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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT NOTICE 416 OF 2020



NOTICE TO ALL PUBLIC TRANSPORT OPERATORS

ISSUANCE OF OPERATING LICENCES TO THE LOW-ROOF 10-SEATER TOYOTA QUANTUM ("BABY QUANTUM")

1. The National Road Traffic Regulations (as amended) ("Regulations") contains standards and specifications for public transport vehicles that must be considered by a regulatory entity in dealing with operating licence applications.
2. In terms of Regulation 251(2), no person shall operate a minibus in term of an operating licence issued in accordance with the provisions of the National Land Transport Transition Act (Act no.22 of 2000) ("NLTTA") registered for the first time after 5 October 2001 on a public road, unless the height, along the longitudinal center-line, between the floor and the lowest part of the roof structure of such a minibus is not less than 1.5 metres. The roof height of the 10-seater, low-roof Toyota Quantum is 1.39 meters. This vehicle is therefore not compliant with the Regulations and has not been included on the TRP list.
3. Several operators have contacted the PRE to enquire whether or not the Regulations are applicable to all public transport categories. Section 1 (Chapter 1) of the Regulations includes a specific definition of the now repealed National Land Transport Transition Act ("NLTTA") - "**NLTTA**" means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000), as it relates to public transport **with specific reference to minibus taxi type services**" as defined (own emphasis).
4. Section 12 of the Interpretation Act (Act no.33 of 1957) states that where a law repeals and re-enacts with or without modifications, any provision of a former law, references in any other law (in this case the Road Traffic Act Regulations) to the provision so repealed shall, unless the contrary intention appears be construed as references to the provision so re-enacted.
5. Given that the NLTTA has been repealed by the National Land Transport Act (Act no.5 of 2009) ("NLTA"), reference is therefore made to the latter. A minibus-taxi type

service is defined in section 1 of the NLTA as 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". Other types of public transport services are defined separately in the NLTA i.e. charter services, staff services, metered taxi services, etc.

6. Having considered all the relevant provisions of the statutes, ***we are of the view that the Regulations are only applicable to a minibus-taxi type service as defined.*** Consequently, an operating licence authorising minibus-taxi type services may not be issued to a low-roof, 10-seater Toyota Quantum (this includes renewals).

7. However, an operating licence authorising public transport services other than a minibus-taxi type service may be issued to such a vehicle. This effectively means that the 10-seater, low roof Toyota Quantum can be used to provide charter services, tourist transport services, staff services, scholar services, etc. and that operating licences can be issued in respect thereof.



Mark Skriker

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