshe wesifundazwe kumelwe, njalo ngemva kweminyaka emibili, alubuyekeze luhambisane nesikhathi uhlaka lwezinto zokuthutha ezihamba phansi esifundazweni.

(10) Uhlaka lwezinto zokuthutha ezihamba phansi ezweni kumelwe ludluliselwe kuNgqongqoshe ukuba aluphasise lungekadluli usuku olushiwo kwisigatshana (4) futhi kumelwe luphelezwe ngamakhophi azo zonke izivumelwano ezingezinto zokuthutha ezihamba phakathi kwezifundazwe okuyizivumelwano okungenwe kuzo phakathi kwesifundazwe nezinye izifundazwe. 55

- (11) The Minister's approval in terms of subsection (10) is limited to—
- (a) monitoring compliance with the National Land Transport Strategic Framework and with this Act and other applicable legislation;
 - (b) procedures and financial issues that affect the national government;
 - (c) seeing that the MEC followed the correct procedures and otherwise complied with the prescribed requirements; 5
 - (d) national policies and principles regarding interprovincial and cross-border transport; and
 - (e) modes and aspects of transport under the control of the national government or national public entities. 10

Integrated transport plans

36. (1) All planning authorities must prepare and submit to the MEC, by the date determined by the Minister, integrated transport plans for their respective areas for the five-year period commencing on the first day of the financial year determined by the MEC, and must update them in the prescribed manner and as frequently as prescribed. 15

(2) Integrated transport plans must be in accordance with requirements and in the manner and form as the Minister may prescribe in consultation with the MECs, but the MEC may prescribe the content of integrated transport plans in addition to such requirements, and the aforementioned regulations may prescribe different matters for different types or categories of municipalities. 20

(3) All integrated transport plans must include routes for the transporting of dangerous goods by road through their areas.

(4) Each integrated transport plan must be submitted to the MEC for approval by the date determined under subsection (1), which approval must relate only to—

- (a) monitoring compliance with the provincial land transport framework and with this Act and other applicable legislation; 25
- (b) procedures and financial issues that affect the province;
- (c) seeing that the planning authority followed the correct procedures and otherwise complied with the prescribed requirements;
- (d) provincial policies and principles regarding transport across the boundaries of planning authorities; 30
- (e) modes and aspects of transport under the control of the provincial government or provincial public entities;
- (f) issues of co-ordination of transport between municipalities, or other institutions; 35
- (g) procedures and financial issues that affect the province; and
- (h) any other matter provided for in provincial laws.

(5) The planning authority must submit its integrated transport plan to the Minister for approval of the commuter rail component of the integrated transport plan, within the prescribed manner and time. 40

(6) Every planning authority must make its integrated transport plan available to the National Public Transport Regulator and relevant Provincial Regulatory Entity and make recommendations to them relevant to applications for new operating licences, in the prescribed manner.

Freight transport 45

37. (1) Subject to requirements prescribed by the Minister under section 36(2), planning authorities must develop a freight transport strategy, with due regard to

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- (11) Ukuphasisa kukaNgqongqoshe ngokwesigatshana (10) kuphelela—
- (a) ekubhekeni ukuthi kuyahanjiswa yini nohlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke nokuthi kuyahanjiswa yini nalo Mthetho neminye imithetho yephalamende esebenzayo kulokhu;
 - (b) ezinqubeni nasezindabeni zezimali ezithinta uhulumeni omkhulu; 5
 - (c) ekuboneni ukuthi uNgqongqoshe ulandele izinqubo okuyizona nokuthi uhambisene yini nezimfuneko ezishiwo;
 - (d) ezinqubeni nakwizimiso zikazwelonke ngokuthuthwa kwabantu phakathi kwesifundazwe nesinye nasekweqiweni kwemingcele yezwe;
 - (e) nakwizinhlobo zezinto zokuthutha ezingaphansi kokulawulwa nguhulumeni omkhulu noma yizinhlangano zikazwelonke zokusebenzela umphakathi. 10

Izinhlelo zokuhlangukiswa kwezinto zokuthutha

36. (1) Zonke iziphathimandla ezihlelayo kumelwe zenze izinhlelo zokuhlangukiswa kwezinto zokuthutha futhi zizidlulisele kuNgqongqoshe wesifundazwe lungekadluli usuku olunqunywe nguNgqongqoshe, kuyizinhlelo zokuhlangukiswa kwezinto zokuthutha zezi ndawo zalezo ziphathimandla kungezesikhathi seminyaka emihlanu esiqala ngosuku lokuqala lonyaka wezimali onqunywe nguNgqongqoshe wesifundazwe. 15

(2) Izinhlelo zokuhlangukiswa kwezinto zokuthutha kumelwe zihambisane nezimfuneko futhi zibe ngendlela eshiwo nguNgqongqoshe ngokubonisana noNgqongqoshe bezifundazwe, kodwa uNgqongqoshe wesifundazwe angase anqume okufanele kube khona ngaphakathi ohlelweni lokuhlangukiswa kwezinto zokuthutha ukwenzela kulezo zimfuneko, futhi lezi zimiso ezishiwo ngenhla zingase zibe nezimfuneko ezingafani emikhakheni engafani yomasipala. 20

(3) Zonke izinhlelo zokuhlangukiswa kwezinto zokuthutha kumelwe zihlangukise nemizila yokuthuthwa kwezimpahla eziyingozi ezidabula emihlabeni yazo. 25

(4) Uhlelo ngalunye lokuhlangukiswa kwezinto zokuthutha kumelwe ludlulisele kuNgqongqoshe wesifundazwe ukuba aluphasise lungekadluli usuku olunqunywe ngaphansi kwesigatshana (1), kuphasiswa lokho okufanele kube okuphathelene kuphela— 30

- (a) nokubheka ukuthi kuyahanjiswa yini nohlaka lwesifundazwe lwezinto zokuthutha ezihamba phansi nokuthi kuyahanjiswa yini nalo Mthetho neminye imithetho yephalamende esebenza kulokhu;
- (b) nezinqubo nezindaba zezimali ezithinta isifundazwe;
- (c) nokubona ukuthi isiphathimandla esihlelayo silandele izinqubo okuyizona nokuthi sihambisene yini nezimfuneko ezishiwo; 35
- (d) nezinqubo nezimiso zesifundazwe ngokuthuthelwa kwabantu ngale kwemingcele yeziphathimandla ezihlelayo;
- (e) nezinhlobo zezinto zokuthutha ezingaphansi kokulawulwa nguhulumeni wesifundazwe noma yizinhlangano zesifundazwe zokusebenzela umphakathi; 40
- (f) nezindaba zokuxhumaniswa kwezokuthutha phakathi komasipala noma ezinye izikhungo;
- (g) nezinqubo nezindaba zezimali ezithinta isifundazwe;
- (h) nanoma yiluphi olunye udaba okukhulunywe ngalo emithethweni yesifundazwe. 45

(5) Isiphathimandla esihlelayo kumelwe singenise uhlelo lwaso lokuhlangukiswa kwezinto zokuthutha kuNgqongqoshe ukuba kuphasiswe ingxenye kaloliwe othutha abantu kulolo hlelo lokuhlangukiswa kwezinto zokuthutha, ngendlela nangesikhathi esifunekayo. 50

(6) Isiphathimandla ngasinye esihlelayo kumelwe senze uhlelo lwaso lokuhlangukiswa kwezinto zokuthutha lutholakale kuhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke nakwisiGungu seSifundazwe futhi sidlulisele ukutusa kwaso ngezicelo zamalayisense amasha okuthutha, ngendlela efunekayo, kuze kube yilapho umsebenzi kaloliwe othuth' abantu udlulisele ukusuka kwelinye izinga likahulumeni ukuya kwelinye. 55

Izinto zokuthutha ezithwala imithwalo

37. (1) Ngokulawulwa yizimfuneko ezishiwo nguNgqongqoshe ngokwesigaba 36(2), iziphathimandla ezihlelayo kumelwe ziqhamuke necebo lezinto zokuthutha ezithwala

national and provincial policy, covering the transporting of goods to, from and through the area by road, taking into account—

- (a) the movement of goods to, from, and through the area by rail or pipeline; and
- (b) the movement of goods to and from ports or airports.

(2) The strategy contemplated in subsection (1) must identify routes for moving goods so as to promote their seamless movement and to avoid conflict with road traffic. 5

(3) The strategy must also include a plan for the movement of dangerous substances contemplated in section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), by road along designated routes in accordance with the general strategy or plan provided for in the relevant Provincial Land Transport Framework. 10

(4) A person must not transport dangerous substances in the area of a planning authority except on a route so designated and indicated in an integrated transport plan, where such a route has been determined and published.

(5) Any person who contravenes or fails to comply with subsection (4) is guilty of an offence. 15

(6) By virtue of the deregulation of the road freight industry effected by the Transport Deregulation Act, 1988 (Act No. 80 of 1988), planning authorities must collaborate with the MEC and registering authorities contemplated in the National Road Traffic Act, to promote effective regulation of freight operations by means of the operator card system provided for in Chapter VI of the National Road Traffic Act, to prevent damage to the road system and to achieve the other objects of this Act. 20

Publication of transport plans and substantial changes in land use and public transport infrastructure and services

38. (1) On approval of the national land transport strategic framework, a provincial land transport framework or an integrated transport plan, the Department, MEC or planning authority, as the case may be, must publish, in the *Gazette*, *Provincial Gazette* or newspaper circulating nationally, in the province or municipality, as the case may be, the prescribed particulars of such plans, which must include particulars of routes for dangerous goods. 25

(2) All persons, including the State and parastatal institutions, agencies and utilities, are bound by the provisions of integrated transport plans published under subsection (1), and— 30

- (a) no substantial change or intensification of land use on any property may be undertaken without the written consent of the relevant planning authority;
- (b) developments on property within the area of the planning authority are subject to traffic impact assessments and public transport assessments as prescribed by the Minister; 35
- (c) where new or upgraded transport infrastructure or services are suggested in such assessments, the costs thereof must be paid by the planning authority, unless it has agreed with a developer or other person to pay those costs; and 40
- (d) no action may be taken that would have the result of substantially decreasing the quantity or availability of land transport infrastructure or services, unless the owner of the land on which the infrastructure is situated, or the holder of the relevant operating licence, as the case may be, has notified the relevant planning authority in writing not less than 30 days before the action is taken. 45

(3) Despite any law to the contrary, any authority with responsibility for approving substantial changes in land use or development proposals which receives an application for such change or intensification, must—

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imithwalo, zicabangela inqubo kazwelonke neyesifundazwe, icebo elihlanganisa ukuthuthwa kwezimpahla eziyayo nezibuyayo nezidabula phakathi endaweni ngomgwaqo, kucatshangelwa—

- (a) ukuthuthwa kwezimpahla ukuya nokubuya, kuleyo ndawo ngololiwe noma ngamaphayiphu; 5
- (b) nokuthuthwa kwezimpahla ukuya nokubuya emitateni noma ezikhumulweni zezindiza.

(2) Icebo elihloswe kwisigatshana (1) kumelwe ukuba libonise imizila yokuhambisa izimpahla ukuze kuthuthukiswe ukuhanjiswa kwazo okushelelayo futhi, kugwemeke ukungqubuzana nezimoto ezihamba emgwaqweni. 10

(3) Lelo cebo kumelwe futhi lihlanganise nohlelo lokuhanjiswa kwezinto eziyingozi ezihloswe kwisigaba 2(1) se*Hazardous Substances Act* 15 ka-1973 ngomgwaqo ngemizila ekhethiwe ngokuvumelana necebo noma uhlelo olungumakhonya olulungiselelwe ohlakeni lwezinto zokuthutha ezihamba phansi esifundazweni.

(4) Umuntu akavumelekile ukuba athuthe izinto eziyingozi endaweni yesiphathimandla esihlelayo ngaphandle uma ekwenza lokho emzileni okhethelwe lokho nobonisiwe ohlelweni lokuhlanganiswa kwezinto zokuthutha, uma lowo mzila uye wakhethwa futhi wamnyezelwa. 15

(5) Noma yimuphi umuntu owephula noma ongenzi okufunwa yisigatshana (4) unecala lokwepuhl' umthetho. 20

(6) Ngenxa yokuthi akusekho mthetho olawula abakumsebenzi wokuthuthwa kwemithwalo ngomgwaqo ngenxa ye*Transport Deregulation Act* 80 ka-1988, iziphathimandla ezihlelayo kumelwe zibambisane noNgqongqoshe wesifundazwe kanye neziphathimandla ekubhaliswa kuzo ezihloswe kwi*National Road Traffic Act*, ukuze kulawulwe ngokuphumelelayo ukuthuthwa kwemithwalo ngokusetshenziswa kwenqubo yekhadhi yabanini-zimoto ekwiSahluko VI se*National Road Traffic Act* ukuvimba umonakalo emgwaqweni nokuze kuphumelele ezinye izinhloso zalo Mthetho. 25

Ukukhishwa kwezinhlelo zokuthutha nezinguquko ezinkulu ekusetshenzisweni komhlaba nakwingqalasizinda yezinto zokuthuthwa komphakathi nakwimisebenzi yokuthutha 30

38. (1) Uma seluphasisiwe uhlaka lwecebo lezinto zokuthutha ezihamba phansi kuzwelonke, uhlaka lwezinto zokuthutha ezihamba phansi esifundazweni, noma uhlelo lokuhlanganiswa kwezinto zokuthutha, uMnyango, uNgqongqoshe wesifundazwe noma isiphathimandla esihlelayo kumelwe sikhuphe kwi*Gazette*, kwi*Provincial Gazette*, noma ephaphandabeni elidayiswa ezweni lonke, noma esifundazweni, noma endaweni kamasipala, imininingwane edingekayo yalezo zinhlelo, okumelwe kuyona kube khona nemizila yezimpahla eziyingozi. 35

(2) Bonke abantu, kuhlanganise noMbuso nezinhlangano ezisambuso, nama-*agency* abophekile yilokho okushiwo yizinhlelo zokuhlanganiswa kwezinto zokuthutha ezikhishwe ngaphansi kwesigatshana (1), futhi— 40

- (a) ushintsho olukhulu noma ukusetshenziswa kakhulu komhlaba aluvumelekile ngaphandle kwemvume ebhaliwe yesiphathimandla esihlelayo esithintekayo;
- (b) izintuthuko ezenziwayo emhlabeni ngaphakathi kwemingcele yendawo yesiphathimandla esihlelayo kumelwe zenziwe kuqalwe kwahlolwa umphumela okuzoba nawo ezimotweni ezisebenzisa umgwaqo, futhi kuqalwe kwahlolwa umphumela okuzoba nawo ezintweni ezithutha umphakathi njengoba kufunwa nguNgqongqoshe; 45
- (c) lapho kuphakanyiswa khona ukuthi kufakwe ingqalasizinda entsha noma ethuthukisiwe, izindleko zalokho kumelwe zikhokhwe yisiphathimandla sokuthutha, ngaphandle uma sivumelene nabathuthukisa indawo noma omunye umuntu ozokhokha lezo zindleko; 50
- (d) akukho sinyathelo esingathathwa esingaba nomphumela wokunciphisa kakhulu ubungakanani noma ukutholakala kwengqalasizinda yezinto zokuthutha ezihamba phansi noma umsebenzi owenziwa yizo, ngaphandle uma umnikazi womhlaba ekuwona ingqalasizinda, noma umnikazi welayisense yokuthutha, esazisile isiphathimandla esihlelayo ngokubhala esikhathini esingekho ngaphansi kwezinsuku ezingama-30 ngaphambi kokuba lesi sinyathelo sithathwe. 55

(3) Kungakhathaliseki ukuthi uthini omunye umthetho ophambene nalona, noma yisiphi isiphathimandla esinomsebenzi wokuphasisa izinguquko ezinkulu noma 60

- (a) within 14 days of receipt of such application and prior to considering or ruling on such application, submit such application to the relevant planning authority for its assessment and determination of the impact of the application on the integrated transport plan and public transport services; and
- (b) ensure that such application is accompanied by the required traffic impact assessment and public transport assessment, and has sufficient information for the authority to assess and determine the impact of the application on transport plans and services. 5
- (4) The planning authority must, within 90 days—
- (a) approve or refuse an application for a change or intensification in land use or development proposal submitted in terms of subsection (3); and 10
- (b) submit its written decision contemplated in paragraph (a) and any objections with respect to such application, including directions or conditions for compliance with the integrated transport plan, to such authority vested with responsibility for considering the application. 15
- (5) The authority must make a decision, but may not approve such application, in conflict with the directions of or conditions required by the planning authority as contemplated in subsection (4)(b).
- (6) The planning authority, in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), must furnish the applicant with written reasons for its decision. 20
- (7) Where any person is aggrieved by any decision of a planning authority in terms of this section, such person may appeal against the decision in the manner and within the time prescribed, to the tribunal or other entity in the relevant province responsible to hear appeals lodged by persons who are dissatisfied with the decisions of municipalities regarding applications to establish townships or to change land uses. 25
- (8) Despite any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law—
- (a) conditions imposed in terms of subsection (4)(b) must be registered or endorsed against the relevant title deed; and 30
- (b) the registrar of deeds may, with the written approval of the planning authority, cancel any condition which has in terms of paragraph (a) been inserted in a deed of transfer or endorsed upon a title deed.
- (9) Any person who undertakes a development involving a change or intensification in land use or development proposal without the approval of the planning authority under this section, or contrary to a condition imposed by such an authority, is guilty of an offence and is liable on conviction to imprisonment for a period not exceeding six months. 35
- (10) Where a building or structure has been erected without the approval of a planning authority in circumstances where such approval should have been obtained under this section, or is in conflict with a condition imposed under this section, the relevant planning authority may apply to the High Court having jurisdiction for an order— 40
- (a) compelling the owner of the property to demolish or remove the building or structure at the owner's cost; or
- (b) authorising the authority to do so and claim the costs incurred from the owner; 45
- or
- (c) alternative relief as the court may deem just.

Rationalisation of public transport services

39. (1) When a planning authority in rationalising public transport services in its area concludes, based on its integrated transport plan, that there is a surplus of legally 50

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ukusetshenziswa okukhulu komhlaba noma iziphakamiso zentuthuko esithola isicelo salolo guquko noma ukusetshenziswa okwandisiwe, kumelwe—

- (a) zingaphelile izinsuku ezingu-14 sisitholile leso sicelo futhi ngaphambi kokuba sisicubungule noma senze isinqumo ngaso, kumelwe sithumele leso sicelo kwisiphathimandla esihlelayo esithintekayo ukuze sisihlole futhi senze isinqumo ngomphumela isicelo leso esiyoba nawo ohlelweni lokuhlanganiswa kwezinto zokuthutha nasemsebenzini wokuthuthwa komphakathi; futhi 5
- (b) siqikelele ukuthi leso sicelo sihambisana nokuhlolwa komphumela okuzoba nawo ezimotweni ezihamba emgwaqeni nokuhlolwa komphumela okuzoba nawo ezintweni zokuthutha umphakathi, nokuthi sinencazelo eyanele yokuba isiphathimandla leso sihlole futhi senze isinqumo ngomphumela waleso sicelo ezinhlelweni nasemisebenzini yokuthutha. 10
- (4) Isiphathimandla esihlelayo kumelwe, zingaphelanga izinsuku ezingu-90—
- (a) sisiphasise noma sisenqabe isicelo soshintsho noma sokwandiswa kokusetshenziswa komhlaba noma isiphakamiso sentuthuko esingeniswe ngokwesigatshana (3); 15
- (b) singenise isinqumo saso esihloswe kwisigaba (a) kanye nanoma yikuphi ukuphikisa okumayelana naleso sicelo, kuhlangukise neziqondiso noma imibandela yokwenza okufunwa wuhlelo lokuhlanganiswa kwezinto zokuthutha, sisingenise kwisiphathimandla esithwaliswe umsebenzi wokucubungula leso sicelo. 20
- (5) Isiphathimandla kumelwe senze isinqumo, kodwa akumelwe sisiphasise leso sicelo ngokungqubuzana nezinqumo noma imibandela efunwa yisiphathimandla esihlelayo njengoba kuhloswe kwisigatshana (4)(b). 25
- (6) Isiphathimandla esihlelayo, nangokuvumelana nalokho okushiwo yi*Promotion of Administrative Justice Act* 3 ka-2000, kumelwe sinike owenza isicelo izizathu zesinqumo saso.
- (7) Uma umuntu engaphathekile kahle yisinqumo sesiphathimandla esihlelayo ngokwalesi sigaba, angadlulisela ukungasamukeli kwakhe isinqumo ngendlela futhi nangesikhathi esishiwo akudlulisele kwisigungu esisesifundazweni akusona esimsebenzi waso uwukulalela izikhalo ezifakwe ngabantu abangagculisiwe yizinqumo zomasipala ngezicelo zokwakha amalokishi noma ukushintsha ukusetshenziswa komhlaba. 30
- (8) Kungakhathaliseki ukuthi kuthini okuphambene nalokhu okubhalwe kwi*Deeds Registries Act* 47 ka-1937, noma omunye umthetho— 35
- (a) imibandela engokwesigatshana 4(b) kumelwe ibhaliswe noma ibhalwe kwitayitela elifanele; futhi
- (b) umgcini-matayitela angase, ngemvume ebhaliwe yesiphathimandla esihlelayo, akhansela noma yimuphi umbandela oye wafakwa ngokwesigaba (a) etayiteleni lokudlulisela komunye umuntu noma oye wabhalwa kwitayitela. 40
- (9) Noma yimuphi owenza intuthuko ehlanganisa ushintsho noma ukwandiswa kokusetshenziswa komhlaba noma isiphakamiso sentuthuko ngaphandle kwemvume yesiphathimandla esihlelayo ngaphansi ngokwalesi sigaba, noma owenza lokho ngokuphambene nombandela obekwe yileso siphathimandla, unecala lokwepuhl' umthetho futhi uma etholwe enecala uyogwetshwa ukuvalelwa ejele isikhathi esingeqile ezinyangeni eziyisithupha. 45
- (10) Uma kwakhiwe isakhiwo esithile ngaphandle kwemvume yesiphathimandla esihlelayo ezimweni lapho kutholakele imvume ngokwalesi sigaba, noma uma kwakhiwe isakhiwo ngokuphambene nombandela obekwe ngokwalesi sigaba, isiphathimandla esihlelayo esithintekayo singafaka isicelo eNkantolo ePhakeme enengunya kuleyo ndawo ukuze sithole umyalo wenkantolo— 50
- (a) ophoqa umnikazi womhlaba ukuba asidilize noma asisuse leso sakhiwo ngezindleko zakhe, noma; 55
- (b) umyalo ogunyaza isiphathimandla ukuba sisidilize bese sifuna izindleko zaso kumnikazi wesakhiwo, noma;
- (c) iNkantolo ikhiphe omunye umyalo ewubona ufanele.

Ukuphungulwa kwezinto zokuthuthwa komphakathi

39. (1) Uma isiphathimandla esihlelayo ekuphunguleni izinto zokuthutha endaweni yaso, ngokusekelwe ohlelweni lwaso lokuhlanganiswa kwezinto zokuthutha, siphetha 60

operated services by operators on a particular route as a result of which an existing non-contracted public transport service is no longer required, the planning authority must, where possible—

- (a) offer the operator an alternative service; or
- (b) allow the operator to continue providing the service and impose a moratorium on the issuing of new operating licences on that route. 5

(2) The Minister may make regulations on the procedures to be followed in proceeding under subsection (1) and (2).

CHAPTER 5

CONTRACTING FOR PUBLIC TRANSPORT SERVICES 10

Integration of bus contract system into larger public transport system

40. Provinces and planning authorities must take steps as soon as possible after the date of commencement of this Act to integrate services subject to contracts in their areas, as well as appropriate uncontracted services, into the larger public transport system in terms of relevant integrated transport plans. 15

Negotiated contracts

41. (1) Contracting authorities may enter into negotiated contracts with operators in their areas, once only, with a view to—

- (a) integrating services forming part of integrated public transport networks in terms of their integrated transport plans; 20
- (b) promoting the economic empowerment of small business or of persons previously disadvantaged by unfair discrimination; or
- (c) facilitating the restructuring of a parastatal or municipal transport operator to discourage monopolies.

(2) The negotiations envisaged by subsections (1) and (2) must where appropriate include operators in the area subject to interim contracts, subsidised service contracts, commercial service contracts, existing negotiated contracts and operators of uncontracted services and non-contracted services. 25

(3) A negotiated contract contemplated in subsection (1) or (2) shall be for a period of not longer than 12 years. 30

(4) The contracts contemplated in subsection (1) shall not preclude a contracting authority from inviting tenders for services forming part of the relevant network.

(5) Contracting authorities must take appropriate steps on a timeous basis before expiry of such negotiated contract to ensure that the services are put out to tender in terms of section 42 in such a way as to ensure unbroken service delivery to passengers. 35

Subsidised service contracts

42. (1) The Contracting authorities must take steps within the prescribed period and in the prescribed manner before expiry of contracts contemplated in subsection (2)(a), (b) or (c) to put arrangements in place for the services to be put out to tender so that the services can continue without interruption. 40

(2) If after expiry of—

- (a) a negotiated contract concluded under section 41;

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ngokuthi izinto zokuthutha ezisemthethweni zingaphezulu kokudingekile emzileni othile, bese lokho kubangele ukuthi bangabi sadingeka abenza umsebenzi wokuthutha umphakathi abebengenasivumelwano, isiphathimandla esihlelayo kumelwe, uma kunokwenzeka—

- (a) sinikeze umnini-moto omunye umsebenzi wokuthutha; noma, 5
 - (b) simvumele umnini-moto ukuba aqhubeke ewenza umsebenzi bese sikuvimba ukukhishwa kwamalaysisense amasha okuthutha kulowo mzila, noma, uma singenakukwazi noma uma kungekona ukuhlakanipha ukuvimba, siwakhansele lawo malaysisense okuthutha noma amaphemithi, noma sicele isiGungu sikaZwelonke noma isiGungu seSifundazwe ukuba siwakhansele. 10
- (2) UNGqongqoshe angase enze izimiso ngezinqumo zokulandelwa ekwenzeni lokho okushiwo yisigatshana (1) no-(2).

ISIAHLUKO 5

UKUNGENA ESIVUMELWANENI SOKUTHUTHA UMPHAKATHI

Ukufakelwa kwenqubo yezivumelwano zamabhasi kwinqubo enkudlwana yokuthuthwa komphakathi 15

40. Inqubo yamanje yokuxhaswa kwamabhasi kumelwe ifakelwe kwinqubo enkudlwana yokuthuthwa komphakathi yendawo, ngokohlelo lokuhlanganiswa kwezinto zokuthutha, ngokushesha ngangokunokwenzeka ngemva kokuba lo Mthetho uqalile ukusebenza. 20

Izivumelwano okuxoxiswene ngazo

41. (1) Iziphathimandla ezikwisivumelwano zingangena ezivumelwaneni ekuxoxiswene ngazo nabanini-zimoto abasezindaweni zazo, kube kanye kuphela, ngenhloso—
- (a) yokuhlanganisa ndawonye imisebenzi yokuthutha eyingxenywe yenhlanganisela yezinto zokuthuth' umphakathi ngokwezinhlelo zazo zokuhlanganiswa kwezinto zokuthutha; 25
 - (b) yokuthuthukisa umnotho wamabhezini amancane noma wabantu ababecindezelwe Wubandlululo; 30
 - (c) yokwenza kube lula ukwakhiwa kabusha kwabanini-zimoto abancike kuhulumeni noma kumasipala ukuze kuyekwe ubugovu bokubangwa kwezindawo. 30
- (2) Kwizingxoxo ezihloswe kwisigatshana (2) no-(2) kumelwe, uma kunokwenzeka, kube khona nabanini-zimoto basendaweni abanezivumelwano zesikhashana, nezivumelwano zomsebenzi wokuthutha okunomxhaso, abanezivumelwano zohlobo lohwebo, abanezivumelwano zamanje okuxoxiswene ngazo, futhi kube khona nabanini-zimoto bemisebenzi yokuthutha engahlelelwe sikhathi nabemisebenzi yokuthutha engenasivumelwano. 35
- (3) Isivumelwano ekuxoxiswene ngaso esihloswe kwisigatshana (1) noma (2) kumelwe esesikhathi esingeqi eminyakeni eyisikhombisa. 40
- (4) Izivumelwano ezihloswe kwisigatshana (1) asisivimbi isiphathimandla esikwisivumelwano ukuba simeme amathenda okwenza imisebenzi yokuthutha eyingxenywe yaleyo nhlanganisela.
- (5) Iziphathimandla ezikwisivumelwano kumelwe zithathe izinyathelo ezifanele kusenesikhathi singekapheli leso sivumelwano ekuxoxiswene ngaso ukuqikelela ukuthi imisebenzi yokuthutha iyathendarishwa ngokwesigaba 42 ngendlela ezokwenza ukuba kunganqamuki ukuthuthwa kwabagibeli. 45

Izivumelwano zomsebenzi wokuthutha okunomxhaso

42. (1) Iziphathimandla ezikwisivumelwano kumelwe zithathe izinyathelo singekapheli isikhathi esinqunyiwe, ngendlela efunekayo, zingekapheli izivumelwano ezihloswe kwisigatshana (2)(a), (b) noma (c), zokwenza amalungiselelo okuthendarisha imisebenzi yokuthutha ukuze imisebenzi yokuthutha iqhubeke ngaphandle kokuthikamezeka. (2) Uma ekupheleni— 50
- (a) kwesivumelwano ekuxoxiswene ngaso ekungenwe kuso ngokwesigaba 41;

- (b) a subsidised service contract concluded under this section; or
 (c) a negotiated contract, interim contract, current tendered contract or subsidised service contract concluded in terms of the Transition Act,
 or any extension thereof, the relevant services may continue to be subsidised, this must be done in terms of a subsidised service contract concluded in terms of this section. 5
- (3) Where a contract referred to in subsection (2)(a), (b) or (c) has expired and no arrangements have been put in place to put the services out to tender, or such arrangements are unsatisfactory or inadequate in the Minister's opinion, the Minister must forthwith enter into negotiations with the contracting authorities, the National Treasury and the Auditor-General with a view to ensuring compliance with this Act and legislation on financial and procurement issues. 10
- (4) Only a contracting authority may enter into a subsidised service contract with an operator, and only if the services to be operated in terms thereof, have been put out to public tendering and awarded by the entering into of a contract in accordance with prescribed procedures in accordance with other applicable national or provincial laws. 15
- (5) The validity period of a subsidised service contract must not exceed seven years.
- (6) The Minister may, in consultation with the MECs—
- (a) prescribe requirements for tender and contract documents to be used for subsidised service contracts which must be binding on contracting authorities, unless the Minister agrees that an authority may deviate from the requirements in a specific case; and 20
- (b) provide model tender and contract documents, and publish them in the *Gazette*, for subsidised service contracts as a requirement for contracting authorities, who may not deviate from the model tender and contract documents, unless this is agreed to in writing by the Minister, but those documents may differ for different authorities or situations. 25
- (7) The model tender and contract documents published in terms of the Transition Act shall cease to apply as from the date of commencement of this Act.

Commercial service contracts

- 43.** (1) A contracting authority may enter into a commercial service contract with an operator by placing a notice in the *Provincial Gazette* and in a newspaper generally circulating in the area where the services are to be operated, inviting tenders from operators for the operation of that service. 30
- (2) The validity period of a commercial service contract must not exceed seven years.
- (3) The Minister may make regulations— 35
- (a) on procedures and requirements for commercial service contracts; and
- (b) providing that all scheduled bus services operated on an uncontracted basis must be converted to commercial service contracts by a date specified in the regulations, and providing procedures and requirements for such conversion.

Requirements to qualify as tenderer for commercial or subsidised service contracts 40

- 44.** To qualify as a tenderer for a commercial service contract or a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership

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- (b) kwesivumelwano somsebenzi wokuthutha okunomxhaso okungenwe kuso ngokwalesi sigaba; noma
- (c) kwesivumelwano ekuxoxiswene ngaso, isivumelwano sesikhashana, isivumelwano samanje sethenda noma isivumelwano somsebenzi wokuthutha okunomxhaso okungenwe kuso ngokwe *Transition Act*, noma omunye umthetho ozalwa yilona, leyo misebenzi yokuthutha ingase iqhubeke ixhaswa, futhi kumelwe yenziwe ngokwesivumelwano somsebenzi wokuthutha okunomxhaso kuze kube yilapho sekwenziwe isinqumo ngemisebenzi yokuthendarisha ehloswe kwisigatshana (2).
- (3) Uma isivumelwano okukhulunywe ngaso kwisigatshana (2)(a), (b) noma (c) siphelile futhi kungekho malungiselelo enziwe okuba imisebenzi yokuthutha ithendarishwe, noma uma lawo malungiselelo engaculisi noma engenele ngokubona kukaNgqongqoshe, uNgqongqoshe kumelwe ngaphandle kokuchith' isikhathi axoxisane neziphathimandla ezingene kwisivumelwano, neNational Treasury kanye Mhloli-mabhuku Omkhulu weziMali ngenhloso yokuqikelela ukuthi kuyenziwa okufunwa yilo Mthetho nokufunwa eminye imithetho yephalamende engezindaba zezimali nokuthengwa kwezinto.
- (4) Yisiphathimandla esingene kwisivumelwano kuphela esingangena kwisivumelwano somsebenzi wokuthutha okunomxhaso nomnini-moto, futhi kuphela uma imisebenzi yokuthutha ezokwenziwa ngokwaleso sivumelwano ithendarishelwe umphakathi futhi umvuzo kwaba wukungena esivumelwaneni ngokwezinqubo ezifunekayo ngokuvumelana neminye imithetho kazwelonke neyezifundazwe esebenza kulokhu.
- (5) Ukusebenza kwesivumelwano somsebenzi wokuthutha okunomxhaso akumelwe kudlule eminyakeni eyisikhombisa.
- (6) Ngokubonisana noNgqongqoshe bezifundazwe, uNgqongqoshe angase—
- (a) anqume izimfuneko zamathenda nezezincwadi zezivumelwano ezisosetshenziselwa izivumelwano zomsebenzi wokuthutha okunomxhaso ezifanele zibe ngezibophayo kwiziphathimandla ezingene kwisivumelwano ngaphandle uma uNgqongqoshe evuma ukuthi isiphathimandla singaphum' eceleni kulezo zimfuneko esimweni esithile; futhi
- (b) angase akhiphe izincwadi zamathenda nezezivumelwano eziyisibonelo, bese ezikhipha kwi *Gazette*, lokho ekwenzela izivumelwano zomsebenzi wokuthutha okunomxhaso njengemfuneko yeziphathimandla ezingene kwisivumelwano, ezingavumelekile ukuba ziphum' eceleni kulezo zincwadi zamathenda nezezivumelwano ngaphandle uma lokhu kuvunywe nguNgqongqoshe ngencwadi, kodwa lezo zincwadi zingase zingafani kwiziphathimandla ezingafani nasezimweni ezingafani.
- (7) Izincwadi zamathenda nezezivumelwano eziyisibonelo ezikhishwe ngokwe *Transition Act* wangaphambi kwalona ziyoyeka ukusebenza osukwini lokuqala kwalo Mthetho.

Izivumelwano zohlobo lohwebo

43. (1) Isiphathimandla esingene kwisivumelwano singase singene kwisivumelwano sohlobo lohwebo nomnini-moto ngokufaka isimemezelu kwi *Provincial Gazette* nasephephandabeni elidayiswa kuleyo ndawo lapho imisebenzi izokwenziwa khona, sicela abanini-zimoto ukuba bafake amathenda okwenza lowo msebenzi.
- (2) Isikhathi sokusebenza kwesivumelwano sohlobo lohwebo akumelwe seqe eminyakeni eyisikhombisa.
- (3) UNgqongqoshe angase enze izimiso—
- (a) ngezinqubo nezimfuneko zezivumelwano zohwebo;
- (b) ezithi yonke imisebenzi yamabhasi ahamba ngezikhathi ezihleliwe angenasivumelwano angene kuso mayiguqulelwe kwizivumelwano zohlobo lohwebo lungekafiki usuku olushiwo kulezo zimiso, futhi lezo zimiso zingase zinqume izinqubo nezimfuneko zalokho kuguqulwa.

Izimfuneko zokufaneleka ukuthendarishela izivumelwano zohlobo lohwebo noma zomsebenzi wokuthutha okunomxhaso

44. Ukuze afanelekele ukuthendarishela isivumelwano sohlobo lohwebo noma isivumelwano sokuthutha okunomxhaso, umnini-moto kanye nanoma yimuphi omunye umuntu, lapho kunokwenzeka, osebenzisa igunya lokuba ngumnikazi phezu komuntu

control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator, must comply with the requirements prescribed by the Minister.

Involvement of municipalities in public transport services

45. (1) No municipal operator may tender for any commercial service contract or subsidised service contract, unless it is financially ring-fenced in the prescribed manner and it complies with the other requirements prescribed by the Minister. 5

(2) A municipality may not use its municipal fund to subsidise a municipal operator unless that body is a juristic person separate from the municipality and the subsidies are paid in terms of a subsidised service contract concluded between the municipality and such municipal operator. 10

Existing contracting arrangements

46. (1) Where there is an existing interim contract, current tendered contract or negotiated contract as defined in the Transition Act in the area of the relevant contracting authority, that authority may— 15

- (a) allow the contract to run its course; or
- (b) negotiate with the operator to amend the contract to provide for inclusion of the operator in an integrated public transport network; or
- (c) make a reasonable offer to the operator of alternative services, or of a monetary settlement, which offer must bear relation to the value of the unexpired portion of the contract, if any. 20

(2) If the parties cannot agree on amendment of the contract or on inclusion of the operator in such a network, or the operator fails or refuses to accept such an offer, the matter must be referred to mediation or arbitration in the prescribed manner to resolve the issue.

(3) The Minister may make regulations providing for the transition of existing contracting arrangements and the transfer of the contracting function in terms of this section or section 41, including the transfer or amendment of existing permits or operating licences to give effect to its provisions in the case of an assignment under section 11(2). 25

(4) In applying this section, the contracting authority must give due regard to the rights of the workers employed by the operators in terms of the contract contemplated in subsection (1). 30

CHAPTER 6

REGULATION OF ROAD-BASED PUBLIC TRANSPORT

Part 1 35

Transitional provisions

Rationalisation of existing services: general

47. (1) All permits issued for a definite period remain valid but lapse when that period expires, provided that if such a permit is still valid on a date calculated as seven years from the date of commencement of this Act, it will lapse on that date. 40

(2) All permits issued for an indefinite period remain valid, subject to sections 48 and 49, but lapse seven years after the date of commencement of this Act, but the holder may apply within that period for its conversion to an operating licence to the entity that is responsible for receiving applications for operating licences for the relevant services.

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ongumni-moto, noma owenza imisebenzi egameni le-*agent*, lowo muntu kumelwe ahlangebezane nezimfuneko ezifunwa nguNgqongqoshe.

Ukubandakanyeka komasipala ekuthuthweni komphakathi

45. (1) Akukho nhlango esungulwe ngumasipala ukuba yenze imisebenzi yokuthutha umphakathi evumelekile ukuba ithendarishele isivumelwano sohwebo noma isivumelwano somsebenzi wokuthutha okunomxhaso, ngaphandle uma ihlomile ngokwasemalini ngendlela efunekayo futhi ihlangabezana nezimfuneko ezifunwa nguNgqongqoshe; futhi 5

(2) Umasipala akavumelekile ukusebenzisa isikhwama sakhe ukuxhasa isigungu esinjalo uma leso sigungu siyisigungu esingokomthetho esingeyena umasipala, nemixhaso ikhokhwa ngokwesivumelwano somsebenzi wokuthutha okunomxhaso esiphakathi komasipala naleso sigungu. 10

Amalungiselelo akhona manje okungena ezivumelwaneni

46. (1) Lapho kukhona isivumelwano sesikhashana esikhona, isivumelwano sethenda samanje noma isivumelwano okuxoxiswene ngaso njengoba kuchazwe kwi*Transition Act* endaweni yesiphathimandla esingene kwisivumelwano, leso siphathimandla singase— 15

(a) sivumele leso sivumelwano ukuba siqhubeke;

(b) sixoxisane nomnikazi wemoto ukuba achibiyele isivumelwano sivumele ukungeniswa komnikazi wemoto kwihlanganisela yezinto zokuthutha umphakathi; noma 20

(c) sinikeze umnikazi wemoto eminye imisebenzi yokuthutha, noma simnike imali okumelwe ilingane ngokwemali nengxeye ebisasele yesivumelwano, uma bekukhona ingxenye ebisasele.

(2) Uma bengavumelani ngokuchibiyelwa kwesivumelwano noma ngokufakwa komnikazi wemoto kuleyo nhlanganisela, noma umnikazi wemoto engakwamkeli lokho akunikwayo, udaba kumelwe luyiswe kubalamuli ngendlela efunekayo ukuze kuxazululeke inkinga. 25

(3) UNgqongqoshe angase enze izimiso ngamalungiselelo amanje ezivumelwano nangokudluliselwa komunye umuntu ngomsebenzi wezivumelwano ngokwalesi sigaba noma isigaba 41, kuhlanganise nokudluliselwa noma ukuchibiyelwa kwamaphemithi akhona noma amalayisense okuthutha ukuze kuphumelele okushiwo yilesi sigaba uma kuwukwabelwa okungokwesigaba 11(2). 30

(4) Ekusebenziseni lesi sigaba isiphathimandla esikwisivumelwano kumelwe sicabangela amalungelo abasebenzi abaqashwe ngabanini bezimoto ngokwesivumelwano esihloswe kwisigatshana (1). 35

ISAHLUKO 6

**UKULAWULWA KWEZINTO ZOKUTHUTHA UMPHAKATHI EZIHAMBA
EMGWAQWENI**

INgxenye 1

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Okuzokwenzeka kulesi sikhathi esiphakathi

Ukuphungulwa kwemisebenzi yokuthutha ekhona: kabanzi

47. (1) Wonke amaphemithi akhishelwe isikhathi esithile ahlala esebenza kodwa ayaphelelwa uma leso sikhathi siphela, kodwa-ke uma leyo phemithi isasebenza ngosuku olubalwe njengosuku lokuphela kweminyaka eyisikhombisa ukusukela kusuku lokuqalisa kwalo Mthetho ukusebenza, iyophelelwa ngalolo suku. 45

(2) Wonke amaphemithi akhishelwe isikhathi esingenamkhawulo ahlala esebenza, ngokulawulwa yizigaba 48 no-49, kodwa ayaphelelwa emva kweminyaka eyisikhombisa ukusukela osukwini lokuqalisa kwalo Mthetho ukusebenza, kodwa umnikazi wephemithi angafak' isicelo singekapheli leso sikhathi sokuba iguqulelwe ekubeni yilayisense yokuthutha esenza leso sicelo kwingunya ekungumsebenzi walo ukwamukela izicelo zamalayisense okuthutha. 50

(3) Despite subsections (1) and (2), where the services authorised by a permit were not provided continuously for 180 days prior to the date of commencement of this Act, the permit must be cancelled by following the procedure in section 78.

(4) The holder of any permit that lapses or is cancelled in terms of this Part is not entitled to any compensation by virtue of its lapsing. 5

(5) No operator may receive any subsidy or other financial assistance from any sphere of government, unless that operator's permit or permits, where applicable, have been rationalised in terms of this section and sections 48 and 49.

Rationalisation of existing scheduled services

48. (1) Where a permit authorises scheduled services provided for in a contract between a contracting authority and the permit holder, the contracting authority must request the relevant regulatory entity to— 10

- (a) cancel the permit and issue an operating licence for the vehicle specific to the contract, where appropriate in consultation with other relevant planning authorities; 15
- (b) cancel any permit of that holder authorising services on routes in the area on an uncontracted basis, and not carry forward such authorisation to the operating licence contemplated in paragraph (a), unless the authorisation forms part of the contract,

and the holder must submit such permit to the contracting authority in the prescribed manner and in the prescribed time for this purpose, failing which the permit will lapse if not so submitted within that time. 20

(2) In the case of permits for uncontracted scheduled services, the Minister must make regulations within two years of the date of commencement of this Act, after consulting the National Public Transport Regulator, providing a process for the integration of those services with contracted services, and in the process converting them to commercial service contracts, and such integration and conversion must be done by the National Public Transport Regulator. 25

(3) No contract may be awarded to an operator for scheduled services unless all permits and operating licences of that operator have been rationalised under subsection (1) or (2). 30

Rationalisation of minibus taxi-type services

49. (1) Permits issued for minibus taxi-type services remain valid, subject to section 47(1) and (2) and subsection (3) of this section.

(2) The holder of a permit or operating licence for a vehicle authorising minibus taxi-type services who has not yet done so may apply in the prescribed manner for recapitalisation of the vehicle and may choose either to— 35

- (a) leave the industry, in which case the Department must cancel the permit or operating licence; or
- (b) acquire a new compliant vehicle that has the same passenger capacity as the vehicle specified in that permit or operating licence, or not more than a 20% variance, in which case the operator shall be entitled to an operating licence for the new vehicle authorising the same services on submission of a valid tax clearance, and such operating licence must specify in detail the route or routes to be operated, which must be those operated by the operator for the period of 180 days prior to the date of application; 40 45
- (c) acquire a new, compliant vehicle with more capacity than a vehicle contemplated in paragraph (b) on approval by the planning authority in writing, in which case paragraph (b) applies, and the holder must submit the

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(3) Nakuba izigatshana (1) no-(2) zisho lokho ezikushoyo, uma imisebenzi egunyazwa yiphemithi ingazange yenziwe ngokuqhubekayo kwaze kwaphela izinsuku ezingu-180 ngaphambi kosuku lokuqalisa kwalo Mthetho ukusebenza, leyo phemithi kumelwe ikhanselwe ngokulandela inkqubo ekwisigaba 78.

(4) Umnikazi wephemithi ephelwayo noma ekhanselwayo ngokwale Ngxenywe 5
akanalungelo lokuthola isinxephezelo ngenxa yokuphelelwa kwayo.

(5) Akukho mnini-moto ongathola umxhaso kuhulumeni wanoma yiliphi izinga, ngaphandle uma iphemithi noma amaphemithi alowo mnini-moto enziwe ushintsho ngokwalesi sigaba nangokwezigaba 48 no-49.

Ukuphungulwa kwezinto zokuthutha ezikhona manje ezihamba ngezikhathi ezihleliwe 10

48. (1) Lapho iphemithi igunyaza ukuthuthwa kwabantu ngezikhathi ezihleliwe ngokwesivumelwano esiphakathi kwesiphathimandla esingene kwisivumelwano nomnikazi wephemithi, isiphathimandla esingene kwisivumelwano kumelwe sicele isigungu sokulawulwa kwezinto zokuthutha esithintekayo ukuba— 15

(a) sikhanselwe iphemithi bese sikhapha ilayisense yokuthutha yemoto eshiwo kwisivumelwano, lapho kufaneleka khona sikwenza lokho ngokubonisana nezinye iziphathimandla ezihlelayo ezithintekayo;

(b) sikhanselwe iphemithi yalowo muntu onayo egunyaza ukuthuthwa kwabantu emizileni ekuleyo ndawo ekungekho sivumelwano khona, futhi leso 20
sigunyazo ingasishintsheli ekubeni yilayisense yokuthutha ehloswe kwisigaba (a) ngaphandle uma isigunyazo siyingxenywe yesivumelwano; futhi umnikazi wephemithi kumelwe leyo phemithi ayiyise kwisiphathimandla esingene kwisivumelwano ngendlela efunekayo nangesikhathi esifunekayo mayelana nale njongo, kungenjalo iphemithi iyophelelwa uma ingahanjisi- 25
swanga kuleso sikhathi.

(2) Endabeni yamaphemithi okuthuthwa kwabantu ngezikhathi okungenasivumelwano, uNgqongqoshe kumelwe enze izimiso ingekapheli iminyaka emibili kusukela osukwini lokuqala kwalo Mthetho ukusebenza, ngemva kokubonisana nesiGungu sikaZwelonke, enikeza inqubo yokuhlanganiswa kwaleyo misebenezi nemisebenzi yesivumelwano, futhi ngokwenza kanjalo eyiguqulela kwisivumelwano zohlobo lohwebo, futhi lokho kuhlanganiswaa kumelwe kwenziwe yisiGungu sikaZwelonke. 30

(3) Umnini-moto akanakunikwa isivumelwano sokuthuthwa kwabantu okuhlelelwe isikhathi ngaphandle uma wonke amaphemithi namalayisense okuthutha alowo mnini-moto eye ashintshwa ngokwesigatshana (1) noma (2). 35

Ukuphungulwa kwamalayisense okuthutha kuhlobo lwamathekisi angamamini-bhasi

49. (1) Amaphemithi akhishelwe ukuthuthwa kwabantu ngamathekisi ohlobo lwemini-bhasi ahlala esebenza, kodwa ngokulawulwa yisigaba 47(1) no-(2) nayisigatshana (3) salesi sigaba. 40

(2) Umuntu onephemithi noma ilayisense yokuthutha yohlobo lwethekisi oluyimini-bhasi obengekasenzi isicelo angenza isicelo ngendlela efunekayo sokuba kuhlolwe inani lemali efanelwe yilona, futhi angase akhethe ukuba—

(a) awuyeke umsebenzi wokuthutha, okuyothi-ke uma kunjalo kudingeke ukuba uMnyango ukhokhele lowo muntu imali yokusulwa kwemoto enqunywe nguMnyango, uyisule imoto, ukhanselwe leyo phemithi noma ilayisense yokuthutha; noma 45

(b) athole imoto entsha ehambisana nokushiwo ngumthetho enomthamo olinganayo nowemoto eshiwo kuleyo phemithi noma ilayisense yokuthutha, noma enomthamo ongemkhulu ngaphezu kuka-20%, ekuyothi uma kunjalo umnikazi wemoto abe nelungelo lokuthola ilayisense yokuthutha yemoto entsha emgunyaza ukuba enze imisebenzi efanayo yokuthutha uma eveza *itax clearance* esemthethweni, futhi leyo layisense yokuthutha kumelwe ichaze kabanzi umzila noma imizila okuzothuthwa kuyo, okumelwe kube yileyo ekade kuthuthwa kuyo ngumnikazi wemoto isikhathi sezinsuku ezingu-180 ngaphambi kosuku lwesicelo; 55

(c) athole imoto entsha ehlangabezana nezimfuneko enomthamo omkhudlwana kunowemoto ehloswe kwisigaba (b) uma iphasiswa yisiphathimandla esihlelayo ngenxwadi, okuyothi-ke uma kunjalo sisebenze isigaba (b) bese

existing permit or operating licence to the Department for cancellation, provided that the Minister may prescribe that more than one permit or operating licence held by that holder must be surrendered for cancellation to make up for the increase in capacity of the new vehicle.

(3) Any permit or operating licence authorising minibus taxi-type services issued for an indefinite period, or issued for a definite period that has not yet expired, must lapse seven years after the date of commencement of this Act. 5

Part 2

General provisions

Regulation of road-based public transport 10

50. (1) No person may operate a road-based public transport service, unless he or she is the holder of an operating licence or a permit, subject to sections 47, 48 and 49, issued for the vehicle concerned in terms of this Act.

(2) An operating licence may authorise the vehicle to which it relates, to operate more than one service or type of service. 15

(3) Where an application in connection with an operating licence concerns services provided for in an integrated transport plan, the provisions of that plan, where appropriate and where possible, will dictate the decision of the entity considering the application.

Entities that must issue operating licences 20

51. An operating licence must only be issued on application made in terms of this Act by the National Public Transport Regulator, a Provincial Regulatory Entity or a municipality to which the operating licence function has been assigned, as the case may be, after considering all the factors mandated by this Act.

Maximum validity period of operating licences 25

52. (1) An operating licence is valid for a maximum period of seven years, but where a negotiated contract has been awarded to an operator under section 41 for more than seven years, such an operating licence must be issued for the period of the contract in terms of section 56.

(2) Operating licences must be granted for a fixed period determined by the entity granting them, where applicable based on the directions of the planning authority contemplated in section 55. 30

(3) In determining the validity period of operating licences for non-contracted services, the following must be considered, subject to the dictates, if any, of relevant integrated transport plans: 35

- (a) Current and envisaged trends in utilisation on the route or routes, or, where applicable, in the area, concerned;
- (b) the efficiency of the proposed services in meeting user needs;
- (c) where applicable, the likelihood that in future the service may no longer be required in terms of the integrated transport plan; and 40
- (d) the likelihood that the service may become the subject of a commercial service contract or a subsidised service contract.

Exemptions

53. (1) An operating licence is not required for— 45

- (a) a courtesy service where the operator operates less than the prescribed number of vehicles;

kudingeka ukuba umnini-moto alethe iphemithi ekhona noma ilayisense yokuthutha eMnyangweni ukuba izokhanselwa, kodwa-ke uNgongqoshe angase athi lowo mnini-moto makanikezele ngamaphemithi akhe noma amalayisense akhe okuthutha angaphezu kwelilodwa ukuba azokhanselwa ngenxa yokuthi imoto entsha isinomthamo othe xaxa. 5

(3) Noma yiyiphi iphemithi noma ilayisense yokuthutha egunyaza ukuthuthwa kwabantu ngohlobo lwethekisi oluyimini-bhasi ekhishelwe isikhathi esingenamkhawulo, noma ekhishelwe isikhathi esinqunyiwe esingekapheli, kumelwe iphelelwe ekupheleni kweminyaka eyisikhombisa kusukela osukwini owaqala ngalo ukusebenza lo Mthetho. 10

INgxenye 2

Okushiwo yilo Mthetho kabanzi

Ukulawulwa kwezinto zokuthuth' umphakathi ezihamba emgwaqweni

50. (1) Akukho muntu ovumelekile ukuba athuthe ngento yokuthuth' umphakathi ehamb' emgwaqweni ngaphandle uma enelayisense yokuthutha noma iphemithi, ngokulawula yisigaba 46, 47 no-48 yaleyo moto athutha ngayo, ngokwalo Mthetho. 15

(2) Ilayisense yokuthutha ingagunyaza imoto ekhishelwe yona ukuba yenze uhlobo lokuthutha olungaphezu kolulodwa.

(3) Uma isicelo selayisense yokuthutha singesemisebenzi yokuthutha esohlelweni lokuhlanganiswa kwezinto zokuthutha, okushiwo yilolo hlelo, uma kufaneleka futhi kunokwenzeka, yikho okuyonquma ukuthi sifanele sithini isinqumo salelo gunya elicubungula isicelo. 20

Amagunya okumelwe akhiphe amalayisense okuthutha

51. Ilayisense yokuthutha kumelwe ikhishwe kuphela uma kufakwe isicelo esenziwe ngokwalo Mthetho ikhishwa yisiGungu Sokulawulwa Kwezinto Zokuthutha uMphakathi kuZwelonke, yisiGungu seSifundazwe noma umasipala owabelwe umsebenzi wamalayisense, ngemva kokucubungula zonke izinto ezifunwa yilo Mthetho. 25

Isikhathi okungenakudlula kuso ukusebenza kwamalayisense okuthutha

52. (1) Ilayisense yokuthutha isebenza isikhathi esingeqi eminyakeni eyisikhombisa, kodwa uma umnini-moto enikwe isivumelwano ekuxoxiswene ngaso sesikhathi esingaphezu kweminyaka eyisikhombisa ngokwesigaba 41, lawo malayisense okuthutha kumelwe akhishelwe isikhathi esikuleso sivumelwano ngokwesigaba 56. 30

(2) Amalayisense okuthutha kumelwe akhishelwe isikhathi esinqunyiwe esinqunyiwe yilelo gunya eliwakhiphayo, ngokusekelwe kwiziqondiso zesiphathimandla esihlelayo ezihloswe kwisigaba 55. 35

(3) Ekunqumeni ukuthi siyoba ngakanani isikhathi sokusebenza kwamalayisense okuthutha emisebenzini yokuthutha engenasivumelwano, kumelwe kucatshangwe ngalokhu okulandelayo, ngokulawulwa yilokho okushiwo yizinhlelo zokuhlanganiswa kwezinto zokuthutha ezithintekayo, uma zikhona— 40

- (a) okwenzekayo manje nokuhloswe ukuba kwenzeke ekusetshenzisweni komzila noma kwemizila, noma endaweni;
- (b) ukushelela kwemisebenzi yokuthutha ehlosiwe ekuhlangabezaneni nezidingo zabagibeli;
- (c) ukuthi esikhathini esizayo kungenzeka ukuthi umsebenzi wokuthutha ungase ungabi sadingeka ngokohlelo lokuhlanganiswa kwezinto zokuthutha; 45
- (d) okungenzeka kokuthi umsebenzi wokuthutha ungase ube ngowesivumelwano sohwebo noma ube ngowesivumelwano somsebenzi wokuthutha okunomxhaso. 45

Izimo lapho ingadingeki khona ilayisense yokuthutha

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53. (1) Ayidingeki ilayisense yokuthutha—

- (a) emsebenzini wokuthutha wokubonelela lapho umnini-moto ethutha ngezimoto ezingaphansi kwenani elifunekayo;

- (b) a lift club, subject to section 69;
- (c) farmers carrying their own workers in vehicles of which they are the sole owners;
- (d) municipalities carrying their own workers in vehicles owned by them;
- (e) ambulances carrying patients to places where they will receive medical attention; 5
- (f) the conveyance by a person who carries on any industry, trade or business, of the person's own employees from a place where they perform work in the course of that industry, trade or business, to another place where they are to perform such work, by means of a vehicle of which the person is the owner; 10
- (g) the conveyance—
 - (i) of learners and teachers for purposes of sport or recreation or on holiday, sightseeing or educational tours, by means of a vehicle of which the relevant school is the sole owner or which, in terms of an agreement, is set apart for the use of that school for these purposes; 15
 - (ii) by a university, teachers' training college or similar educational institution of its own students and staff for educational, cultural or sports purposes by means of a motor vehicle of which that educational institution is the owner, or by means of a motor vehicle which, in terms of an agreement, is set apart for the use of that educational institution for these purposes. 20

(2) The MEC may make regulations providing for information to be recorded or provided to the National Public Transport Regulator, Provincial Regulatory Entity, municipality to which the operating licence function has been assigned or other persons or institutions regarding conveyance in terms of a service contemplated in subsection (1). 25

(3) Where the conveyance occurs by means of a vehicle used in terms of an agreement referred to in subsection (1)(g), a document in which an authorised employee of the school or educational institution confirms that the passengers being conveyed are enrolled learners or students of, or staff attached to, the institution, must be kept in that vehicle. 30

Application for new operating licence

54. (1) A person wishing to undertake an interprovincial service or a tourist transport service must apply to the National Public Transport Regulator for the necessary operating licence. 35

(2) A person wishing to undertake an intraprovincial service—

- (a) taking place in the area of the municipality to which the operating licence function has been assigned; or
- (b) starting in the area of that municipality and also taking place in the area of another municipality, 40

must apply to a municipality referred to in paragraph (a) for the necessary operating licence.

(3) A person wishing to undertake a service other than one contemplated in subsection (1) or (2), must apply to the Provincial Regulatory Entity of the relevant province for the necessary operating licence. 45

(4) Where a transport plan shows a need for additional services, other than tourist transport services, contemplated in subsection (2) on a route or routes in its area, the municipality to which the operating licence has been assigned may invite applications for operating licences to provide those services.

(5) Applications under subsections (1), (2), (3) or (4) must— 50

- (a) be made on the basis of one application per vehicle;
- (b) be made in the prescribed manner;
- (c) be made by completing and submitting the prescribed form, which must allow for the applicant to submit recommendations or documentation in support of the application, either from the applicant or from any other interested person; 55
- (d) be accompanied by the prescribed fee, determined by the Minister, which may provide that the fee will be reduced where the same applicant applies for more than one vehicle at the same time;

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- (b) kwilifithi-klabhu, kodwa-ke ngokulawulwa yisigaba 69;
- (c) kosomaplazi abathwele abasebenzi babo emotweni yena somaplazi angumnikazi wayo yedwa;
- (d) komasipala abathwele abasebenzi babo ezimotweni ezingezabo bona bomasipala; 5
- (e) kuma-ambulense athwele iziguli eziyisa lapho zizothola ukwelashwa;
- (f) kumuntu owenza umsebenzi wokuhweba noma ibhizinisi, ethutha abasebenzi bakhe ebasusa lapho benza khona umsebenzi kulowo msebenzi wokuhweba noma ibhizinisi ebayisa kwenye indawo lapho beza kwenza khona lowo msebenzi, ebathutha ngemoto angumnikazi wayo; 10
- (g) ekuthuthweni—
- (i) kwabafundi nothisha beya emidlalweni noma beyongcebeleka noma beya eholidini, bebuk' izindawo noma besekuvakasheni okuphathelene nalokho abakufundiswa esikoleni, behamba ngemoto engeyaleso sikole sisodwa, noma behamba ngemoto ehlelelwe ukusetshenziswa yileso sikole ngokwesivumelwano, siyisebenzisela lezi zinjongo; 15
- (ii) kwabafundi nabasebenzi bethuthwa yinyuvesi, yikolishi lokulolongelwa ubuthisha noma yisikhungo semfundo esifana nalezi, bethuthelwa izinjongo zemfundo, zamasiko noma zemidlalo, bethuthwa ngemoto lesi sikhungo semfundo esingumnikazi wayo, noma bethuthwa ngemoto chlelelwe ukusetshenziswa yileso sikhungo semfundo ngokwesivumelwano, siyisebenzisela lezi zinjongo. 20
- (2) UNgqongqoshe angase enze izimiso ezithi makuqoshe incazelo noma inikezwe isiGungu sikaZwelonke, noma isiGungu seSifundazwe, noma umasipala owabelwe umschenzi wamalaysense okuthutha noma abanye abantu noma izikhungo, kuyincazelo engokuthuthwa kwabantu ngokomsebenzi wokuthutha ohloswe kwisigatshana (1). 25
- (3) Uma kuthuthwa ngemoto ngokwesivumelwano esishiwo kwisigaba (g) saleso sigatshana, kufuneka incwadi umuntu ogunyaziwe osebenzela isikole noma isikhungo semfundo eqinisekisa khona ukuthi abagibeli abathuthwayo bangabafundi ababhalisiwe besikhungo, noma bangabasebenzi ahasehenzela lesi sikhungo. okumelwe leyo ncwadi igcinwe kuleyo moto. 30
- Ukufak' isicelo selayisense entsha yokuthutha**
- 54.** (1) Umuntu ofisa ukwenza umsebenzi wokuthutha phakathi kwezifundazwe noma ofisa ukuthuth' abavakashi kumelwe afak' isicelo esiGungwini sikaZwelonke afune ilayisense yokuthutha edingekayo. 35
- (2) Umuntu ofisa ukwenza le mischenzi elandelayo yokuthutha ngaphakathi esifundazweni—
- (a) umsebenzi wokuthutha ngaphakathi endaweni kamasipala owabelwe umsebenzi wamalaysense okuthutha; noma 40
- (b) umsebenzi wokuthutha oqala endaweni kamasipala futhi ube wenzeka nasendaweni yomunye umasipala, kumelwe enze isicelo kumasipala okukhulunywe ngaye kwisigaba (a) afune ilayisense edingekayo.
- (3) Umuntu ofisa ukwenza umsebenzi wokuthutha ongewona ohloswe kwisigatshana (1) noma (2), kumelwe afak' isicelo esiGungwini seSifundazwe sesifundazwe sakhe afune ilayisense yokuthutha edingekayo. 45
- (4) Uma uhlelo lwezokuthutha lubonisa ukuthi kukhona isidingo sokwengezwa kwezinto zokuthutha, ezingezona ezokuthuth' abavakashi, ezihloswe kwisigatshana (2) emzileni noma emizileni ekwindawo yaso, umasipala owabelwe umsebenzi wamalaysense angase accele abantu bafak' izicelo bazibhekise kuso zokuthol' amalaysense okuthutha okwenza leyo misebenzi yokuthutha. 50
- (5) Izicelo okukhulunywe ngazo kwizigatshana (1), (2) noma (4) kumelwe—
- (a) kwenziwe isicelo esisodwa ngemoto ngayinye;
- (b) zenziwe ngendlela efunekayo;
- (c) zenziwe ngokugwalisa ifomu elifunekayo bese liyaletwa, okumelwe livumele owenza isicelo ukuba alethe iziphakamiso noma izincwadi ezeseka isicelo sakhe, noma ngabe lezo ziphakamiso nezincwadi zivela kowenza isicelo noma omunye umuntu; 55
- (d) zihambisane nemali efunekayo enqunywe nguNgqongqoshe, okungenzeka ngaleyo mali ukuba izimiso zithi iyokwehla uma owenza isicelo ecelela izimoto ezingaphezu kweyodwa ngesikhathi esisodwa; 60

- (e) specify the vehicle or exact type of vehicle to be used for providing the services concerned; and
- (f) in the case of a scheduled service or minibus taxi-type service, include a detailed description of the route or routes on which the applicant operates or intends to operate and all points where passengers will be picked up and dropped off. 5

(6) Where the applicant has been accredited as a tourist operator under section 81 and the vehicle in question complies with section 84, the operator is entitled to an operating licence automatically, to be applied for and issued in the prescribed manner.

Operating licences for public transport services provided for in transport plans 10

55. (1) Before the National Public Transport Regulator or a Provincial Regulatory Entity considers any application for the granting, renewal, amendment or transfer of an operating licence, other than a tourist transport service or charter service, and other than a contracted service contemplated in section 56, it must by notice in the prescribed manner inform all planning authorities in whose areas the services will be operated of the application with the request to give directions with regard to the application based on its integrated transport plan within the period stated in the notice. 15

(2) The planning authority must in the prescribed format—

- (a) indicate whether there is a need for the service on the route or routes or in the area or areas in terms of its integrated transport plan or not, and, if there is a need for such service, direct the National Public Transport Regulator or a Provincial Regulatory Entity to grant the operating licence and make any recommendations it considers fit regarding conditions to be attached to the operating licence, having due regard to its integrated transport plan, and if its integrated transport plan is not yet finalised or is inadequate, it must take the decision based on due inquiries and investigations carried out by it; and 20 25
- (b) submit such response to the National Public Transport Regulator or a Provincial Regulatory Entity, as the case may be, within the prescribed period or the period stipulated in the notice.

(3) Where the public transport requirements for the particular route or routes are adequately served by an existing public transport service of a similar nature, standard or quality provided in terms of a commercial service contract or subsidised service contract or in terms of operating licences as shown by its integrated transport plan, the planning authority must direct the National Public Transport Regulator or a Provincial Regulatory Entity to refuse the application. 30 35

(4) The National Public Transport Regulator or a Provincial Regulatory Entity may condone the late submission of a response contemplated in terms of subsection (2).

(5) Subject to subsection (6), the National Public Transport Regulator or a Provincial Regulatory Entity, in disposing of an application, must act in accordance with the relevant integrated transport plan and directions of the planning authority submitted in terms of subsection (2), and must not grant an operating licence contrary to directions of the integrated transport plan and planning authority. 40

(6) Where the planning authority has failed to respond to the request contemplated in subsection (1), the National Public Transport Regulator or a Provincial Regulatory Entity may dispose of the application without any input from the planning authority, by considering the matters mentioned in section 57. 45

Operating licences for contracted services

56. (1) Where a contracting authority has concluded a negotiated contract, subsidised service contract or commercial service contract with an operator, the relevant regulatory entity, must issue to the operator an operating licence for each vehicle involved in the 50

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- (e) zisho imoto noma uhlobo lwemoto ezosetshenziselwa lowo msebenzi wokuthutha;
- (f) uma kuzoba ngumsebenzi wokuthutha ohlelelwe izikhathi noma wokuthutha ngohlobo lwethekisi eyimini-bhasi, kube khona nencazelo eningilizayo yomzila noma yemizila athutha kuyo noma ahlose ukuthutha kuyo owenza isicelo kanye nazo zonke izindawo azobacosha kuzo abagibeli nazobehlisa kuzo. 5

(6) Kungakhathaliseki okushiwo yilesi sigaba, uma owenza isicelo efakazelwe kahle ukuthi ungumuntu othutha abavakashi ngokwesigaba 81, futhi nemoto ihlangabezana nezimfuneko zesigaba 84, lowo muntu unelungelo lokuyithola ngokuzenzakalelayo ilayisense yokuthutha. 10

Amalaysense okuthuthwa komphakathi asezinhlweni zokuthutha

55. (1) Ngaphambi kokuba isiGungu sikaZwelonke noma isiGungu seSifundazwe sicubungule isicelo sokunikwa ilayisense yokuthutha, noma sokuvuselelwa kwayo, ukuchibiyelwa kwayo noma ukusulelwa kwayo egameni lomunye umuntu, kube kungeyona eyokuthuth' abavakashi noma eye-“charter service”, futhi kube kungeyona eyomsebenzi wokuthutha wesivumelwano ohloswe kwisigaba 56, kumelwe lesi siGungu, ngokwenza isimemezelo ngendlela efunekayo, sazise zonke iziphathimandla ezihlelayo ozokwenziwa ezindaweni zazo umsebenzi wokuthutha ngesicelo lesi, sicele nokuthi iziphathimandla zinike iziqondiso mayelana nesicelo ngokusekelwe kwizinhlelo zazo zokuhlanganiswa kwezinto zokuthutha, singekapheli isikhathi esishiwo kwisimemezelo. 15 20

(2) Ngendlela efunekayo, isiphathimandla esihlelayo kumelwe—

- (a) sisho ukuthi sikhona yini isidingo salowo msebenzi wokuthutha kulowo mzila noma imizila noma kwindawo noma kwizindawo zaso ngokohlelo lwaso lokuhlanganiswa kwezinto zokuthutha. Uma sikhona isidingo, isiphathimandla esihlelayo sitshele isiGungu sikaZwelonke noma isiGungu seSifundazwe ukuba sisiphasise isicelo selayisense yokuthutha futhi senze noma yiziphi iziphakamiso esizibona zifanele mayelana nemibandela okumelwe ihambisane naleyo layisense yokuthutha, kucatshangwe ngohlelo lwaso lokuhlanganiswa kwezinto zokuthutha, futhi uma uhlelo lwaso lokuhlanganiswa kwezinto zokuthutha lungekaphothulwa noma lungenele, kumelwe senze isinqumo ngokusekelwe kuphenyo esilwenzile; futhi 25 30
- (b) sibuyisele leyo mpendulo esiGungwini sikaZwelonke noma esiGungwini seSifundazwe singekapheli isikhathi esifunekayo noma singekapheli isikhathi esinqunye kwisimemezelo. 35

(3) Uma izidingo zokuthuthwa komphakathi zomzila noma imizila ethile zeneliswa yilabo abakhona abathuth' umphakathi abenz' umsebenzi ofanayo, osezingeni elifanayo ngokwesivumelwano sohlobo lohwebo noma ngokwesivumelwano somsebenzi wokuthutha okunomxhaso noma ngokwamalaysense okuthutha njengoba kuboniswa wuhlelo lwaso lokuhlanganiswa kwezinto zokuthutha, isiphathimandla esihlelayo kumelwe sitshele isiGungu sikaZwelonke noma isiGungu seSifundazwe ukuba sisenqabe isicelo. 40

(4) IsiGungu sikaZwelonke nomma isiGungu seSifundazwe singase sikushalazele ukungabuyiswa ngesikhathi kwempendulo ngokwesigatshana (2). 45

(5) Ngokulawulwa yisigatshana (6), isiGungu sikaZwelonke noma isiGungu seSifundazwe, ekwenzeni lokho esikwenzayo ngesicelo, kumelwe senze ngokuvumelana nezinhlelo zokuhlanganiswa kwezinto zokuthutha neziqondiso zesiphathimandla esihlelayo ezilethwe ngokwesigatshana (2), futhi akumelwe sinikeze umuntu ilayisense yokuthutha ngokuphambene neziqondiso zohlelo lokuhlanganiswa kwezinto zokuthutha nesiphathimandla esihlelayo. 50

(6) Uma isiphathimandla esihlelayo singaphendulanga esicelweni, isiGungu sikaZwelonke noma isiGungu seSifundazwe singenza esikwenzayo ngesicelo kungekho ukuphawula okuqhamuka kwisiphathimandla esihlelayo, ngokucubungula izinto ezishiwo kwisigaba 57. 55

Amalaysense okuthutha emisebenzi yokuthutha enesivumelwano

56. (1) Uma isiphathimandla esihlelayo singene nomnini-moto esivumelwaneni ekuxoxiswene ngaso, noma esivumelwaneni sokuthutha okunomxhaso noma esivumelwaneni sohlobo lohwebo, isigungu esilawul' isimo esithintekayo kumelwe

contract, or where the operator already has an operating licence for such a vehicle, such entity must amend the operating licences if necessary to accommodate the services in the contract.

(2) The authority conveyed by an operating licence contemplated in subsection (1) must be made specific to the contract and be for the validity period of the contract, but an operating licence may authorise services in addition to those stipulated in the contract. 5

(3) Where a contract is amended so as to change the authority conveyed by the operating licences, or to extend the duration of a contract, the relevant regulatory entity must amend the relevant operating licences accordingly. 10

Disposing of applications with regard to operating licences for non-contracted services

57. (1) Where an application is made to the National Public Transport Regulator for the granting, renewal, amendment or transfer of an operating licence in respect of a non-contracted service other than a tourist transport service, it may grant or refuse it after having considered— 15

- (a) in the case of a service shown in an integrated transport plan, the directions of the planning authority submitted in terms of section 55;
- (b) whether the vehicle or type of vehicle by means of which the service is to be operated, is suitable for that purpose; 20
- (c) the availability of ranks, terminals or other facilities, based on the recommendations of the relevant planning authority or other information at its disposal;
- (d) the existence of any relevant by-law, regulation, prohibition, limitation or restriction; 25
- (e) whether the applicant has any previous conviction for an offence relevant to the operation of public transport services, or of a prescribed type; and
- (f) the ability of the applicant to operate the service for which the operating licence is sought, in a manner satisfactory to the public.

(2) Where an application is made to a municipality to which the operating licence function has been assigned for the granting, renewal, amendment or transfer of an operating licence in respect of a non-contracted service, it— 30

- (a) must refuse the application if granting it would be contrary to the relevant integrated transport plan; or
- (b) if paragraph (a) does not apply, may grant or refuse it after having considered— 35
 - (i) whether the vehicle or type of vehicle by means of which the service is to be operated, is suitable for that purpose;
 - (ii) the availability of ranks, terminals or other facilities;
 - (iii) the existence of any relevant by-law, regulation, prohibition, limitation or restriction; 40
 - (iv) whether the applicant has any previous conviction for an offence relevant to the operation of public transport services, or of a prescribed type;
 - (v) the ability of the applicant to operate the service for which the operating licence is sought, in a manner satisfactory to the public; 45
 - (vi) recommendations or documents duly submitted with the application by the applicant or any other interested party.

sinikeze umnini-moto ilayisense yokuthutha yemoto ngayinye esesivumelwaneni noma, uma umnini-moto esenayo kakade ilayisense yokuthutha yaleyo moto, isiGungu seSifundazwe kumelwe siwachibiyele amalayisense okuthutha uma kudingekile ngenhloso yokuba kube khona leyo misebenzi yokuthutha esivumelwaneni.

(2) Igunya umuntu alinikezwa yilayisense yokuthutha elihloswe kwisigatshana (1) 5 kumelwe lenziwe licace esivumelwaneni, futhi isikhathi sokusebenza kwalo silingane nesikhathi sesivumelwano, kodwa ilayisense yokuthutha ingase igunyaze eminye imisebenzi yokuthutha ukwenezela kuleyo eshiwo esivumelwaneni.

(3) Uma isivumelwano sichibiyelwa ukuze sishintshe igunya elinikezwa umuntu ngamalayisense okuthutha, noma uma isikhathi sesivumelwano selulwa, isigungu 10 sokulawulwa kwezokuthutha esithintekayo kumelwe siwachibiyele nawo amalayisense okuthutha.

Ukuthathwa kwezinqumo ngezicelo zamalayisense okuthutha emisebenzini engenasivumelwano

57. (1) Uma kufakw' isicelo kwisiGungu sikaZwelonke sokuba sinikeze umuntu 15 ilayisense yokuthutha, noma siyivuselele, noma siyichibiyele noma siyisulele egameni lomunye umuntu ngomsebenzi wokuthutha ongewona owesivumelwano, ngaphandle komsebenzi wokuthutha abavakashi, isiGungu singase simnikeze umuntu noma senqabe ngemva kokuba sicubungule—

(a) uma ngumsebenzi wokuthutha oboniswe ohlelweni lokuhlanganiswa 20 kwezinto zokuthutha, ngemva kokuba sicubungule iziqondiso zesiphathimandla esihlelayo ezingeniswe ngokwesigaba 55;

(b) ukuthi imoto noma uhlobo lwemoto ozokwenziwa ngayo umsebenzi iyifanele yini leyo njongo;

(c) ukuthi ayatholakala yini amarenki, izindawo zokujika ekupheleni 25 kwemigwaqo noma ezinye izinto, ngokusekelwe kwiziphakamiso zesiphathimandla esihlelayo esithintekayo noma ngokusekelwe kwenye incazelo esinayo;

(d) ukuthi ukhona yini umthetho kamasipala osebenza endabeni enjalo, noma isimiso, umthetho owenqabelayo, noma obek' umngcele kulokho okungase 30 kwenziwe;

(e) ukuthi owenz' isicelo wake watholwa yini enecala lokwepul' umthetho omayelana nokuthuthwa komphakathi, noma lokwepul' umthetho kohlobo oluthile olushiwo, nokuthi

(f) ukuthi owenz' isicelo uzokwazi yini ukuwenza umsebenzi efunelwa wona 35 ilayisense yokuthutha, awenze ngendlela egculisayo emphakathini.

(2) Uma kwenziwa isicelo kumasipala owabelwe umsebenzi wamalayisense sokunikwa ilayisense yokuthutha, noma sokuba ivuselelwe, ichibiyelwe noma isulelwe egameni lomunye umuntu ngomsebenzi wokuthutha okungenasivumelwano—

(a) isiphathimandla esihlelayo esiqokiwe kumelwe sisenqabe isicelo uma 40 ukusiphasisa kuyoba okuphambene nohlelo noma nezinhlalo ezithintekile zokuhlanganiswa kwezinto zokuthutha; noma

(b) singase sisiphasisa noma sisenqabe ngemva kokucubungula—

(i) ukuthi imoto noma uhlobo lwemoto ozokwenziwa ngayo umsebenzi 45 iyifanele yini leyo njongo;

(ii) ukuthi ayatholakala yini amarenki, izindawo zokujika ekupheleni kwemigwaqo, noma ezinye izinto futhi, uma kuyisiGungu sikaZwelonke noma kuyisiGungu seSifundazwe, ngemva kokucubungula iziphakamiso zesiphathimandla esihlelayo saleyo ndawo;

(iii) ukuthi ukhona yini umthetho kamasipala osebenza endabeni enjalo, 50 noma isimiso, umthetho owenqabelayo noma obek' umngcele kulokho okungase kwenziwe;

(iv) ukuthi owenz' isicelo wake watholwa yini enecala lokwepul' umthetho omayelana nokuthuthwa komphakathi, noma lokwepul' umthetho 55 wohlobo oluthile olushiwo;

(v) ukuthi owenz' isicelo uzokwazi yini ukuwenza umsebenzi efunelwa yona ilayisense yokuthutha, awenze ngendlela egculisayo emphakathini;

(vi) iziphakamiso noma izincwadi ezingeniswe kanye nesicelo zingeniswa ngowenz' isicelo noma ngomunye umuntu.

(3) Where an application is made to a Provincial Regulatory Entity for the granting, renewal, amendment or transfer of an operating licence in respect of a non-contracted service, it—

- (a) must refuse the application, if granting it would be contrary to the directions of the relevant planning authority or authorities based on their integrated transport plan; or 5
- (b) may grant or refuse it after having considered the matters listed in subsection (2)(b).

(4) The Minister may make regulations prescribing that types of applications specified in the regulations must be submitted to stakeholder forums or other persons or entities for their comments, and that the relevant entity must consider those comments before it takes a decision. 10

(5) The entity granting an application for the granting, renewal, amendment or transfer of an operating licence may do so subject to any conditions, determined by it, that are not inconsistent with this Act or with relevant provincial laws or transport plans, and must do so where such conditions have been stipulated by the planning authority based in its integrated transport plan. 15

(6) Such a condition may state a maximum number of passengers that may be carried in the vehicle, even if the capacity of the vehicle is greater.

Renewal, amendment or transfer of operating licence or permit 20

58. (1) The holder of an operating licence issued by a regulatory entity, may apply to whichever of those entities that issued the licence for renewal, amendment or transfer of the operating licence.

(2) Where an operating licence or permit was issued by a provincial operating licensing board or other competent entity before the date of commencement of this Act, the holder may apply for renewal, amendment or transfer thereof to the relevant entity contemplated in section 54, but, in the case of a permit, an operating licence must be issued if the application is granted. 25

(3) Where amendment of the operating licence or permit only involves substituting a different vehicle with the same capacity or less, section 73 applies. 30

(4) A person applying to take transfer of an operating licence or permit must have the written consent of the current holder of the operating licence or permit, or of that holder's executor.

Publication of decisions

59. (1) Regulatory entities must, in the prescribed manner, give notice of receipt of an application for or in connection with an operating licence, except a decision to replace a vehicle under section 73, and in that notice state the prescribed particulars and allow interested persons an opportunity to comment and make representations within the prescribed period. 35

(2) Such entity must duly consider all comments and representations received that are duly submitted and are relevant in dealing with the application. 40

(3) Where no relevant and substantial objections are received in respect of an application, it may be disposed of summarily and where such objections are received, the entity must request further information or hold a hearing in the prescribed manner before taking a decision on the matter. 45

Special events

60. (1) Subject to section 61, no person may undertake a public transport service to or from a special event except—

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(3) Uma kwenziwa isicelo kwisiGungu seSifundazwe sokunikwa ilayisense yokuthutha, noma sokuba ivuselelwe, ichibiyelwe noma isulelwe egameni lomunye umuntu ngomsebenzi wokuthutha ongenasivumelwano—

(a) isiGungu seSifundazwe kumelwe sisenqabe isicelo uma ukusiphasisa kuyoba okuphambene neziqondiso zesiphathimandla noma zeziphathimandla ezihlelayo ezithintekayo ngokusekelwe kwizinhlelo zazo zokuhlanganiswa kwezinto zokuthutha; noma

(b) uma isigaba (a) singasebenzi kulokho, singase sisiphasisa noma sisenqabe ngemva kokucubungula izinto ezikwisigatshana (2)(b).

(4) UNgqongqoshe angase enze izimiso ezithi izinhlobo ezithile zezicelo ezishiwo kwizimiso maziye lapho kuhlangele khona ezinye izinhlangano ezineqhaza endabeni noma kwabanye abantu noma amagunya ukuze baphawule, futhi angase athi lelo gunya malicubungule lokho kuphawula ngaphambi kokuba lenze isinqumo.

(5) Igunya eliphasisa isicelo sokunikwa ilayisense, noma sokuvuselelwa, sokuchibiyelwa noma sokusulelwa kwayo egameni lomunye umuntu, lingasiphasisa ngokulawulwa yimibandela, enqunywe yilo, engangqubuzani nalo Mthetho noma nemithetho yesifundazwe noma nezinhlelo zokuthutha, futhi kumelwe lenze kunjalo uma leyo mibandela ishiwo yisiphathimandla esihlelayo ngokusekelwe ohlelweni lwayo lokuhlanganiswa kwezinto zokuthutha.

(6) Lowo mbandela ungase uthi ngabagibeli abangadlulile enanini elithile abavumeleke ukuba bathwalwe yimoto, ngisho noma ngabe umthamo waleyo moto ungaphezu kwalelo nani.

Ukuvuselelwa, ukuchibiyelwa noma ukusulelwa egameni lomunye umuntu kwelayisense yokuthutha noma iphemithi

58. (1) Umuntu onelayisense yokuthutha ekhishwe yisigungu esilawul' isimo angafak' isicelo kunoma yiliphi kulawo magunya akhipha ilayisense sokuba kuvuselelwe, kuchibiyelwe noma kusulelwe egameni lomunye umuntu ilayisense yakhe yokuthutha.

(2) Uma ilayisense yokuthutha noma iphemithi yakhishwa yibhodi yesifundazwe yamalayisense okuthutha noma yakhishwa elinye igunya ngaphambi kokuqala kwalo Mthetho ukusebenza, umuntu onayo angenz' isicelo sokuvuselelwa kwayo, sokuchibiyelwa noma sokusulelwa kwayo egameni lomunye umuntu esenza kwigunya elifanele elihloswe kwisigaba 54, kodwa, uma kuyiphemithi, ilayisense yokuthutha kumelwe ikhishwe kuphela uma isicelo sephemithi siphumelele.

(3) Uma ukuchibiyelwa kwelayisense yokuthutha noma iphemithi kumane nje kuwukubhaliswa kwenye imoto esikhundleni senye kodwa ibe inomthamo olinganayo noma omncanyana kunenye, uma kunjalo kusebenza isigaba 73.

(4) Umuntu owenz' isicelo sokuba isulelwe egameni lakhe ilayisense yokuthutha noma iphemithi kumelwe abe nemvume ebhaliwe yomnikazi welayisense noma iphemithi, noma abe nemvume yomuntu ophathiswe ifa lomnikazi welayisense.

Ukukhishwa kwezinqumo

59. (1) Izigungu ezilawul' isimo kumelwe, ngendlela efunekayo, zisho ukuthi zithole isicelo selayisense yokuthutha, ngaphandle uma kuyisicelo sokufaka imoto esikhundleni senye ngokwesigaba 73, futhi sisho imininingwane efunekayo bese sinika abantu abanesifiso ithuba lokuphawula basho abafuna ukukusho singekapheli isikhathi esinqunyiwe.

(2) Lelo gunya kumelwe likucubungule konke ukuphawula okutholakele okuyosiza ekucubunguleni isicelo. (3) Uma kungatholakalanga mibono ephikisayo etheni mayelana nesicelo, kungathathw' isinqumo ngaso ngokushesha. Uma kutholakele imibono ephikisayo, lelo gunya kumelwe licele enye incazelo noma libize umhlangano wokulalelwa kwaso ngendlela efunekayo ngaphambi kokuba lithathe isinqumo ngodaba.

Izehlakalo ezibalulekile

60. (1) Ngokulawulwa yisigaba 61, akukho muntu ovumelekile ukuba asebenzise izinto zokuthuth' umphakathi ukuya nokubuya esehlakalweni esibalulekile ngaphandle uma—

- (a) in the course of operating a courtesy service or tourist service that complies with this Act;
- (b) under the authority of an operating licence that authorises the relevant transport on the route or in the area in question; or
- (c) under the authority of a temporary operating licence granted and issued in terms of subsection (3). 5
- (2) A holder of an operating licence who is not authorised by subsection (1)(a) or (b) to undertake a service to or from a special event, may apply to the prescribed entity for a temporary operating licence in the prescribed manner.
- (3) An application for a temporary operating licence may be granted if that entity is satisfied on reasonable grounds— 10
- (a) that the existing services available to move passengers to or from the special event are not sufficient to meet the estimated demand;
- (b) that existing services will not be disrupted or prejudiced; and
- (c) that other prescribed criteria have been met. 15
- (4) The onus of proving the matters mentioned in subsection (3) rests on the applicant.
- (5) The entity may require the applicant to supplement the application with any information or documents in support thereof.
- (6) A temporary operating licence may be granted only for one particular special event and for a period that is not longer than the duration of such event, including time needed for preparing for it before the event and transporting passengers to airports, stations and other transfer facilities after the event. 20
- (7) A temporary operating licence in terms of this section must—
- (a) specify the special event and the date or dates on which it occurs;
- (b) where feasible state the route or routes on which the transport to and from the special event may be provided; and 25
- (c) where appropriate specify the terminals, ranks or stopping places that may be used.
- (8) A temporary operating licence in terms of this section may be issued with a special distinguishing mark which must be affixed to the vehicle to which the licence relates in the prescribed manner for the duration of the public transport to and from the special event. 30
- (9) The Minister must make regulations providing that temporary operating licences in terms of this section may be granted and issued by municipalities or other bodies, institutions or officials specified in the regulations on application, after consulting those municipalities or other bodies or institutions, and may also provide for— 35
- (a) the manner and form in which—
- (i) such applications must be made and the fees payable, if any; and
- (ii) such special operating licences must be issued;
- (b) the level or rank of officials that must process such applications or establish committees for that purpose, in consultation with such municipalities, bodies or institutions; 40
- (c) documents and information that must be submitted with such applications; and
- (d) other matters related or incidental to the matters contemplated in this subsection. 45

Major special events

- 61.** (1) The Minister may make regulations to provide or facilitate land transport arrangements for any specific major special event, including but not limited to the following, despite this Act, the Cross-Border Act or the National Road Traffic Act: 50
- (a) Providing that foreign-registered vehicles brought into the Republic temporarily for the event will be exempt from specified requirements of this Act, the Cross-Border Act or the National Road Traffic Act;
- (b) providing for expedited procedures for obtaining temporary operating licences for the event; 55

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- (a) enza umsebenzi wokubonelela noma wokuthuth' abavakashi ohlangabezana nezimfuneko zalo Mthetho;
- (b) kwenziwa ngegunya lelayisense yokuthutha egunyaza leyo nto yokuthutha kulowo mzila noma kuleyo ndawo ehamba kuyo; noma
- (c) ngegunya lelayisense yokuthutha yesikhashana ephasiswe yakhishwa Ngokwesigatshana (3). 5
- (2) Umuntu onelayisense yokuthutha ongagunyaziwe yisigatshana (1)(a) noma (b) ukuba athuthu abantu ukuya nokubuya esehlakalweni esibalulekile, angenz' isicelo kwigunya elifanele sokuthutha ilayisense yokuthutha yesikhashana ekwenza lokho ngendlela efunekayo. 10
- (3) Isicelo selayisense yokuthutha yesikhashana singaphasiswa uma lelo gunya lenelisekile ngezizathu ezizwakalayo ukuthi—
- (a) izinto zokuthutha czitholakalayo njengamanje zokuthutha abagibeli ukuya nokubuya esehlakalweni esibalulekile azenele ukuhlangabezana nesidingo ekuhlawumbiselwa ukuba sikhona; 15
- (b) izinto zokuthutha ezikhona ngeke ziphazamiseke noma zilahlekelwe; noma
- (c) ezinye izimfuneko ezibekiwe kuhlangatshezwene nazo.
- (4) Umuntu okufanele eze nobufakazi bezinto czishiwo kwisigatshana (3) yilowo owenz' isicelo. 20
- (5) Igunya ekwenziwa kulo isicelo lingase lifunc ukuba owenz' isicelo asekele isicelo sakhe nganoma iyiphi incazelo noma okubhaliwe. 20
- (6) Ilayisense yokuthutha yesikhashana ingase ikhishelwe isehlakalo esibalulekile esisodwa esithile, ikhishelwa isikhathi esingaphezulu kwesikhathi esizothathwa yisihlakalo leso esibalulekile, kuhlanganise nesikhathi esidingekayo sokusilungiselela ngaphambi kokuba siqale isehlakalo nokuthutha abagibeli ukuya ezikhumulweni zezindiza, eziteshini zikaloliwe nakwezinye izindawo ngemva kwesihlakalo. 25
- (7) Ilayisense yokuthutha yesikhashana engokwalesi sigaba kumelwe—
- (a) iqagule isehlakalo esibalulekile nosuku noma izinsuku esizoba khona ngazo;
- (b) uma kunokwenzeka, isho umzila noma imizila edingeka kuwo into yokuthutha ukuya nokubuya esehlakalweni esibalulekile; 30
- (c) uma kufaneleka, isho izimpela-mgwaqo, amarenki noma izindawo ezoma kuzo engase izisebenzise.
- (8) Ilayisense yokuthutha yesikhashana engokwalesi sigaba ingase ikhishwe inophawu oluthile oluyihlukanisayo olufanele lunamathiselwe kwimoto ckhishelwa leyo layisense ngendlela efunekayo, lube kuleyo moto yokuthutha ngaso sonke isikhathi isohambeni oluyayo nolubuyayo esehlakalweni esibalulekile. 35
- (9) UNgqongqoshe kumelwe enze izimiso ezithi amalayisense okuthutha esikhashana angokwalesi sigaba angase aphasiswe akhishwe ngomasipala noma ezinye izinhlangano, izikhungo noma izikhulu ezishiwo kwizimiso uma umuntu enza isicelo, ngemva kokubonisana nalabo masipala noma izinhlangano noma izikhungo, futhi angase asho— 40
- (a) indlela—
- (i) lezo zicelo okumelwe zenziwe ngayo nezimali okumelwe zikhokhwe, uma zikhona;
- (ii) lawo malayisense okuthutha akhethekile okumelwe akhishwe ngayo; 45
- (b) makube izikhulu ezikuliphi izinga okumelwe zisebenze lezo zicelo, noma angase athi kumelwe kwakhiwe amakomiti aleyo njongo, ngokubonisana nalabo masipala, izinhlangano noma izikhungo;
- (c) izincwadi ezibhaliwe nencazelo okumelwe ilethwe kanye nalezo zicelo;
- (d) nezinye izinto ezihlobene nezinto ezihloswe kulesi sigatshana. 50

Izehlakalo ezibalulekile ezinkulu

- 61.** (1) UNgqongqoshe angase enze izimiso zokwenza amalungiselelo ezinto zokuthutha ezihamba phansi zanoma yisiphi isehlakalo esibalulekile esikhulu, izimiso ezihlanganisa ezale mithetho elandelayo, kodwa kungacini kuyo, eze *Cross Border Act* neze *National Road Traffic Act*— 55
- (a) ukuthi izimoto ezibhaliswe kwamanye amazwe ezingeniswe lapha kwiRiphabliki okwesikhashana zizele isehlakalo zizokhululeka zona ekuhlangabezaneni nezimfuneko ezithile zalo Mthetho, ze *Cross Border Act* neze *National Road Traffic Act*;
- (b) ezithi makube khona izinqubo ezisheshayo zokuthutha amalayisense okuthutha esikhashana aleso sehlakalo; 60

- (c) appointing one or more institutions to receive applications for special operating licences for the event; or
- (d) providing that members of the South African National Defence Force will have the powers of authorised officers under this Act or traffic officers, traffic wardens or inspectors of licences under the National Road Traffic Act, as well as the powers of peace officers as defined in the Criminal Procedure Act, 1977 (Act No. 51 of 1977). 5

(2) Despite the Road Accident Fund Act, 1996 (Act No. 56 of 1996), the Minister may impose different or additional requirements regarding insurance in respect of passengers using public transport or vehicles used for such transport during the event. 10

Issue and contents of operating licence

- 62.** (1) An operating licence may only be issued if the applicant—
- (a) has applied in terms of this Act and applicable provincial laws;
 - (b) has furnished a valid tax clearance certificate from the South African Revenue Service certifying that his, her or its tax affairs are in order; 15
 - (c) has signed a statement to the effect that he or she or it will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Labour;
 - (d) has submitted a current roadworthy certificate, which was issued for the vehicle not earlier than the prescribed point in time, or a duly certified copy of such a certificate, as well as proof that the vehicle is properly licensed and has a national information system model number allocated to it; 20
 - (e) in the case of renewal, transfer or amendment, has returned the previous licence issued for the same service to the entity issuing it; and
 - (f) has submitted proof of insurance cover as prescribed; and 25
 - (g) has submitted any other proof, information or document as prescribed or required by the relevant entity.

(2) Any operating licence granted, renewed, amended or transferred in accordance with this Act must be issued in the prescribed manner and form by an authorised official of the entity concerned. 30

(3) An operating licence must contain the prescribed particulars, and the Minister may prescribe that a tag, electronic card or other device or equipment must be issued with an operating licence and kept in or on the vehicle, as well as an issuing fee for the licence or such tag, card, device or equipment.

Authority conveyed by operating licence 35

- 63.** An operating licence issued under this Act—
- (a) does not authorise the holder to undertake transport on or over a road if it is unlawful to do so in terms of any other law; and
 - (b) does not exempt the holder from the obligation to comply with any requirement or condition imposed by or in terms of any law, licence or permit issued by any other competent authority. 40

Persons who may hold operating licences

64. (1) An operating licence may only be issued to and held by the person registered, in terms of the National Road Traffic Act, as the owner or operator of the vehicle, as defined in that Act, and specified in the operating licence. 45

(2) Where an operating licence relates to a contracted service and the operator has subcontracted another operator to operate part of that service, an operating licence may be issued to the subcontracted operator only if—

- (a) the subcontracted operator is the registered owner or operator of the vehicle used for that service on behalf of the operator party to the contract; and 50

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- (c) eziqoka isikhungo noma izikhungo zokwamukela izicelo zamalaysense okuthutha akhethekile esehlakalo; noma
- (d) ezithi amasosha aleli zwe azoba namagunya ezikhulu ezigunyaziwe ngokwalo Mthetho, noma amaphoyisa omgwaqo noma abahloli bamalaysense ngokwe*National Road Traffic Act*, kanye namagunya ezikhulu zomthetho njengoba zichazwe yi*Criminal Procedure Act* 51 ka-1977. 5
- (2) Nakuba kukhona i*Road Accident Fund* 56 ka-1996 enezinye izimfuneko ezehlukile ngomshuwalense wabagibeli abasebenzisa izinto zokuthutha zomphakathi noma izimoto ezisetsenziselwa ukuthutha umphakathi ngesikhathi sesehlakalo.

Ukukhishwa kwamalaysense okuthutha nalokho akuqukethe 10

62. (1) Ilayisense yokuthutha ingakhishwa kuphela uma owenze isicelo—
- (a) enze isicelo ngokuvumelana nalo Mthetho neminye imithetho yesifundazwe esebenzayo kulokhu;
- (b) eveze isitifikethi esisebenzayo sokuthi uthelile esivela kwiSouth African Revenue Services esiqinisekisa ukuthi konke okwentela kwakhe kuqondile; 15
- (c) esayinde istatimende esithi uzokwenza okufunwa yimithetho yabasebenzi ngabashayeli nabanye abasebenzi, kanye nayizinqumo zoMnyango Wabasebenzi;
- (d) elethe isitifikethi samanje sokufaneleka kwemoto ukuba semgaqweni esasikhishelwe leyo moto esikhathini esingekho ngaphambili kwesifunekayo, noma ikhophi esethifayiwe yaleso sitifikethi, kanye nobufakazi bokuthi imoto leyo inelayisense ngokufanelekile futhi inikwe inombolo eyaziwa ngayo ezweni le; futhi 20
- (e) uma kuwukuvuselela noma ukuchibiyela noma ukusulela egameni lomunye umuntu, uma eyibuyiselile ilayisense yakuqala egunyeni eyayikhishwe yilona eyayikhishelwe lowo msebenzi wokuthutha esikhathini esingaphambili; 25
- (f) eveze ubufakazi bokuba nomshwalense ngendlela efunekayo; futhi
- (g) eveze obunye ubufakazi, incazelo noma okuyincwandi, ngendlela efunwa yisiphathimandla esithintekayo.
- (2) Noma iyiphi ilayisense yokuthutha enikezwe umuntu, yavuselelwa, yachibiyelwa noma yasulelwa egameni lomunye umuntu ngokuvumelana nalo Mthetho kumelwe ikhishwe ngendlela efunekayo yisikhulu esigunyaziwe segunya lalapho. 30
- (3) Ilayisense yokuthutha kumelwe okungenani ibe neminingwane efunekayo, futhi uNgqongqoshe angase ashay' umthetho wokuthi kanye nelaysense yokuthutha makukhishwe isigqebheza, ikhadi elisebenza ngekhompyutha noma enye into engasetshenziswa, igcinwe emotweni; angase futhi ashay' umthetho wokuthi mayikhokhelwe imali ethile ilayisense noma isigqebheza, noma ikhadi noma enye into esebenza njengalo. 35

Igunya umuntu alinikwa yilaysense yokuthutha

63. Ilayisense yokuthutha ekhishwe ngokwalo Mthetho— 40
- (a) ayimgunyazi umuntu oyinikiwe ukuba athuthe emgwaqweni uma kuphambene nomthetho ukwenza kanjalo ngokomunye umthetho;
- (b) ayimkhululi umuntu oyinikiwe kwisibopho sokuthobela noma yikuphi okuyimfuneko noma okungumbandela womthetho, welayisense noma wephemithi ekhishwe yinoma yiliphi elinye igunya eligunyaziwe. 45

Abantu okuvumelekile ukuba babe namalaysense okuthutha

64. (1) Ilayisense yokuthutha ingakhishelwa kuphela umuntu futhi ibe ngeyomuntu obhaliswe, ngokwe*National Road Traffic Act*, njengomnikazi wemoto, ngendlela okuchazwe ngayo kulowo Mthetho, futhi kwacaciswa kwilaysense yokuthutha. (2) Uma ilaysense yokuthutha kungeyomsebenzi wokuthutha wesivumelwano, futhi umnini-moto engenise omunye umnini-moto kwisivumelwano ukuba enze ingxenye yalowo msebenzi, ilaysense yokuthutha ingakhishelwa umnini-moto ongeniswe ngomunye kwisivumelwano kuphela uma— 50
- (a) umnini-moto ongeniswe esivumelwaneni ngomunye engumnikazi onguye yedwa obhaliswe njengomnikazi wemoto esetsenziselwa lowo msebenzi egameni lomunye umnikazi wemoto naye osesivumelwaneni; 55

- (b) that vehicle is specified in the operating licence as the vehicle to be so used for operating that service.

Long-distance services

65. (1) If approved by the planning authority, an entity granting an operating licence may authorise the vehicle specified in that licence to be operated for a long-distance service, despite the fact that the vehicle is specified in the operating licence to be used for a service provided for in an integrated transport plan. 5

(2) The planning authority may not grant such an authorisation where the operation of the long-distance service will or is likely to be detrimental to the operation of the services provided for in that integrated transport plan. 10

(3) In the case of an application for the granting, renewal or amendment of an operating licence relating to a long-distance service, due regard must be had to the provisions of any integrated transport plan, where they are relevant, and to any applicable provincial laws, and it must be subject to—

- (a) the extent to which the service to be provided is necessary or desirable in the public interest; 15
- (b) the requirements of the public for the service along the route or routes on which or the area in which the applicant proposes to operate;
- (c) the existing transport facilities available to the public on that route or those routes or in that area; and 20
- (d) the need to ensure co-ordination of all forms of transport, including transport by rail, to achieve an economically sound balance between the transport modes, with due regard to the public interest.

(4) Operating licences for long-distance services other than charter or tourist transport services must specify the authorised origin and destination points, the ranks or terminals for the picking up and dropping off of passengers and any other points along the route or routes where passengers may be picked up or dropped off. 25

Metered taxi services

66. (1) In the case of a metered taxi service—

- (a) the entity granting the operating licence may specify an area for picking up passengers; 30
- (b) if the operating licence or permit specifies such an area, the vehicle may leave that area if, on the return journey, it is to carry the same passengers that it carries on the outward journey or if the vehicle is to return empty;
- (c) the vehicle may pick up passengers outside of that area if the fare is pre-booked and the passengers will return to such area; and 35
- (d) any particular journey may be operated at a fare not determined by the meter if the fare for that journey has been agreed upon before the journey begins, but the meter must be kept running for the information of passengers.

(2) In the absence of requirements published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), the Minister must set standards for sealed meters for metered taxis in accordance with standards set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993). 40

(3) The Minister or MEC, in consultation with the relevant planning authority, may determine a fare structure for metered taxi services and the MEC must publish such fare structure in the *Provincial Gazette*. 45

(4) The Minister or MEC may make regulations providing for—

- (a) a grading system for metered taxis;
- (b) special requirements for drivers of metered taxis, which may include testing of knowledge of the relevant area; 50
- (c) special markings or other requirements for metered taxi vehicles; and

- (b) leyo moto iqagulwe kwilayisense yokuthutha njengemoto ezosetshenziselwa ukwenza lowo msebenzi.

Ukuthutha emabangeni amade

65. (1) Uma livunyiwe yisiphathimandla esihlelayo, igunya elinikeza umuntu ilayisense yokuthutha lingagunyaza imoto eqagulwe kwilayisense ukuba isetshenziselwe ukuthutha emabangeni amade, nakuba leyo moto iqagulwe kwilayisense yokuthutha njengezosetshenziselwa umsebenzi wokuthutha oshiwo ohlelweni lokuhlanganiswa kwezinto zokuthutha. 5

(2) Isiphathimandla esihlelayo singase singavumi ukukugunyaza lokho uma ukwenziwa kwalowo msebenzi webanga elide kuzoba yingozi noma kungahle kube yingozi ekwenziweni kwemisebenzi eshiwo ohlelweni lokuhlanganiswa kwezinto zokuthutha. 10

(3) Uma kwenziwa isicelo sokunikwa ilayisense yokuthutha, noma sokuvuselelwa kwayo noma sokuchibiyelwa kwayo mayelana nomsebenzi wokuthutha webanga elide, kumelwe kucatshangwe ngalokho okushiwo kunoma yiziphi izinhlelo zokuhlanganiswa kwezinto zokuthutha, uma kuhlobene, futhi kucatshangwe nangemithetho yesifundazwe esebenzayo kulokho, ngokulawulwa yilokhu— 15

(a) ukuthi lowo msebenzi ozokwenziwa udingeke noma ufiseleka kangakanani emphakathini;

(b) izidingo zomphakathi ngalowo msebenzi emzileni noma emizileni noma endaweni lapho owenz' isicelo ahlose ukuthutha khona; 20

(c) izinto zokuthuth' umphakathi ezikhona njengemanje kulowo mzila noma imizila noma kuleyo ndawo; (d) isidingo sokuqinisekisa ukuthi ziyaxhunyaniswa zonke izinhlobo zezinto zokuthutha, kuhlanganise nololiwe, ukuze kube khona ukulinga-lingana okuhle ngokomnotho phakathi kwezinto zokuthutha ezingafani kucatshangelwa umphakathi. 25

(4) Amalayisense okuthutha angawamabanga amade kodwa angewona awezimoto eziqashiwe ezinabashayeli abaqashiwe kumelwe asho indawo esuka kuyo into nendawo eya kuyo, amarenki nezimpela-mgwaqo zokugibelisa nokwehlisa abantu kanye nazo zonke ezinye izindawo emzileni noma emizileni lapho abagibeli bengase bacoshwe khona noma behliswe. 30

Umsebenzi wokuthutha wama-metered taxi

66. (1) Uma kuthuthwa nge-metered taxi—

(a) igunya elinikeza umuntu ilayisense yokuthutha lingase lisho indawo yokucosha abagibeli; 35

(b) uma ilayisense yokuthutha noma iphemithi iyisho indawo enjalo, imoto ingase isuke kuleyo ndawo uma, ohambeni olubuyayo, izobe isathwele labo bagibeli ebibathwele ohambeni oluyayo noma uma izobuya ingathwele muntu;

(c) leyo moto ingacosha abagibeli ngaphandle kwemingcele yaleyo ndawo uma imali yokugibela besekuvunyelwene ngayo kusengaphambili futhi abagibeli bezobuyela kuleyo ndawo; 40

(d) noma yiluphi uhambo lungathathwa ngemali engashiwongo yi-meter uma imali yalolo hambo kuvunyelwene ngayo ngaphambi kokuba luqale uhambo. 45

(2) Uma zingekho izimfuneko ezikhishwe ngokwe *Trade Metrology Act 77 ka-1973*, uNgqongqoshe kumelwe abeke amazinga okufinyelelwa ama-meter avalisisiwe okusetshenziswa ama-metered taxi ngokuvumelana namazinga abekwe yiSouth African Bureau of Standards ngokwe *Standards Act 29 ka-1993*. 45

(3) UNgqongqoshe noma uNgqongqoshe wesifundazwe, ngokubonisana nesiphathimandla esihlelayo esithintekayo, angase anqume izimali zokugibela okufanele zibizwe ngama-metered taxi, futhi uNgqongqoshe wesifundazwe kumelwe azikhiphe lezo zimali zokugibela kwi *Provincial Gazette*. 50

(4) UNgqongqoshe noma uNgqongqoshe wesifundazwe angenza izimiso—

(a) zokuhlukaniswa kwama-metered taxi ngokwamazinga;

(b) zezimfuneko ezikhethekile kubashayeli bama-metered taxi, ezingahlanganisa ukuhlolwa kolwazi lwendawo; 55

(c) nokuthi abe nemibhalo ekhethekile noma ezinye izimfuneko ezisebenza kuma-metered taxi;

- (d) any other matter affecting the standard or quality of operation of metered taxis.

Charter services

67. (1) An operating licence may authorise the holder to undertake pre-booked charter services in the areas or zones as specified by the entity granting the operating licence, which may or may not be in addition to other services authorised by that licence. 5

(2) If the operating licence specifies an area for picking up passengers such a vehicle may—

- (a) leave the area or zone described in the operating licence if, on the return journey, it is to carry the same passengers that it carries on the outward journey or if the vehicle is to return to that area empty; and 10
- (b) pick up passengers outside that area or zone if the fare is pre-booked and the passengers will return to such area.

(3) Where application is made for an operating licence for vehicle hires with drivers as charter services, the entity granting the operating licence must evaluate whether the services should rather be provided as metered taxi services, and, if it grants the application for a charter service, should attach appropriate conditions. 15

Staff services

68. (1) The Minister may, in addition to the provisions of this Act, prescribe the circumstances in which an operating licence is required for staff services. 20

(2) In the case of staff services to be provided on a regular basis, the operating licence must specify the route, routes or area authorised.

Lift clubs

69. (1) The Minister may make regulations on the requirements to qualify for a lift club, or operating such clubs, including, but not limited to— 25

- (a) the requirement that written confirmation from the employer or other documentation must be kept in the vehicle; and
- (b) the requirement that lift clubs must be registered with planning authorities or other entities; and
- (c) requirements relating to insurance. 30

(2) Such regulations may relax the requirement that each member of the lift club must take a turn to convey the others, if sufficient safeguards are provided to prevent abuses and protect passengers.

Tuk-tuks

70. (1) Tuk-tuks may be used for public transport services where relevant transport plans allow for this. 35

(2) Where a tuk-tuk is so used the operating licence must stipulate the urban route, road network or area on or within which it must operate, as shown in the relevant integrated transport plan, and a maximum speed of operation.

Adapted light delivery vehicles

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71. Adapted light delivery vehicles may be used for public transport services in a particular area in prescribed circumstances where there is no other appropriate or acceptable public transport, and subject to prescribed conditions.

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- (d) nganoma yiluphi olunye udaba oluthinta izinga noma ukuba sezingeni kokusebenza kwama-metered taxi.

Ama-“charter services”

67. (1) Ilayisense yokuthutha ingagunyaza umuntu onayo ukuba enze ama-“charter services” abhukhwe kusengaphambili ezindaweni ezishiwo yigunya elikhiphe ilayisense yokuthutha, okungenzeka kube ukwenezela noma kungabi ukwenezela kweminye imisebenzi yokuthutha egunyazwe yileyo layisense. 5

(2) Uma ilayisense yokuthutha iyisho indawo yokucosha abagibeli, leyo moto ingase—

(a) isuke kuleyo ndawo eshiwo kwilayisense yokuthutha uma, ohambeni olubuyayo, izobe isathwele labo bagibeli ebibathwele ohambeni oluyayo noma uma izobuya ingathwele muntu; 10

(b) icoshe abagibeli ngaphandle kwemingcele yaleyo ndawo uma imali yokugibela besekuvunyelwene ngayo kusengaphambili futhi abagibeli bezobuyela kuleyo ndawo. 15

(3) Uma kwenziwa isicelo selayisense yokuthutha yokuqashwa kwezimoto ezinabashayeli njenge*chartered service*, igunya elikhipha ilayisense yokuthutha kumelwe lihlole ukuthi kungefaneleki yini ukuthi lowo msebenzi wokuthutha wenziwe njengomsebenzi *wemetered taxi* futhi lihlole ukuthi, uma lisiphasisa isicelo *sechartered service*, lihlole ukuthi kufanele yini ukuthi lixhume imibandela efanele. 20

Ukuthuthwa kwabasebenzi

68. (1) Ukwenezela kulokho okushiwo yilo Mthetho, uNgqongqoshe angase ashay' umthetho wokuthi ifuneka ezimweni ezinjani ilayisense yokuthutha yabasebenzi.

(2) Uma abasebenzi bezothuthwa njalo, ilayisense yokuthutha kumelwe isho umzila, imizila noma indawo egunyazwa ukuba isebenze kuyo. 25

Amalifthi-klabhu

69. (1) UNgqongqoshe angase enze izimiso ngezimfuneko zokufanelekela ilifthi-klabhu, noma izimfuneko zokuthuthela amalifthi-klabhu, kuhlangukise, kodwa kungagcini lapho—

(a) nemfuneko yokuba kube khona okubhaliwe okuqinisekiswa okuvela kumqashi noma okunye nje okubhaliwe okumelwe kugcinwe emotweni; 30

(b) nokuthi amalifthi-klabhu kumelwe arejistwe kwiziphathimandla ezihlelayo noma kwamanye amagunya;

(c) nezimfuneko eziphathelene nomshuwalensi.

(2) Izimiso ezinjalo zingase zixegise imfuneko yokuthi ilungu ngalinye lelifthi-klabhu kumelwe libe nelalo ithuba lokuhambisa abanye, uma kwenziwa okwenele kokuvikela nokuvimba ukuxhashazwa kwabagibeli. 35

Ama-“tuk-tuk”

70. (1) Ama-“tuk-tuk” angase asetshenziselwe ukuthutha umphakathi lapho izinhlelo ezifanele zokuthutha zikuvumela lokhu. 40

(2) Lapho i-“tuk-tuk” isetshenziswa ngaleyo ndlela, ilayisense yokuthutha kumelwe isho umzila wasemadolobheni, inhlangukise yemigwaqo noma indawo okumelwe isebenze kuyo, njengoba kuboniswe ohlelweni lokuhlangukiswa kwezinto zokuthutha oluthintekayo, kanye nesivinini esiphezulu okungamelwe yeqe kuso.

Amaveni afanelaniswe nesimo

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71. Amaveni afanelaniswe nesimo angase asetshenziselwe ukuthutha umphakathi endaweni ethile ezimweni ezifunwa yizimiso, lapho zingekho ezinye izinto ezikahle noma ezamukelekayo zokuthutha umphakathi, nangokulawulwa yizimiso ezifunwa yizimiso ezenziwe nguNgqongqoshe.

Transporting of scholars, students, teachers and lecturers

- 72.** (1) Where a public transport service is dedicated to transporting scholars, students, teachers or lecturers, the Minister may prescribe regulations on special requirements for those services, including, but not limited to—
- (a) requirements for supervision of scholars; 5
 - (b) special requirements for drivers;
 - (c) requirements for insurance;
 - (d) documents that must be kept in the vehicle and special vehicle markings or livery; and
 - (e) requirements that drivers of other vehicles must stop those vehicles in the vicinity of vehicles loading or offloading scholars or students. 10
- (2) Such regulations may also be made applicable to services that are exempted under section 53(1)(g).

Amendment of operating licence to replace specified vehicle

- 73.** (1) Where the holder of an operating licence or permit wishes to replace the specified vehicle with another vehicle, the holder must apply for the replacement, in the manner prescribed, to an authorised official of—
- (a) the entity that issued the operating licence; or
 - (b) where the licence or permit was issued before the date of commencement of this Act, to the entity to which application for a new operating licence must be made under this Act, 20
- provided that the nature of the replacing vehicle and the quality and standard of the service are not affected by the replacement.
- (2) The authorised official must allow the replacement and issue to the holder an amended operating licence, or in the case of a permit, a new operating licence, subject to sections 47, 48 and 49, if the replacing vehicle—
- (a) falls in the same category as the replaced vehicle, i.e. motor car, minibus, midibus or bus;
 - (b) in the case of a bus or midibus, does not exceed the capacity of the replaced vehicle by more than 20 per cent; and 30
 - (c) is otherwise suitable for the operation of the service and has—
 - (i) a national information system model number allocated to it;
 - (ii) been certified as roadworthy; and
 - (iii) is properly licensed in compliance with the National Road Traffic Act.
- (3) Where a subcontractor operates any part of the service to which an operating licence relates on behalf of the holder in terms of a contract, the subcontractor may rely on the provisions of this section to replace any vehicle of which the latter is the registered owner and which is specified in that operating licence, in all respects as if the subcontractor were the holder of that operating licence. 35

Temporary replacement of vehicle

- 74.** (1) (a) The entity that issued an operating licence or an employee authorised by it may, on application by the holder, grant written authorisation, where the vehicle specified in that operating licence or permit has become defective temporarily, for the holder to use another vehicle in place of the defective vehicle, subject to subsections (2), (3) and (6). 45
- (b) Where the operating licence or permit was issued before the date of commencement of this Act, such authorisation must be granted by the entity to which application for a new operating licence must be made in terms of this Act.
- (c) Where a vehicle contemplated in paragraph (a) belongs to a subcontractor operating a service on behalf of the holder in terms of a contract, such an authorisation may also be granted to such a subcontractor. 50

Ukuthuthwa kwezingane zesikole, abafundi, othisha namalekshara

72. (1) Uma into yokuthutha umphakathi ithutha kuphela izingane zesikole, abafundi, othisha noma amalekshara, uNgqongqoshe angase enze izimiso ngezimfuneko zokwenziwa kwalowo msebenzi wokuthutha ezihlanganisa, kodwa zingagcini lapho—

- (a) izimfuneko zokugadwa kwezingane zesikole; 5
- (b) izimfuneko ezikhethekile zabashayeli;
- (c) izimfuneko zomshuwalense wezimoto;
- (d) izincwadi okumelwe zigcinwe kuleyo moto nemibhalo noma ibheji okumelwe ibe nayo leyo moto;
- (e) nezimfuneko zokuthi abashayeli bezinye izimoto bazimise izimoto zabo uma zisendaweni lapho izimoto ezithutha izingane zigibeza noma zehlisa izingane zesikole noma abafundi. 10

(2) Lezi zimfuneko zingase zenziwe zisebenze nasemisebenzini yokuthutha engayidingi ilayisense yokuthutha ngokwesigaba 53(1)(g).

Ukuchibiyelwa kwelayisense yokuthutha ukuze kufakwe imoto ethile 15

73. (1) Uma umuntu onelayisense yokuthutha noma iphemithi efisa ukushintsha imoto afake enye esikhundleni sayo, umuntu onelayisense kumelwe enze isicelo sokufaka enye esikhundleni sayo ngendlela efunekayo, asenze isicelo kwisikhulu esigunyaziwe—

- (a) segunya elakhipha leyo layisense; noma 20
- (b) uma ilayisense noma iphemithi yakhishwa ngaphambi kosuku lokuqalisa kwalo Mthetho ukusebenza, asenze isicelo kwigunya okumelwe senziwe kulo isicelo esisha selayisense yokuthutha ngokwalo Mthetho, kodwa-ke kuye ngokuthi uhlobo lwemoto efakwa esikhundleni senye nezinga lomsebenzi wokuthutha akuthinteki yilolu shintsho olwenziwayo. 25

(2) Isikhulu esigunyaziwe kumelwe sikuvumele ukufakelwa kwenye imoto simnike umuntu onelayisense ilayisense echibiyelwe yokuthutha, noma uma kuyiphemithi, simnike ilayisense yokuthutha entsha, ngokulawulwa yizigaba 47, 48 no-49, uma imoto efakw' esikhundleni senye—

- (a) ikumkhakha ofanayo nowemoto ekhishwayo, ngamanye amazwi, yimoto eyiphrayivethi, yimini-bhasi, yimid-bhasi noma yibhasi; 30
- (b) uma kuyibhasi noma imid-bhasi, uma ingengaphezulu ngo-20% ngomthamo kunebhasi efakwa esikhundleni sayo;
- (c) iwufanele umsebenzi futhi— 35
 - (i) inenombolo enikwe yona eyaziwa ngayo ezweni lonke;
 - (ii) futhi iqinisekiswa njengekufanele ukuba semgwaqweni; futhi
 - (iii) ikhishelwe ilayisense ngokufanele ngokwe*National Road Traffic Act*.

(3) Uma ongene kwisivumelwano ngaphansi kwesomunye enza ingxenye yomsebenzi wokuthutha okwelayisense yokuthutha ewenza egameni lomnikazi welayisense ngokwesivumelwano, ongene kwisivumelwano ngaphansi kwesomunye angathembela kulokho okushiwo yilesi sigaba ukuchitha noma iyiphi imoto afake enye angumnikazi wayo obhalisiwe, nechazwe kuleyo layisense yokuthutha, ngokungathi ongene kwisivumelwano ngaphansi kwesomunye nguye ongumnikazi waleyo layisense. 40

Ukushintshwa kwemoto ngenye okwesikhashana 45

74. (1) (a) Igunya elakhipha ilayisense yokuthutha noma umuntu osebenza kulo ogunyazwe ngokomthetho yilo angase, uma umnikazi welayisense enze isicelo, agunyaze ngencwadi, uma imoto eshiwo kuleyo layisense noma iphemithi iye yaba nokuthile okungakungile isikhashana, ukuze umnikazi wayo asebenzise enye imoto esikhundleni saleyo enokuthile okungalungile, ngokulawulwa yizigatshana (2), (3) no-(6). 50

(b) Uma ilayisense yokuthutha noma iphemithi yakhishwa ngaphambi kosuku lokuqala kwalo Mthetho ukusebenza, leso sigunyazo masikhishwe yigunya okufanele kwenziwe kulo isicelo selayisense entsha yokuthutha ngokwalo Mthetho.

(c) Uma imoto ehloswe kwisigaba (a) kungeyomuntu ongene kwisivumelwano ngaphansi komunye othutha egameni lomnini wemvume ngokwesivumelwano, leso sigunyazo singakhishelwa naye lowo ongene kwisivumelwano ngaphansi komunye. 55

(2) The written authorisation must be in the prescribed form and must specify at least the prescribed particulars.

(3) (a) The passenger capacity of the replacing vehicle must be equal to that of the vehicle specified in the relevant operating licence, but may—

(i) be smaller; or

(ii) exceed that capacity by not more than 20 per cent.

(b) The replacing vehicle must be suitable for the operation of that service and, except insofar as this section provides otherwise, must comply in all other respects with the requirements and conditions that apply in terms of this Act and the National Road Traffic Act with regard to the vehicle.

(4) The written authorisation must be kept in the replacing vehicle to which it relates, together with the operating licence or permit applicable to the replaced vehicle for the duration of the period of replacement.

(5) The replacing vehicle is regarded in all respects as the vehicle operated under the operating licence or permit for the period of replacement.

(6) A second or subsequent application under subsection (1) in respect of the same vehicle may be refused if it appears that the applicant is abusing such written authorisations.

(7) Where vehicles normally used for public transport services in terms of operating licences or permits on a particular route or in a particular area are not available temporarily due to extraordinary circumstances including, but not limited to, natural disasters, unrest or violence, the Minister or an MEC may authorise operators, who need not be the holders of those operating licences or permits, in writing to use other vehicles temporarily on those routes and in those areas, subject to the conditions and for the periods set out in such authorisation.

Interaction between public transport and cross-border road transport

75. (1) Where on trips involving cross-border road transport an operator both picks up and drops off passengers within the Republic, either on the outward or return journey, that operator must be in possession of the necessary operating licence as required by this Act for the vehicle, in addition to any permit required by the Cross-Border Act.

(2) No one may drop off passengers at or near an international border, where it is clear that such passengers intend to cross the border into another state, and no one may pick up passengers at or near such a border where it is clear that those passengers come from another state having crossed such border into the Republic, unless that person is the holder of the necessary permit required by the Cross-Border Act.

(3) In any prosecution in terms of this Act, where an operator has picked up or dropped off passengers within two kilometres of any international border post, that operator will be presumed to be undertaking cross-border road transport, unless the operator proves the contrary in the prescribed manner.

(4) Where the regulatory committee defined in section 1 of the Cross-Border Act is considering an application for a permit where ranks or terminals in the Republic will be used, that committee must allow relevant planning authorities the opportunity, in the prescribed manner, to comment on the use of those facilities.

Duties of holder of operating licence or permit

76. The holder of an operating licence or permit must comply with this Act and the prescribed regulations.

No cession, alienation or hiring out of operating licence or permit

77. (1) The authority conferred by an operating licence or permit may not—

(2) Isigunyazo esibhaliwe kumelwe kwifomu elifunekayo futhi kumelwe sisho okungenani imininingwane efunekayo.

(3) (a) Umthamo wemoto ethath' isikhundla senye kumelwe ulingane nowemoto eshiwo kwilayisense yokuthutha, kodwa ingase—

(i) ibe ncanyana; noma

(ii) ibe ngaphezulu ngomthamo ongeqile ku-20 phesenti.

(b) Imoto ethath' isikhundla senye kumelwe ikufanelekele ukwenziwa kwawo wonke lowo msebenzi futhi, ngaphandle uma lesi sigaba sisho okwehlukile, kumelwe ihlangabezane ngazo zonke izindlela nezimfuneko nemibandela esebenzayo ngokwalo Mthetho nangokwe*National Road Traffic Act* ngokuphathelele naleyo moto.

(4) Isigunyazo esibhaliwe kumelwe sigcinwe emotweni ethath' isikhundla senye, kanye nelayisense yokuthutha noma iphemithi ngaso sonke isikhathi ithathe isikhundla senye.

(5) Imoto ethath' isikhundla senye ithathwa njengemoto eshayelwa ngelayisense yokuthutha noma iphemithi yesikhathi sokuthutha kwayo isikhundla senye.

(6) Isicelo sesibili ngokwesigatshana (1) sayo futhi leyo moto singase senqatshwe uma kubonakala ukuba owenza isicelo uganga ngaso isigunyazo esibhaliwe.

(7) Uma izimoto ezivame ukusetshenziselwa ukuthutha umphakathi ngokwamalayisense okuthutha noma amaphemithi emzileni othile noma endaweni ethile zingatholakali okwesikhashana ngenxa yezimo ezingavamile ezihlanganisa, kodwa kungasho ukuthi kugcina kulezo, izinhlekelele zendalo, iziyaluyalu noma udlame, uNgqongqoshe noma uNgqongqoshe wesifundazwe angase agunyaze ngenwadi abanini bezimoto, okungadingekile ukuba babe abanikazi balawo malayisense okuthutha noma amaphemithi, ukuba basebenzise ezinye izimoto okwesikhashana kuleyo mizila nakulezo zindawo, ngaphansi kwemibandela futhi kuze kube yisikhathi esishiwo kuleso sigunyazo.

Ukusebenzelana phakathi kwezinto zokuthuth' umphakathi nezinto ezihamb' emgwaqweni ezeqa imingcele yezwe

75. (1) Uma ekuthatheni uhambo ngezinto ezihamba emgwaqweni ezeqa imingcele yezwe, umnini-moto ugibeza abuye ehlise abagibeli ngaphakathi kwiRiphabliki noma ngabe ukwenza lokho ohambeni oluyayo noma olubuyayo, lowo mnini-moto kumelwe abe nelayisense yokuthutha edingekayo yaleyo moto njengoba kufunwa yilo Mthetho ukwenzela kunoma yiyiphi iphemithi efunwa yi*Cross Border Act*.

(2) Akukho muntu ovumelekile ukuba ehlise abagibeli eduze noma emngceleni wamanye amazwe, uma kusobala ukuthi labo bagibeli bahlose ukweqa umngcele bangene kwelinye izwe, futhi akukho muntu ovumelekile ukuba agibeze abagibeli eduze noma emngceleni onjalo uma kusobala ukuthi labo bagibeli baqhamuka kwelinye izwe beqe umngcele bangena kwiRiphabliki, ngaphandle uma lowo muntu enephemithi edingekayo efunwa yi*Cross Border Act*.

(3) Kunoma yikuphi ukushushiswa komuntu ngokwalo Mthetho, uma umnini-moto egibeze noma wehlisa abagibeli ebangeni elingamakhilomitha amabili ukusuka emngceleni, lowo mnini-moto uyothathwa ngokuthi usebenzisa izinto zokuthutha czihamb' emgwaqweni ezeqa umngcele, ngaphandle uma eza nobufakazi bokuthi akunjalo futhi ekwenza lokho ngendlela efunekayo.

(4) Uma ikomiti lokulinganisele elichazwe kwisigaba I se*Cross Border Act* licubungula isicelo sephemithi lapho kuzosetshenziswa amarenki noma izimpela-mgwaqo ngaphakathi kwiRiphabliki, lolo komiti kumelwe linike iziphathimandla ezihlelayo ezithintekayo ithuba, ngendlela efunekayo, lokuphawula ngokusetshenziswa kwalawo marenki nezimpela-mgwaqo.

Imisebenzi yomuntu onelayisense yokuthutha noma iphemithi

76. Umntu onelayisense yokuthutha noma iphemithi kumelwe enze okufunwa yilo Mthetho nokufunwa yizimiso ezishiwo.

Ilayisense yokuthutha noma iphemithi ayinikezelwa komunye umuntu, noma kuqashiswe ngayo

77. (1) Igunya umuntu alinikwa yilayisense yokuthutha noma iphemithi—

- (a) be ceded or otherwise alienated by the holder, except in terms of a transfer under section 58, and no person may be a party to such a cession or alienation; or
- (b) be hired out by the holder or be hired by any other person.

(2) A transaction concluded in contravention of subsection (1) is invalid and has no legal force. 5

Cancellation of operating licences and permits not in use

78. (1) Where an operating licence has not been in use for 180 days or more from the date of issue, the relevant entity must, in writing, call on the holder of such licence to furnish it with reasons to its satisfaction and within the period stated in the notice— 10

- (a) as to why it failed to operate the service to which that licence relates; and
- (b) why that licence should not be cancelled.

(2) Where the entity is satisfied with the reasons advanced under subsection (1), the holder must be allowed a further period, but not more than 180 days, to commence the operation of that service, and the holder must be informed accordingly in writing. 15

(3) If the entity is not so satisfied, or where the holder has failed to furnish reasons within the time allowed in terms of subsection (1), the entity must cancel the operating licence and in writing inform the holder and direct the holder to surrender that operating licence, together with the distinguishing marks relating thereto, within seven days after the date of the notice. 20

(4) Where an operating licence or permit was issued before the date of commencement of this Act, this section may be implemented by the entity to which application for a new operating licence must be made in terms of this Act.

(5) A planning authority or other interested person may request such an entity to take action under this section. 25

Withdrawal, suspension or amendment of operating licence or permit

79. (1) Where an operating licence or permit has been granted on the basis of a contract, the contracting authority may request the relevant entity to withdraw the operating licence or permit where the contract has been terminated for any reason, and that entity must do so. 30

(2) Subject to subsection (3), in the case of an operating licence or permit that has not been granted on the basis of a contract, the relevant entity may, at any time, withdraw, amend or suspend the operating licence for such a period as it may deem fit, if the holder or employee of the holder—

- (a) has been convicted of an offence under this Act or under a law relating to motor vehicles or the regulation of traffic or occupational safety or labour relations, or an offence due to fraud or dishonesty; or 35
- (b) in the opinion of the entity, has not carried out faithfully the conditions of the operating licence or permit.

(3) Any entity may, at any time, withdraw an operating licence which was granted or issued by it erroneously or on the basis of incorrect or false information supplied to it. 40

(4) An entity may not under subsection (1), (2) or (3) withdraw or suspend an operating licence or permit unless—

- (a) at least 21 days' written notice of its intention to do so, with reasons, has been given to the holder by registered or certified post, with the request for the holder to comment on such reasons; 45

- (b) the holder has been given an opportunity, either personally or through a representative, to appear before it and provide evidence or submit representations in regard to the proposed action or has submitted such comments, which have been considered by the entity; and 50

NGUMTHETHO KAZWELONKE WEZINTO
ZOKUTHUTHA EZIHAMBA PHANSI KA-2009

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- (a) alinakunikezelwa komunye umuntu ngaphandle uma eyisulela komunye umuntu ngokwesigaba 58, futhi akukho muntu ovumelekile ukuba azibandakanye kulokho kunikezelwa kwalo komunye umuntu;
- (b) akunakuqashiswa ngalo ngumnikazi welayisense noma liqashwe ngomnye umuntu. 5
- (2) Ukunikezelwa kwelayisense komunye umuntu ngendlela eyephula isigatshana (1) akuthi shu emthethweni.

Ukukhanselwa kwamalayisense okuthutha namaphemithi angasetshenziswanga

78. (1) Uma ilayisense yokuthutha isinezinsuku ezingu-180 noma ngaphezulu ingasetshenziswa, lelo gunya kumelwe, ngencwadi, limcele umuntu onayo ukuba aveze izizathu ezizwakalayo ezizolenelisa, futhi akwenze lokho singaphelanga isikhathi esishiwo encwadini, ukuthi— 10

- (a) kungani engawenzanga umsebenzi wokuthutha oshiwo kuleyo layisense, futhi asho ukuthi
- (b) kungani leyo layisense ingenakukhanselwa. 15

(2) Uma igunya lenelisekile yizizathu ezibekiwe, umuntu kumelwe anikwe elinye ithuba elishiwo yilelo gunya, kodwa lingabi ngaphezu kwezinsuku ezingu-180, lokuba aqale ukuthutha ngayo leyo layisense, bese umuntu onaleyo layisense aziswa ngalokho ngencwadi.

(3) Uma lingenlisiwe, noma uma umuntu onelayisense ehlulekile ukunika izizathu ngesikhathi asinikiwe, igunya kumelwe liyikhansela ilayisense yokuthutha bese limazisa umuntu wayo ngencwadi, bese limtshela umuntu wayo ukuba ayibuyise kanye nezimpawu zayo eziyehlukanisayo, zingaphelanga izinsuku eziyisikhombisa kusukela osukwini lwencwadi. 20

(4) Uma ilayisense yokuthutha noma iphemithi yakhishwa ngaphambi kosuku lokuqala kwalo Mthetho ukusebenza, lesi sigaba singase sisetsheziwe yigunya okumelwe siqondiswe kulo isicelo selayisense entsha yokuthutha ngokwalo Mthetho. 25

(5) Isiphathimandla esihlelayo noma omunye umuntu onesifiso angase acele lelo gunya ukuba lithath' isinyathelo ngokwalesi sigaba.

Ukuhoxiswa, ukumiswa noma ukuchibiyelwa kwelayisense noma iphemithi 30

79. (1) Uma umuntu enikwe ilayisense yokuthutha noma iphemithi ngokusekelwe esivumelwaneni, isiphathimandla esikwisivumelwano singase sicele lelo gunya elithintekayo ukuba liyihoxise ilayisense yokuthutha noma iphemithi uma isivumelwano siqanyuliwe nganoma yisiphi isizathu, ekuyothi uma kunjalo lelo gunya lenze kanjalo. 35

(2) Ngokulawulwa yisigatshana (3), uma kuyilayisense yokuthutha noma iphemithi engakhishwanga ngokusekelwe kwisivumelwano, igunya elifanele lingase nganoma yisiphi isikhathi liyihoxise, liyichibiyele noma liyimise isikhathi elibona sifanele, uma umnikazi welayisense—

- (a) etholwe yinkatolo enecala ngokwalo Mthetho noma ngokomthetho ophathe- lene nezimoto, noma ngokwezimiso zezimoto ezihamba emgwaqweni, noma ngokwemithetho yokuphepha emsebenzini, noma ngokwemithetho yabasebenzi, noma ukona kokukhwabanisa noma ukungethembeki; noma
- (b) ngokubona kwalelo gunya, engayifezanga ngokuphelele imibandela yelayisense yokuthutha noma iphemithi. 40 45

(3) Noma yiliphi igunya lingayihoxisa nganoma yisiphi isikhathi ilayisense yokuthutha eyakhishwa yilo ngephutha noma ngokusekelwe encazelweni engelona iqiniso noma engamanga.

(4) Igunya alivumelekile ukuba lihoxise noma limise ilayisense yokuthutha noma iphemithi ngokwesigatshana (1), (2) noma (3) ngaphandle uma— 50

- (a) kunikwe inotisi ebhaliwe okungenani yezinsuku ezingu-21 yokuthi linenhloso yokwenza kanjalo, kanye nezizathu, ngeposi elirejistiwe elisethifayiweyo, kube khona nesicelo esibhekiswa kumuntu welayisense ukuba aphawule ngalezo zizathu;
- (b) umnikazi wayo ilayisense enikwe ithuba lokuvela phambi kwalo ethule ubufakazi noma okubhaliwe okumayelana nesinyathelo esihlongozwayo noma ngaphandle uma elethe amazwi okuphawula aye acutshungulwa yigunya; 55

- (c) where appropriate, the relevant planning authority has been given an opportunity to submit representations and make recommendations or alternative arrangements.

Part 3

Regulation of tourist transport services

5

Tourist transport services: general provisions

80. The driver of a vehicle used for tourist transport services must at all times while such services are undertaken comply with requirements imposed by tourism legislation, this Act and other applicable legislation.

Accreditation of operators of tourist transport services

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81. (1) As from a date determined by the Minister, by notice in the *Gazette*, no one may operate tourist transport services unless accredited by the National Public Transport Regulator.

(2) The National Public Transport Regulator must accredit operators of tourist services on application by them if satisfied that they— 15

- (a) are fit and proper persons or entities to transport tourists in a manner that is safe and will promote South Africa as a tourist destination;
- (b) meet the prescribed technical requirements; and
- (c) have access to acceptable vehicles and maintenance facilities.

(3) The National Public Transport Regulator must consider the prescribed matters in deciding whether to grant or refuse an application for accreditation. 20

(4) Such accreditation may specify classes or maximum number of vehicles that may be operated by the particular operator.

(5) No such accreditation may be granted unless the National Public Transport Regulator has obtained and considered recommendations from the tourism authority or authorities recognised by the Minister. 25

(6) Accreditation may be granted without such recommendations where such tourism authority has not supplied them in the time specified in the entity's request or where no such requirement is prescribed.

(7) The National Public Transport Regulator must keep a register of accredited tourist operators which is available for inspection to any interested person on request, on payment of the prescribed fee. 30

(8) Accredited operators must renew their accreditation every five years in the prescribed manner, failing which their accreditation will lapse.

Application for accreditation

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82. (1) An operator of tourist transport services may apply to the National Public Transport Regulator for accreditation by—

- (a) completing the prescribed form;
- (b) paying the prescribed fee; and
- (c) submitting the form contemplated in paragraph (a) together with the required information or documentation. 40

(2) The applicant must satisfy the National Public Transport Regulator that he or she is a fit and proper person or entity to provide tourist transport services.

(3) If the National Public Transport Regulator is satisfied that any national tourism body has an acceptable system in place to accredit operators of tourist transport services, the National Public Transport Regulator may accept such accreditation by such a tourism body without requiring the operator to apply in terms of subsection (1), provided that the operator also complies with the prescribed technical requirements. 45

(4) When it accredits an operator, the National Public Transport Regulator must—

- (a) include the operator's name in the register contemplated in section 81(7); and 50
- (b) issue to the operator a certificate of accreditation and a token for each vehicle to be operated.

- (c) uma kufaneleka, isiphathimandla esihlelayo esithintekayo sinikwe ithuba lokungenisa okubhaliweyo elifuna ukukusho futhi lenze amanye amalungiselelo.

INgxenye 3

Ukulawulwa kokuthuthwa kwabavakashi

5

Ukuthuthwa kwabavakashi: okushiwo yilo Mthetho kabanzi

80. Umshayeli wemoto esetshenziselwa ukuthutha abavakashi kumelwe ngaso sonke isikhathi enza lowo msebenzi enze okufunwa yimithetho yephalamende yabavakashi.

Ukukhulunyelwa kahle kwabanini-zimoto nokuthuthwa kwabavakashi

81. (1) Kusukela osukwini olunqunywe nguNgqongqoshe ngesimemezelo kwi*Gazette*, akuko muntu ovumelekile ukuba enze umsebenzi wokuthutha abavakashi ngaphandle uma ekhulunyelwe kahle yisiGungu sikaZwelonke. 10

(2) IsiGungu sikaZwelonke kumelwe sikhulumele kahle abanini-zimoto zokuthuthwa kwabavakashi uma becelile, uma senelisekile ukuthi—

(a) bangabantu abawufanele umsebenzi wokuthutha abavakashi ngendlela ephiphile neyoyiphakamisa iNingizimu-Afrika njengezwe abangaya kulo abavakashi; 15

(b) bayahlangabezana nezimfuneko; futhi

(c) bayakwazi ukuzithola izimoto ezamukelekile nezindawo zokukhanda izimoto. 20

(3) IsiGungu sikaZwelonke kumelwe sicubungule izinto okufuneka sizicubungule ekunqumeni ukuthi sisiphase yini noma sisenqabe isicelo sokukhulunyelwa kahle.

(4) Lokho kukhulunyelwa kahle kungase kusho izigaba zezimoto noma inani lezimoto okungase kuthuthwe ngazo yilowo mnikazi-moto okungafanele leqiwe.

(5) Akukho kukhulunyelwa kahle okumelwe kwenziwe ngaphandle uma isiGungu sikaZwelonke sithole iziphakamiso futhi lazicubungula zivela kwisiphathimandla noma kwiziphathimandla zezokuvakasha ezihlonishwayo nguNgqongqoshe. 25

(6) Ukukhulunyelwa kahle kungenziwa ngaphandle kwalezo ziphakamiso uma isiphathimandla sezokuvakasha singazikhiphanga ngesikhathi esishiwo esicelweni noma uma kungekho zimfuneko ezishiwo. 30

(7) IsiGungu sikaZwelonke kumelwe sigcine uhlu lwabanini-zimoto abathutha abavakashi ukuze luhlolwe yinoma yimuphi umuntu othandayo uma ecela, uma ekhokha imali efunekayo.

(8) Abanini-zimoto abakhulunyelwe kahle kumelwe bakuvuselele ukukhulunyelwa kahle kwabo njalo ngemva kweminyaka emihlanu, ngendlela efunekayo, kungenjalo ukukhulunyelwa kahle kwabo kuzophelelwa. 35

Ukwenz' isicelo sokukhulunyelwa kahle

82. (1) Umnini-moto othutha abavakashi angacela ukukhulunyelwa kahle kwisiGungu sikaZwelonke—

(a) ngokugcwalisa ifomu elifunekayo; 40

(b) akhokhe imali efunekayo;

(c) alethe ifomu elihloswe kwisigaba (a) kanye nencazelo noma izincwadi ezifunekayo.

(2) Owenza isicelo kumelwe enlise isiGungu sikaZwelonke ukuthi ungumuntu noma uyinhlango ekufanele ukuthutha abavakashi. 45

(3) Uma isiGungu sikaZwelonke senelisekile ukuthi noma iyiphi inhlango kazwelonke inenqubo eyamukelekayo yokukhuluma kahle abanini-zimoto abathutha abavakashi, singakwamkela lokho kukhulunyelwa kahle komnini-moto yileyo inhlango yezokuvakasha ngaphandle kokufuna ukuthi umnini-moto enze isicelo ngokwesigatshana (1), kodwa-ke kuye ngokuthi umnini-moto uyahlangabezana futhi nezinye izimfuneko. 50

(4) Uma sikhulumela kahle umnini-moto, isiGungu sikaZwelonke kumelwe—

(a) sifake igama lomnini-moto ohlwini olushiwo kwisigaba 81(7); bese

(b) sinika umnini-moto isitifikethi sokukhulunyelwa kahle kanye nesibonakaliso semoto ngayinye okuzothuthwa ngayo. 55

Cancellation of accreditation

83. (1) The National Public Transport Regulator may cancel the accreditation of an operator if the operator—

- (a) in the opinion of the National Public Transport Regulator no longer complies with section 82(2); 5
- (b) has provided false or misleading information to the National Public Transport Regulator in the application form for accreditation or at any other time;
- (c) based on three or more inspections or incidents, or on one or more accidents or collisions that have occurred, has failed to maintain vehicles operated by that operator in a satisfactory condition; 10
- (d) based on three or more incidents, has failed to use or employ suitably qualified drivers or used drivers who do not hold the required professional driving permits in terms of the National Road Traffic Act;
- (e) is the subject of negative complaints against that operator from a planning authority or from passengers or other interested persons that indicate that such cancellation is justified; or 15
- (f) on failure to comply with any other prescribed requirement.

(2) Before taking a decision to cancel an operator's accreditation, the National Public Transport Regulator must—

- (a) give the operator written notice of the reasons why it intends to cancel it; 20
- (b) give the operator a reasonable time, which shall be not less than 14 days, to submit representations or comments; and
- (c) consider those representations or comments, if any have been submitted.

(3) On cancellation of an operator's accreditation, the National Public Transport Regulator must remove that operator's name from the register kept in terms of section 81(7) and such an operator must submit to the National Public Transport Regulator for cancellation his or her certificate of accreditation and all operating licences, tokens, tags, or other equipment issued by that Regulator to that operator within 14 days of cancellation of that operator's accreditation. 25

Certification of vehicles for tourist transport services 30

84. (1) Only vehicles that have been certified by the National Public Transport Regulator and display a special token, tag or equipment issued by the National Public Transport Regulator as prescribed may be used for tourist transport services.

(2) Any accredited operator or any entity that owns vehicles and rents them out to tourist operators may apply to the National Public Transport Regulator to certify a vehicle. 35

(3) The National Public Transport Regulator must certify a vehicle and issue an operating licence for it on proof submitted to it in the prescribed manner that—

- (a) the vehicle is properly registered and licensed on eNaTIS;
- (b) the vehicle is suitable in all respects for the type of tourist service envisaged; 40
- (c) a valid and current roadworthy certificate has been issued for the vehicle;
- (d) the vehicle and passengers who will be carried are adequately insured with a registered insurer; and
- (e) the vehicle is otherwise acceptable according to the National Public Transport Regulator. 45

(4) The National Public Transport Regulator may impose conditions.

(5) No vehicle used for tourist transport services may use a rank or terminal without having obtained the written permission of the relevant planning authority, and the operator has paid the fees charged by that authority, of any, for such use.

Ukukhanselwa kokukhulunyelwa kahle

- 83.** (1) IsiGungu sikaZwelonke singase sikukhansele ukukhulumela kahle umnini-moto uma umnini-moto—
- (a) ngokubona kwesiGungu sikaZwelonke engasakwenzi okufunwa yisigaba 82(2); 5
 - (b) enikeze incazelo engamanga noma ekhohlisayo kwisiGungu sikaZwelonke kwifomu lesicelo sokukhulunyelwa kahle noma ngesinye isikhathi;
 - (c) ngokusekelwe ekuhloleni okuthathu noma ezehlakalweni ezintathu noma ezingaphezu kwalokho, noma ngokusekelwe engozini yokushayisana eyodwa noma ezingana ezenzekile, wehlulekile ukuzigcina izimoto zisesimweni esihle; 10
 - (d) ngokusekelwe kwizehlakalo ezintathu noma ezingaphezu kwalokho, wehlulekile ukusebenzisa noma ukuqasha abashayeli abakahle noma usebenzise abashayeli abangenawo amaphemithi adingekayo okushayela ngobuchwepheshe ngokwe*National Road Traffic Act*; 15
 - (e) uhlala ekhalazelwa yisiphathimandla esihlelayo noma ngabagibeli noma ngabantu abanendaba ababonisa ukuthi ukukhanselwa kuyadingeka; noma
 - (f) uma ehluleka ukwenza nanoma yikuphi okufunekayo.
- (2) Ngaphambi kowenza isinqumo sokukhansela ukukhulunyelwa kahle, isiGungu sikaZwelonke kumelwe— 20
- (a) sinike umnini-moto incwadi enezizathu zokuthi kungani ihlose ukukhansela;
 - (b) sinike umnini-moto isikhathi esenele, singabi ngaphansi kwezinsuku ezingu-14 sokuphendula;
 - (c) siyicubungule impendulo yakhe, uma ephendulile. 25
- (3) Uma kukhanseliwe ukukhulunyelwa kahle komnini-moto, isiGungu sikaZwelonke kumelwe silisuse igama lakhe ohlwini olugcinwe ngokwesigaba 81(7), futhi lowo mnikazi wemoto kumelwe anike isiGungu sikaZwelonke isitifikethi sakhe sokukhulunyelwa kahle nawo wonke amalayisense okuthutha, nezibonakaliso, noma okunye okukhishwe yisiGungu ukuze kukhanselwe zingekapheli izinsuku ezingu-14 kukhanseliwe ukukhulunyelwa kwakhe kahle. 30

Ukusetshenziswa kwezimoto zokuthuthwa kwabavakashi

- 84.** (1) Kuphela yizimoto ezisethifaywe yisiGungu sikaZwelonke nezinesibonakaliso esithile esikhishwe yisiGungu sikaZwelonke ngokwesigaba 91(4) ezingasetshenziselwa ukuthutha abavakashi. 35
- (2) Noma yimuphi umnini-moto okhulunyelwe kahle, futhi noma yiyiphi inhlango enezimoto bese iziqashisela abantu abathutha abavakashi bangase benze isicelo kwisiGungu sikaZwelonke sokusethifaya imoto.
- (3) IsiGungu sikaZwelonke kumelwe siyisethifaye imoto ngokobufakazi obulethwe kuso ngendlela efunekayo— 40
- (a) sithi le moto irejistiwe ngendlela efanele futhi yakhishelwa ilayisense ohlelweni lukazwelonke lokwaziwa kwezimoto;
 - (b) le moto iwufanelekela ngazo zonke izindlela umsebenzi wokuthutha abavakashi ohlosiwe;
 - (c) ikhishelwe isitifikethi esisebenzayo samanje sokufaneleka kwayo ukuba semgwaqweni; le 45
 - (d) le moto nabagibeli ezobathwala bathathelwe umshuwalense owenele enkampanini yomshuwalense erejistiwe;
 - (e) le moto iyamukeleka nangezinye izindlela kwisiGungu sikaZwelonke.
- (4) IsiGungu sikaZwelonke singase sibeke imibandela. 50
- (5) Akukho moto esetshenziselwa ukuthutha abavakashi evumelekile ukusebenzisa irenki noma impela-mgwaqo ngaphandle kokuthola imvume ebhaliweyo yesiphathimandla esihlelayo saleyo ndawo, ngaphandle uma kukhokhwa ngokuyisebenzisa futhi umnini-moto ekhokhile.

CHAPTER 7

LAW ENFORCEMENT

Land transport law enforcement

85. (1) In addition to the measures provided for in this Act with regard to law enforcement, the MECs and municipalities must take active steps to develop systems to improve land transport law enforcement in their respective jurisdictions. 5

(2) Despite the provisions of any other law—

- (a) an MEC; or
- (b) a municipality,

referred to in this section as enforcement authorities, may enter into an agreement in terms of which— 10

- (i) land transport law enforcement functions are undertaken by one enforcement authority in the area of jurisdiction of another;
- (ii) authorised officers of one such authority may be seconded to another authority temporarily; or 15
- (iii) land transport law enforcement functions are undertaken jointly, or by a public or private sector agency on behalf of the authority,

on terms and conditions set out in the agreement, including conditions as to which authority must bear the costs involved.

Appointment of inspectors 20

86. (1) Employees of—

- (a) a provincial department, as appointed by the MEC; or
- (b) a municipality to which the operating licence function has been assigned, as appointed by that authority

who are fit and proper persons for the relevant functions, may be appointed as inspectors. 25

(2) The authority appointing an inspector must issue to him or her a certificate of appointment and official proof of identity in the prescribed form.

(3) The functions of inspectors so appointed are to monitor compliance with this Act in the province or area of the municipality concerned and to assist with the investigation and prevention of offences contemplated in section 90 which have been committed in that province or area, subject to provincial laws, if any, and the directions of the appointing authority. 30

(4) In performing those functions, an inspector will have all the powers conferred on an authorised officer in terms of this Act. 35

(5) When performing any function or duty or exercising any power in terms of this Act, an inspector must on demand by any person in relation to whom the power, function or duty is exercised or performed, produce his or her certificate of appointment.

Impoundment of vehicles

87. (1) An authorised officer who is satisfied on reasonable grounds that a motor vehicle is being used by any person for the operation of public transport without the necessary operating licence or permit or contrary to the conditions thereof, may impound the vehicle pending the investigation and prosecution of that person for an offence mentioned in section 90(1)(a) or (b). 40

(2) A vehicle impounded under subsection (1) must be delivered to the head of the depot contemplated in subsection (4), who must retain the vehicle in the depot and release it to the person concerned only— 45

- (a) when the criminal charges against the person have been withdrawn or the person has been acquitted of the offence charged; or
- (b) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment to the head of the depot of the amount determined by the MEC, which is an impoundment fee. 50

ISIAHLUKO 7

UKUPHOQELELWA KOMTHETHO

Ukuphoqelelwa komthetho wezinto zokuthutha ezihamba phansi

85. (1) Ukwenezela emizamweni ekulo Mthetho yokuphoqelela umthetho, oNgqongqoshe bezifundazwe nomasipala kumelwe bathathe izinyathelo ezinganazi zokuthuthukisa ukuphoqelelwa komthetho ezindaweni zabo. 5
- (2) Kungakhathaliseki ukuthi uthini omunye umthetho—
- (a) uNgqongqoshe wesifundazwe; noma
- (b) umasipala;
- kulesi sigaba ababizwa ngokuthi yiziphathimandla zokuphoqelela, bangangena esivumelwaneni okuzothi ngaso— 10
- (i) imisebenzi yokuphoqelelwa komthetho wezinto zokuthutha ezihamba phansi wenziwe yisiphathimandla sokuphoqelela endaweni engaphansi kweyesinye isiphathimandla; 15
- (ii) izikhulu ezigunyaziwe zesinye isiphathimandla zibolekelwe ukuya ngaphansi kwesinye isiphathimandla okwesikhashana; noma 15
- (iii) imisebenzi yokuphoqelela umthetho wezinto zokuthutha ezihamba phansi yenziwe ngokuhlanganyela, noma yenziwe yinkampani kahulumeni noma ezimele egameni lesiphathimandla, ngemibandela echazwe esivumelwaneni, kuhlanganise nemibandela yokuthi yisiphi isiphathimandla okumelwe sikhokhe izindleko ezenzekayo. 20

Ukuqashwa kwabahloli

86. (1) Abasebenzi—
- (a) bomnyango wesifundazwe, njengoba beqashwe nguNgqongqoshe wesifundazwe; 25
- (b) bakamasipala owabelwe umsebenzi wamalaysense okuthutha, njengoba beqashwe yileso siphathimandla, abafanelekayo ukwenza imisebenzi abafunelwa yona, bangaqashwa njengabahloli.
- (2) Isiphathimandla esiqasha umhloli kumelwe simnike isitifikethi sokuqashwa nobufakazi obusemthethweni bokuthi ungubani, ngendlela efunekayo. 30
- (3) Imisebenzi yabahloli abaqashiwe ngale ndlela wukuqapha ukuthi uyagecinwa yini lo Mthetho esifundazweni noma endaweni kamasipala nokulekelela ekuphenyeni nasekuvimbeni ukwepulwa komthetho okuhloswe kwisigaba 90 okwenziwe kuleso sifundazwe noma indawo, ngokulawulwa yimithetho yesifundazwe, uma ikhona. nayiziqondiso zesiphathimandla esiqashayo. 35
- (4) Ekwenzeni leyo misebenzi, umhloli uyoba nawo wonke amagunya agixabezwe isikhulu esigunyaziwe ngokwalo Mthetho.
- (5) Uma enza noma yimuphi umsebenzi noma esebenzisa noma yiliphi igunya ngokwalo Mthetho, uma noma yimuphi umuntu umhloli asebenzisa kuye igunya lakhe ethi akaveze isitifikethi sakhe sokuba ngumhloli, kumelwe asiveze. 40

Ukuthathwa kwezimoto

87. (1) Isikhulu esigunyaziwe esenelisekile ngezizathu ezizwakalayo ukuthi imoto ethile kuthuthwa ngayo umphakathi ingekho ilayisense yokuthutha edingekayo noma iphemithi, noma kuthuthwa ngayo ngokuphambene nemibandela yelayisense yokuthutha noma iphemithi, isikhulu esigunyaziwe singayithatha imoto leyo ngesikhathi esazophenywa futhi ashushiselwe lowo muntu ngokwepul' umthetho oshiwo kwisigaba 90(1)(a) noma (b). 45
- (2) Imoto ethathwe ngokwesigatshana (1) kumelwe ithunyelwe kophethe idepho ehloswe kwisigatshana (4), yena okumelwe ayigcine imoto leyo edepho noma ayikhululele lowo muntu kuphela uma— 50
- (a) amacala okwepul' umthetho abekwe wona ehoxisiwe noma etholwe engenacala; noma
- (b) uma etholwe enecala, ayikhululelwe uma ekhokhe kophethe idepho imali enqunye nguNgqongqoshe wesifundazwe, okuyimali yokuthathwa kwemoto. 55

(3) The impoundment fee must be increased accordingly, for the second or subsequent impoundment of a vehicle.

(4) The MEC or municipality may, by notice in the *Provincial Gazette*, designate any suitable place defined in the notice to be a depot.

(5) The MEC or municipality may amend or withdraw such notice, as it deems fit. 5

(6) The MEC or municipality must appoint an authorised person as the head of the depot.

Presumptions and proof of certain facts

88. (1) A document which purports to be an operating licence or permit issued under this Act or a certified copy thereof, must on mere production in any prosecution for an offence mentioned in section 90(1) be admissible in evidence as proof that it is such an operating licence or permit which had been lawfully issued, or that it is a true copy thereof, as the case may be, and of the truth and accuracy of the particulars thereof. 10

(2) A document which states that the motor vehicle described therein is registered, under the relevant law, in the name of a person specified therein as the owner, and which purports to have been issued under such a law by an employee of the registering authority for motor vehicles of the place where the vehicle was so registered, is on mere production in a prosecution under this Act, admissible as sufficient proof of that person's registered ownership of the vehicle and of the truth and accuracy of the particulars contained therein. 15

Powers of authorised officers

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89. (1) In addition to the functions and duties imposed on an authorised officer by or in terms of this Act, an authorised officer may—

- (a) cause a motor vehicle to be stopped in the prescribed manner and enter such a vehicle in order to establish if it is used for public transport or monitor compliance with any provision of this Act, or with the terms of any operating licence or permit, and may for those purposes examine or inspect the vehicle and any documentation that may be relevant; 25
- (b) require from the driver to furnish his or her full name and residential address, and documentary proof thereof, as well as the names and address of the owner of the vehicle, and particulars of the business in connection with which the vehicle is being used; 30
- (c) require that the driver or other person in charge of the vehicle forthwith produce for inspection any documents or other records that are in or on the vehicle in the possession of the driver or that person that relate to the persons being conveyed in such vehicle; 35
- (d) require that any person in a motor vehicle suspected on reasonable grounds to be used for public transport, or a person suspected on reasonable grounds to have been in such a vehicle recently, furnish the full name and address of such suspected person and documentary proof thereof and state if such person has paid or has to pay any consideration for conveyance in the vehicle, and furnish the name and address of the person to whom the payment has been made; 40
- (e) require that the records to be kept in or on the vehicle in terms of this Act, be produced for inspection;
- (f) enter or enter upon any business premises at any reasonable time to monitor compliance with this Act, and— 45
 - (i) question any person who, in the opinion of the authorised officer, may be able to furnish any information required for that purpose;
 - (ii) require such a person to produce, for examination or inspection, any books, documents or other records, that may be relevant for monitoring purposes; 50
 - (iii) make extracts therefrom or copies thereof; and
 - (iv) demand an explanation of any entries in such a book, document, or other record;
- (g) require that the driver or other person in charge of a motor vehicle used for public transport, produce any documents whatsoever, that were issued by a competent authority, in terms of this Act, or the Transition Act, with regard to the vehicle or the public transport for which it may be used in terms of this Act, or the Transition Act, as the case may be, and which, in terms of those Acts have to be kept in that vehicle; and 55

(3) Imali yokuthathwa kwemoto kumelwe yenziwe ithi xaxa uma imoto sekungokwesibili nangaphezulu ithathwa.

(4) UNgqongqoshe wesifundazwe noma umasipala, ngesimemezelo kwi*Provincial Gazette*, angaqoka noma iyiphi indawo eshiwo esimemezelweni ukuba ibe yidepho.

(5) UNgqongqoshe wesifundazwe noma umasipala angasichibiyela noma asihoxise leso simemezelo ngokubona kwakhe. 5

(6) UNgqongqoshe wesifundazwe noma umasipala kumelwe agunyaze umuntu ukuba abe yinhloko yedepho.

Izinto eziyothathwa ngokuthi ziyiqiniso nokufakazelwa kwezinto ezithile

88. (1) Incwadi ethi ayibe yilayisense yokuthutha noma iphemithi ekhishwe ngokwalo Mthetho noma ikhophi yayo esethifayiwe, kumelwe ithi nje ngokuvezwa kwayo ecaleni lokushushiselwa ukwephul' umthetho okushiwo kwisigaba 90(1) yamukeleke njengobufakazi bokuthi iyilayisense yokuthutha noma iphemithi ekhishwe ngokusemthethweni, noma iyikhophi yangempela yayo, nokuthi imininingwane ekuyona iyiqiniso futhi ayinaphutha. 10 15

(2) Incwadi ethi imoto echazwe lapho kuyona ibhalisiwe, ngokomthetho ofanele, ibhaliswe egameni lomuntu oshiwo lapho kuyo njengomnikazi wayo, futhi ibe ibonakala ikhishwe ngokwalowo mthetho ngumuntu osebenzela isiphathimandla esirejistayo sezimoto sendawo lapho imoto yabhaliswa khona, iyothi nje ngokuvezwa kwayo ecaleni lokushushiswa ngokwalo Mthetho, yamukeleke njengobufakazi obenele bokuthi lowo muntu ungumnikazi wayo ebhaliswe ngaye nobokuthi imininingwane elapho kuyona iyiqiniso futhi ayinaphutha. 20

Amagunya ezikhulu ezigunyaziwe

89. (1) Ukwenzela kwimisebenzi isikhulu esigunyaziwe esiyithweswa yilo Mthetho, isikhulu esigunyaziwe singase— 25

- (a) simise imoto ngendlela efunekayo, singene kuyo ukuze sithole ukuthi isetshenziselwa ukuthutha umphakathi yini, noma abheke ukuthi uyagcinwa yini lo Mthetho, noma iyagcinwa yini imibandela yelayisense yokuthutha noma yephemithi. Singase ke sihlole imoto nezincwadi zayo ngaleyo njongo;
- (b) sifune ukuba umshayeli asho igama lakhe nekheli lalapho ahlala khona, nobufakazi obubhaliwe balokho, kanye negama nekheli lomnini-moto, nemininingwane engebhizinisi esetshenziselwa lona imoto;
- (c) sifune ukuba umshayeli noma omunye umuntu ophethe kuleyo moto aveze ngokushesha noma yiziphi izincwadi ezisemotweni noma ezikumshayeli noma ezikulowo muntu eziphathelene nokuthuthwa kwabantu abakuyo;
- (d) sifune ukuba noma yimuphi umuntu osemotweni esoleka ngezizathu ezizwakalayo ukuthi isetshenziselwa ukuthutha umphakathi, noma umuntu osoleka ngezizathu ezizwakalayo ukuthi usanda kungena kuleyo moto, asinike igama lakhe nekheli lakhe nobufakazi obubhaliweyo balokho, bese uyasho ukuthi ukhokhile yini noma kumelwe akhokhe ngokuhanjiswa kwakhe ngaleyo moto, futhi asho igama lomuntu okhokhelwe;
- (e) sifune ukuba izincwadi okumelwe zigcinwe emotweni ngokwalo Mthetho, zivezwe ukuze zihlolwe;
- (f) singene kunoma iyiphi indawo yebhizinisi nganoma yisiphi isikhathi esinokucabangela ngenhloso yokubona ukuthi uyagcinwa yini lo Mthetho, futhi— 45
 - (i) sibuze imibuzo kunoma yimuphi umuntu, ngokubona kwaso, ongase akwazi ukunika incazelo edingekayo;
 - (ii) sifune ukuba lowo muntu aveze, ngenjongo yokuhlola, amabhuku, izincwadi noma okunye okubhaliwe okungase kusize ekubhekeni ukugcinwa kwalo Mthetho;
 - (iii) sikopishe okuthile kuzo; futhi
 - (iv) sifune incazelo ngokubhaliweyo ebhukwini noma encwadini;
- (g) sifune ukuba umshayeli noma omunye umuntu ophethe emotweni esetshenziselwa ukuthutha umphakathi, aveze noma yiziphi izincwadi ezakhishwa yigunya eligunyaziwe, ngokwalo Mthetho, noma i*Transition Act* eziphathelene naleyo moto okumelwe ngokwaleyo Mthetho zigcinwe emotweni; 50 55

(h) upon the order of the entity that issued an operating licence or permit or the successor to that entity, attach an operating licence or permit that has expired or lapsed or has been withdrawn temporarily in terms of this Act, and hand it over to that entity.

(2) A person questioned or required to furnish an explanation in terms of subsection (1)(f), may exercise his or her rights in terms of section 35 of the Constitution. 5

(3) (a) Where an authorised officer finds a vehicle used for public transport to be so defective as to be a danger to persons or property, the authorised officer may order the driver or other person in charge of the motor vehicle to surrender the relevant operating licence or permit, as well as all distinguishing marks relating to the vehicle, and prohibit that driver or person forthwith to use the vehicle for public transport. 10

(b) The operating licence or permit so surrendered, must be retained by the officer until the holder has satisfied the officer that the defects have been remedied and that the vehicle is in a roadworthy condition, and the onus of proof rests on the holder of the operating licence. 15

Offences and penalties

90. (1) A person is guilty of an offence—

- (a) if that person operates a public transport service in contravention of section 50;
- (b) if the person operates a public transport service contrary to the terms and conditions of an operating licence or permit; 20
- (c) if, being the holder of an operating licence or permit or the agent or employee of such a holder, the person allows someone else to use that operating licence or permit for a vehicle other than the vehicle specified therein;
- (d) if the person applies for or obtains an operating licence knowing that a current operating licence has already been issued with regard to the same vehicle; 25
- (e) if the person, with the intent to deceive, forges, alters, defaces, damages or adds to any operating licence or permit other official document issued under this Act;
- (f) if, knowing that a document is not an operating licence or permit or such other official document or that it has been altered, defaced, damaged or added to, utters or uses the document; 30
- (g) if the person furnishes or gives false information in or with regard to any application made in connection with an operating licence, or in the course of appearing in any proceedings, investigation or inquiry relating thereto; 35
- (h) if the person impersonates an authorised officer;
- (i) if the person wilfully obstructs or hinders an authorised officer who is discharging his or her duties;
- (j) if the person refuses or fails to comply with the lawful order, direction or demand made by an authorised officer in the discharge or performance of any function or duty entrusted to the officer by or in terms of this Act; 40
- (k) if, where the person is conveyed as a passenger in the course of public transport, he or she—
 - (i) fails to pay the fare due for the journey when payment is requested by the driver or conductor; 45
 - (ii) smokes or drinks liquor on that vehicle in contravention of a notice on the vehicle which forbids smoking or drinking;
 - (iii) wilfully acts in a manner that inconveniences a fellow passenger;
 - (iv) disobeys a reasonable instruction issued by the driver or conductor for the purpose of maintaining order or ending a disturbance or controlling any emergency; or 50
 - (v) wilfully performs any act in or on the vehicle that could cause injury to or endanger the life of any person or cause damage to any property;
- (l) if the person, being the holder of an operating licence or permit or the driver of a vehicle to which that operating licence or permit relates, fails to comply with any duty or obligation imposed on such a holder or driver by or in terms of this Act; 55
- (m) if the person picks up or sets down passengers at or near an international border in contravention of section 75(2);
- (n) if the person uses a vehicle for a public transport service in contravention of this Act; 60

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- (h) ngokomyalo wegunya elakhipha ilayisense yokuthutha noma iphemithi, noma ngokomyalo wegunya elibe khona kamuva, sithathe ilayisense yokuthutha noma iphemithi ephelelwe yisikhathi noma eye yahoxiswa okwesikhashana ngokwalo Mthetho, siyidlulisele kulelo gunya.
- (2) Umuntu obuzwa imibuzo noma okudingeka anike incazelo ngokwesigatshana 5
- (1)(f) angasebenzisa amalungelo lakhe angokwesigaba 35 soMthetho-sisekelo.
- (3) (a) Uma isikhulu esigunyaziwe sithola imoto ekuthuthwa ngayo umphakathi isesimweni esibi kangangokuthi iyingozi kubantu nasempahleni, isikhulu esigunyaziwe singayalela umshayeli noma omunye umuntu ophethe kuyo ukuthi abuyise ilayisense yokuthutha noma iphemithi, nazo zonke izimpawu eziyehlukanisayo leyo moto, bese 10 simenqabela lowo mshayeli ukuthutha ngayo umphakathi.
- (b) Ilayisense yokuthutha noma iphemithi ethathiwe, kumelwe igcinwe yisikhulu kuze kube yilapho umnikazi wayo esenelisile isikhulu ukuthi izinto ebezonakele zilungisiwe nokuthi imoto isesimweni sokuba semgwaqweni. Ngumnikazi welayisense yokuthutha okumelwe aveze ubufakazi balokho. 15

Izenzo zokwephul'umthetho nezijeziso

- 90.** (1) Umuntu unecala lokwephul' umthetho—
- (a) uma ethuth' umphakathi ngokuphambene nesigaba 50;
- (b) uma umuntu ethuth' umphakathi ngokuphambene nemibandela yelayisense yokuthutha noma iphemithi; 20
- (c) uma, ethi enelayisense yokuthutha noma iphemithi noma esebenzela umuntu onayo, avumele omunye umuntu ukuba asebenzise leyo layisense yokuthutha noma iphemithi eyisebenzisela imoto engeyona le ebhalwe kwilayisense; iwo yilo Mthetho;
- (d) uma umuntu enza isicelo selayisense yokuthutha bese uyayithola abe azi 25 ukuthi usevele unayo le layisense anayo manje futhi ingeyemoto eyodwa nale ayifunela ilayisense;
- (e) uma umuntu, ngenhloso yokukhohlisa, ubhala into engamanga kwilayisense noma iphemithi yakhe, ashintshe okubhaliweyo kuyo, ayone noma enezele okuthile kuyona noma kwenye incwadi esemthethweni ngokwalo Mthetho; 30
- (f) uma, azi ukuthi incwadi ethile ayiyona ilayisense yokuthutha noma iphemithi noma-ke enye nje incwadi esemthethweni, noma azi ukuthi ishintshiwe, yoniwe, noma kwenezelwa kuyo, yize ekwazi konke lokhu kodwa ayisebenzise;
- (g) uma umuntu enikeza incazelo engamanga mayelana nesicelo selayisense 35 yokuthutha, noma uma enikeza incazelo engamanga kuqulwa icala, noma kuphenywa ngodaba olunjalo;
- (h) uma umuntu ezenza isikhulu esigunyaziwe;
- (i) uma umuntu evimba ngamabomu isikhulu esigunyaziwe ekwenzeni umsebenzi waso; 40
- (j) uma umuntu enqaba noma ehluleka ukwenza okushiwo ngumyalo ongokomthetho noma okushiwo yisiqondiso sesikhulu esigunyaziweyo uma senza umsebenzi waso ngokwalo Mthetho;
- (k) uma, lapho umuntu ehanjiswa njengomgibeli kuthuthwa umphakathi— 45
- (i) engayikhokhi imali yokugibela uma icelwa ngumshayeli noma ngukhondaktha;
- (ii) ephuza utshwala emotweni ngokuphambene nesaziso esisemotweni esenqabela ukubhema noma ukuphuza;
- (iii) enza ngamabomu ngendlela ephatha kabi omunye umgibeli;
- (iv) ekushay' indiva okushiwo ngumshayeli noma ngukhondaktha ngenhloso 50 yokuba kube khona ukuhleleka; noma
- (v) enza ngamabomu isenzo emotweni esingabek' engozini impilo yomunye umuntu noma silimaze impahla;
- (l) uma umuntu, engumnikazi welayisense yokuthutha noma iphemithi noma engumshayeli wemoto ebhalwe kuleyo layisense, engakwenzi okumelwe 55 kwenziwe ngumnikazi wayo noma ngumshayeli ngokwalo Mthetho;
- (m) uma umuntu egibeza noma ehlixa abagibeli emngceleni noma ngasemngceleni wamanye amazwe ngokuphambene nesigaba 75(2);
- (n) uma umuntu imoto eyisebenzisela ukuthutha umphakathi ngokuphambene 60 nalo Mthetho.

- (o) if the person operates a tourist transport service without accreditation by the National Public Transport Regulator or operates a tourist transport service after his or her accreditation has been cancelled;
- (p) if the person uses a vehicle for tourist transport services in contravention of section 84(1) and (5); or 5
- (q) if the person contravenes any other provisions of this Act.
- (2) Where a person is convicted of any one of the offences mentioned in—
- (a) paragraphs (a), (b), (d), (e) or (o) of subsection (1), a term of imprisonment not exceeding two years, or a fine not exceeding R100 000, may be imposed;
- (b) any other paragraph of that subsection, a term of imprisonment not exceeding three months or a fine not exceeding R10 000 may be imposed. 10
- (3) Whenever a manager, agent or employee of the holder of an operating licence or permit performs or omits to perform any act which, if the holder had performed or omitted to perform that act personally, would have constituted an offence in terms of subsection (1), that holder is guilty of that offence if— 15
- (a) the holder—
- (i) connived at or knowingly permitted the act or omission concerned; or
- (ii) did not take all reasonable measures to prevent that act or omission; and
- (b) an act or omission of the nature of the act or omission charged, whether legal or illegal, fell within the scope of the authority or the course of the employment of the manager, agent or employee. 20

Extraordinary measures in declared areas

- 91.** (1) If in any area in the relevant province the MEC considers that because of violence, unrest or instability in any sector of the public transport industry in the area or between operators in the area, the safety of— 25
- (a) passengers using the relevant services; or
- (b) residents; or
- (c) any other persons entering the area,
- has deteriorated to an unacceptable level, the MEC may, after consulting relevant planning authorities, by notice in the *Provincial Gazette*, define the area and declare it to be an area in respect of which the notification prescribing the extraordinary measures contemplated in subsection (2) may be made. 30
- (2) The MEC may, by notice in the *Provincial Gazette*, give notice that—
- (a) one or more or all the routes or ranks in such a declared area are closed for the operation of any type of public transport service, for the period stated in the notice; 35
- (b) any operating licence or permit authorising any of the services referred to in paragraph (a) on a closed route or routes or at a closed rank or ranks in the declared area is suspended for the relevant period;
- (c) subject to subsection (6), no person may undertake any of the services referred to in paragraph (a) on a closed route or routes or at a closed rank or ranks in the declared area or in terms of an operating licence or permit suspended as contemplated in paragraph (b) for the relevant period. 40
- (3) Before making the notice in terms of subsection (2), the MEC must cause a notice to be published in the prescribed manner, stating— 45
- (a) in summary form the nature and purpose of the proposed regulations;
- (b) the route or routes and rank or ranks which are proposed to be closed, or that it is proposed to close all routes and ranks in the declared area;
- (c) the period for which the proposed regulations will be in force;
- (d) that interested or affected parties may request reasons for the proposed regulations; 50
- (e) that any interested or affected persons are entitled to make representations;

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- (o) uma umuntu ethutha abavakashi engakhulunyelwanga kahle yisiGungu sikaZwelonke noma ethutha abavakashi sekukhanseliwe ukukhulunyelwa kwakhe kahle;
- (p) uma umuntu esebenzisa imoto ukuthutha abavakashi ngendlela eyephula isigaba 84(1) no-(5); noma 5
- (q) uma umuntu ephula noma yikuphi okunye okushiwo yilo Mthetho.
- (2) Uma umuntu etholwe enecala lanoma yikuphi ukwepul' umthetho okushiwo—
- (a) kwizigaba (a), (b), (d), (e) noma (o) zesigatshana (1), angagwetshwa ukudonsa ejele isikhathi esingeqi eminyakeni emibili, noma inhlawulo engeqi ku-R100 000; 10
- (b) kunoma yisiphi esinye isigaba esikuleso sigatshana, angagwetshwa ukudonsa ejele isikhathi esingeqi ezinyangeni ezintathu noma inhlawulo engeqi ku-R10 000.
- (3) Noma nini lapho imenenja noma osebenzela umnikazi welayisense yokuthutha noma iphemithi, enza noma engenzi isenzo ebekuyothi uma kungumnikazi welayisense osenzile noma ongasenzanga abe necala lokwepul' umthetho ngokwesigatshana (1), lowo mnikazi welayisense uyoba necala lalokho kwepul' umthetho uma— 15
- (a) umnikazi welayisense—
- (i) wahlanganyela kulokho noma, azi, wakuvumela ukwenziwa kwesenzo noma ukungenziwa kwaso; noma 20
- (ii) engenzanga konke afanele akwenze ukuvimba ukwenziwa kwaleso senzo noma ukungenziwa kwaso;
- (b) ukwenziwa kwesenzo noma ukungenziwa kwaso umuntu amangalelwe ngakho, noma ngabe kusemthethweni noma akukho emthethweni, kuwela ngaphansi kwegunya noma ngaphansi komsebenzi wemenenja noma omsebenzelayo. 25

Izinyathelo ezingavamile ezindaweni ezimenyezelwe

- 91.** (1) Uma noma kukuyiphi indawo esifundazweni, uNgqongqoshe ubona ukuthi ngenxa yodlame nokungabikho kokuthula, kunoma yimuphi umkhakha wezinto zokuthuth' umphakathi endaweni noma phakathi kwabanini-zimoto endaweni, ukuphepha— 30
- (a) kwabagibeli abasebenzisa izinto zokuthutha ezithile; noma
- (b) abantu abahlala endaweni;
- (c) abantu abangena endaweni,
- kusengcupheni kakhulu, uNgqongqoshe wesifundazwe, ngokwenza isaziso kwi*Provincial Gazette*, angase ayimemezele leyo ndawo njengendawo okungenziwa ukuba izinyathelo ezingajwayelekile ezikwisigatshana (2) zisebenze kuyo. 35
- (2) UNgqongqoshe wesifundazwe, ngesimemezelo kwi*Provincial Gazette*, angenza izimemezelo ezithi—
- (a) omunye noma eminye noma yonke imizila noma amarenki akuleyo ndawo emenyezelwe, ivaliwe ukuba kungasebenzi noma yiluphi uhlobo lwezinto zokuthutha, kuze kuphele isikhathi esishiwo kwisimiso; 40
- (b) noma yiyiphi ilayisense yokuthutha noma iphemithi egunyaza imisebenzi yokuthutha ekwisigaba (a) emzileni noma emizileni noma kwirenki noma kumarenki avaliwe endaweni emenyezelwe, imisiwe isikhathi esithile; 45
- (c) ngokulawulwa yisigatshana (6), akukho muntu ovumelekile ukwenza noma yimuphi emisebenzini eshiwo kwisigaba (a) emzileni noma emizileni evaliwe noma kwirenki noma kumarenki avaliwe endaweni emenyezelwe noma ngokwelayisense noma iphemithi emisiwe njengoba kuhloswe kwisigaba (b), kuze kuphele isikhathi esithile. 50
- (3) Ngaphambi kokuba enze isimemezelo ngokwesigatshana (2), uNgqongqoshe kumelwe enze ukuba kukhishwe isimemezelo kwi*Provincial Gazette*, nasephephandabeni elidayiswa endaweni emenyezelwe, esichaza—
- (a) kafushane ubunjani nenjongo yezimiso ezihlongozwayo;
- (b) umzila noma imizila, noma irenki noma amarenki, ekuhlongozwa ukuba avalwe, noma ukuthi kuhlongozwa ukuvalwa kwayo yonke imizila nawo wonke amarenki endaweni emenyezelwe; 55
- (c) ukuthi izimiso ezihlongozwayo zizosebenza isikhathi eside kangakanani;
- (d) ukuthi abantu abafisa ukwazi bangacela izizathu zezimiso ezihlongozwayo;
- (e) ukuthi abantu abathintekile banelungelo lokuzwakalisa imibono yabo ngokubhala; 60

- (f) the time within which representations may be made, which may not be less than 24 hours;
- (g) the address to which representations must be submitted, and
- (h) the manner in which representations must be made.

(4) The MEC must consider any representations received under subsection (3) before making a regulation under subsection (2). 5

(5) The notification contemplated in terms of subsection (2) may provide that a contravention thereof or a failure to comply therewith constitutes an offence, and may prescribe penalties in respect thereof which may be a fine, or imprisonment for a period not exceeding six months. 10

(6) The notification may provide for the issuing of temporary permits to operators of motor vehicles of specified types, to operate services on a closed route or routes or at a closed rank or ranks for the period of their closure in substitution of the forbidden services.

(7) After giving notice as contemplated in subsection (3), the MEC may, by notice in the *Provincial Gazette*, temporarily suspend any operating licence or permit insofar as it authorises public transport in a declared area on a route or routes or at a rank or ranks not closed in terms of the notice contemplated in terms subsection (2), for the period the MEC considers appropriate. 15

(8) The MEC may in a like manner and at any time amend the notification made in terms of subsection (1). 20

(9) The Minister may, after consulting the MEC and relevant planning authorities, exercise any of the powers of the MEC in this section.

CHAPTER 8

APPEALS

Appeals to Transport Appeal Tribunal

92. (1) The following persons may appeal to the Transport Appeal Tribunal against an act, direction or decision of an entity that has granted or refused an application relating to an operating licence, in the manner and within the time prescribed:

- (a) The aggrieved applicant; 30
- (b) the holder of any operating licence or permit affected by the decision; or
- (c) any other person interested in or affected by the decision.

(2) In considering an appeal in terms of subsection (1), the Transport Appeal Tribunal is bound by applicable transport plans.

(3) Appeals pending before provincial transport appeal bodies contemplated in section 128(1) of the Transition Act on the date of commencement of this Act, must be finalised by those bodies as if this Act had not been passed, unless the MEC directs that those appeals must be transferred to the Transport Appeal Tribunal for finalisation. 35

CHAPTER 9

TRANSITIONAL AND FINAL MATTERS

Transitional provisions

93. (1) Where, at any time before the commencement of this Act—

- (a) a person was convicted, in terms of any previous law, of an offence which is an offence in terms of this Act, the person is, where relevant for the purposes of this Act, regarded and treated as a person who had committed a corresponding offence provided for in this Act; and 45
- (b) any distinguishing mark issued in terms of any previous law for a vehicle in relation to which an operating licence or permit had been issued thereunder, is regarded for purposes of this Act, until such time as that licence or permit

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- (f) isikhathi okumelwe singapheli ingalethwanga imibono ebhaliwe, sikhathi leso okungamelwe sibe ngaphansi kwamahora angu-24;
- (g) ikheli okumelwe ithunyelwe kulo imibono ebhaliwe;
- (h) nendlela okumelwe izwakaliswe ngayo imibono ebhaliwe.
- (4) UNgqongqoshe kumelwe acubungule imibono ebhaliwe etholakele ngokwesigatshana (3) ngaphambi kokuba enze isimiso ngokwesigatshana (2). 5
- (5) Isimemezelo esihloswe kwisigatshana (2) zingase zithi ukwepfulwa kwazo noma ukungakwenzi ezikushoyo kuyicala, futhi zingase zisho izijeziso zalokho, zijeziso lezo ezingase zibe yinhlawulo noma ukudonsa ejele isikhathi esingeqi ezinyangeni eziyisithupha. 10
- (6) Isimemezelo singase sithi mabakhishelwe amaphemithi esikhashana abaninimimoto zohlobo oluthile, ukuze bathuthe emzileni noma emizileni evaliwe, noma kwirenki noma kumarenki athile, kuze kube sekupheleni kwesikhathi sokuvalwa kwayo imizila noma amarenki, lokho kuvale isikhala semisebenzi yokuthutha enqatshelwe. 15
- (7) Ngemva kokwenza isimemezelo njengoba kuhloswe kwisigatshana (3), uNgqongqoshe wesifundazwe, ngokwenza isimemezelo kwi*Provincial Gazette*, angase ayimise okwesikhashana ilayisense yokuthutha noma iphemithi uma igunyaza ukuthuthwa komphakathi endaweni emenezelwe emzileni noma emizileni, noma kwirenki noma kumarenki, angavaliwe ngokwesimemezelo esenziwe ngokwesigatshana (2), isikhathi uNgqongqoshe wesifundazwe asibona sifanele. 20
- (8) Ngokufanayo uNgqongqoshe angasichibiyela isimemezelo esenziwe ngokwesigatshana (1) nganoma yisiphi isikhathi.
- (9) UNgqongqoshe, ngemva kokubonisana noNgqongqoshe wesifundazwe, angasebenzisa noma yimaphi kumagunya kaNgqongqoshe wesifundazwe akulesi sigaba. 25

ISIAHLUKO 8

UKUDLULISWA KWEZIKHALO

Ukudluliselwa kwezikhalo esiGungwini Sokudluliselwa Kwezikhalo Ngezokuthutha

92. (1) Laba bantu abalandelayo bangadlulisela izikhalo zabo esiGungwini Sokudluliselwa Kwezikhalo Ngezokuthutha (isiGungu seziKhalo) uma bekhalezela isenzo, isiqondiso noma isinqumo segunya esiphasisense noma senqaba isicelo selayisense yokuthutha. Bangadlulisa izikhalo zabo ngendlela efunekayo, futhi singekapheli isikhathi esifunekayo— 30
- (a) ongagculisiwe; 35
- (b) umuntu onelayisense yokuthutha noma iphemithi othintekayo yisinqumo esithathiwe;
- (c) noma yimuphi omunye umuntu othintekayo yisinqumo.
- (2) Ekucubunguleni isikhalo ngokwesigatshana (1), isiGungu seziKhalo sibophekile yizinhlelo zokuthutha ezisebenzayo endabeni enjalo. 40
- (3) Izikhalo ebezingekaphothulwa ebeziphambi kwezigungu zezikhalo zezifundazwe ngokwesigaba 128(1) se*Transition Act* ngosuku lokuqala kwalo Mthetho ukusebenza, kumelwe ziphohulwe yilezo zigungu kube sengathi lona uMthetho awukaphasiswa, ngaphandle uma uNgqongqoshe wesifundazwe ethi lezo zikhalo mazidluliselwe esiGungwini seziKhalo samanje ukuba ziyophothulwa khona. 45

ISIAHLUKO 9

OKWANGALESI SIKHATHI ESIPHAKATHI, NOKOKUPHETHA

Okwangalesi sikhathi esiphakathi

93. (1) Uma, noma nini ngaphambi kokuqala kwalo Mthetho ukusebenza—
- (a) umuntu watholwa enecala, ngokwanoma yimuphi umthetho wangaphambi kwalona, etholwa enecala lokwenza into eyicala ngokwalo Mthetho, lowo muntu ubhekwa njengomuntu owenze icala elikulo Mthetho; futhi 50
- (b) noma yiluphi uphawu olwehlukanisayo olwakhishwa kanye nelayisense yokuthutha ngokomthetho wangaphambi kwalona luthathwa njengophawu olukhishwe ngokwalo Mthetho, kuze kube yilapho leyo layisense noma 55

lapses, is converted to an operating licence, or is withdrawn or cancelled in terms of this Act, as a distinguishing mark issued under this Act.

(2) Any transport plan prepared or approved in terms of the Transition Act is deemed to be the corresponding plan prepared or approved, as the case may be, in terms of this Act until the latter has been prepared or approved. 5

(3) Until the National Public Transport Regulator, a Provincial Regulatory Entity or municipality has been established or is empowered to perform its functions under this Act—

- (a) an operating licensing board established in terms of the Transition Act may exercise the powers and perform the duties of such an entity under this Act, but only until a date determined by the Minister, after consultation with the relevant MEC or municipality by notice in the *Gazette*; 10
- (b) any power exercised or duty or function validly performed by an operating licensing board in terms of the previous Act or a law previous to that is deemed to have been validly exercised or performed; and 15
- (c) any application to an operating licensing board relating to the granting, amendment, renewal or transfer of an operating licence which has not been disposed of, is deemed to be an application under this Act relating to the appropriate operating licence. 20

(4) Whenever this Act makes reference to a transport plan, a contracting authority or other entity may proceed with any action, despite the fact that the relevant plan has not been prepared, approved or published in terms of this Act, but such authority or entity must have regard to any available transport planning or other information at its disposal. 20

(5) Any transport authority established in terms of the Transition Act will cease to be a juristic person independent from the relevant municipality or municipalities, on a date to be determined by the Minister, and those municipalities must amend or restructure their administrations as soon as possible after the determined date, to bring them in line with this Act. 25

Laws repealed or amended

94. The laws mentioned in the Schedule are repealed or amended, as specified in the third column thereof. 30

Act binds State

95. This Act binds the State.

Short title and commencement

96. (1) This Act is called the National Land Transport Act, 2009, and comes into operation on a date determined by the President by proclamation in the *Gazette*. 35

(2) Different dates may be so determined in respect of different provisions of this Act, and dates so determined may differ in respect of different provinces or different municipal areas.

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iphemithi iphelelwa, iguqulwa iba yilayisense yokuthutha, ihoxiswa noma ikhanselwa ngokwalo Mthetho.

(2) Noma yiluphi uhlelo lwezokuthutha olwenziwe noma lwaphasiswa ngokwe*Transition Act* luthathwa njengohlelo oluhambisanayo ngokwalo Mthetho kuze kube yilapho uhlelo oluhambisanayo lwenziwe noma lwaphasiswa. 5

(3) Kuze kube yilapho isiGungu sikaZwelonke, noma isiGungu seSifundazwe noma umasipala, sesisunguliwe noma sanikwa igunya lokwenza imisebenzi yaso ngokwalo Mthetho—

(a) ibhodi ekhipha amalayisense okuthutha eyasungulwa ngokwe*Transition Act* ingasebenzisa amagunya, yenze nemisebenzi yalelo gunya engokwalo Mthetho, kodwa kuze kufike usuku oluyonqunywa nguNgqongqoshe, ngemva kokubonisana noNgqongqoshe wesifundazwe othintekayo noma umasipala, ngesimemezelo kwi*Gazette*; 10

(b) noma yiliphi igunya elalisetshenziswa noma umsebenzi owawenziwa yibhodi ngokoMthetho wangaphambi kwalona noma ngokomunye umthetho owawungaphambi kwalowo, lelo gunya lithathwa ngokuthi lenziwa ngokusemthethweni noma lowo msebenzi uthathwa ngokuthi wenziwa ngokusemthethweni; futhi 15

(c) noma yisiphi isicelo esasenziwe ebhodini yamalayisense okuthutha sokunikwa ilayisense yokuthutha, sokuchibiyelwa kwayo, sokuvuselelwa kwayo noma sokusulelwa kwayo egameni lomunye umuntu, okungekathathwa sinqumo ngaso, leso sicelo sithathwa njengesicelo esifanele selayisense yokuthutha ngokwalo Mthetho. 20

(4) Noma nini lapho lo Mthetho ukhuluma ngohlelo lokuthutha, isiphathimandla esingene kwisivumelwano noma esinye isiphathimandla singaqhubeka nesinyathelo, nakuba uhlelo lolo lungekalungiswa, luvunywe ngokwalo Mthetho, kodwa leso siphathimandla kumelwe sicabangele noma yiluphi uhlelo olutholalalayo lwezinto zokuthutha noma ulwazi olunalo. 25

(5) Noma yisiphi isiphathimandla esisungulwe ngokwe*Transition Act* siyoyeka ukuba esingamangaleleka esizimele geqe kumasipala noma omasipala abathintekayo, ngosuku olunqunywa nguNgqongqoshe, futhi labo masipala kumelwe bachibiyele noma bakhe kabusha indlela yabo yokuphatha ngokushesha ngangokunokwenzeka ngemva kosuku olunqunyiwe, ukuze kuvumelane nalo Mthetho. 30

Imithetho eqedwayo noma echibiyelwayo

94. Imithetho eshiwo kwiShejuli iyaqedwa noma iyachibiyelwa, njengoba kuchazwa kuhlu lwesithathu lwayo. 35

UMbuso ubophekile okushiwo yilo Mthetho

95. UMBuso ubophekile okushiwo yilo Mthetho.

Igama lawo elifushane nokuqala kwawo ukusebenza

96. (1) Lo Mthetho ubizwa ngokuthi nguMthetho kaZwelonke Wezinto Zokuthutha Ezihamba Phansi ka-2009 futhi uqala ukusebenza ngosuku oluzonqunywa nguMongameli ngesimemezelo kwi*Gazette*. 40

(2) Kungase kunqunywe izinsuku ezingafani ngezingxenywe ezingafani zalo Mthetho, futhi izinsuku ezinqunyiwe zingase zingafani ngokwezifunda noma ngokwezindawo zomasipala. 45

SCHEDULE**LAWS REPEALED OR AMENDED***(Section 94)*

No. and Year of Law	Short title	Extent of amendment or repeal	
Act No. 11 of 1972	Black Transport Services Amendment Act, 1972	The repeal of the whole.	5
Act No. 47 of 1974	Black Transport Services Amendment Act, 1974	The repeal of the whole.	10
Act No. 76 of 1982	Black Transport Services Amendment Act, 1982	The repeal of the whole.	15
Act No. 77 of 1982	Transport Services for Coloured Persons and Indians Amendment Act, 1982	The repeal of the whole.	
Act No. 39 of 1998	Transport Appeal Tribunal Act, 1998	1. The repeal of section 2. 2. The substitution for the word "permissions", wherever it occurs, of the expression "operating licences".	20 25
Act No. 22 of 2000	National Land Transport Transition Act, 2000	The repeal of the whole.	
Act No. 31 of 2001	National Land Transport Transition Amendment Act, 2001	The repeal of the whole.	30
Act No. 26 of 2006	National Land Transport Transition Amendment Act, 2006	The repeal of the whole.	

NGUMTHETHO KAZWELONKE WEZINTO
ZOKUTHUTHA EZIHAMBA PHANSI KA-2009

Act No. 5, 2009

ISHEJULI

IMITHETHO EQEDWAYO NOMA ECHIBIYELWAYO

ISigaba 94

<i>INombolo Nonyaka Womthetho</i>	<i>Igama lawo elifushane</i>	<i>Ukuchibiyelwa noma ukupheliswa kwawo</i>	
Act 11 ka-1972	Black Transport Services Amendment Act, 1972	Uqedwa wonke	5
Act 47 ka-1974	Black Transport Services Amendment Act, 1974	Uqedwa wonke	10
Act 76 ka-1982	Black Transport Services Amendment Act, 1982	Uqedwa wonke	
Act 77 ka-1982	Transport Services for Coloured Persons and Indians Amendment Act, 1982	Uqedwa wonke	15
Act 39 ka-1998	Transport Appeal Tribunal Act, 1998	1. Kuqedwa isigaba 2. Kukhishwa igama elithi "permissions" noma kuphi lapho libonakala khona, kufakwe athi "operating licences"	20
Act 22 ka-2000	National Land Transport Transition Act	Uqedwa wonke	