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PROVINCIAL NOTICE

[No. 106 of 2003]

SPECIAL PROCEDURES FOR LEGALISATION OF EDUCATIONAL TRANSPORT SERVICES REGULATIONS, 2003

I, SMA Malebo, Member of the Executive Council responsible for Transport in the Province, intend to promulgate regulations in terms of section 54 of the Free State Interim Passenger Transport Act, 1998 (Act No. 16 of 1998) in relation to the regulation of the procedures for the legalisation and provision of educational transport services.

All interested persons are invited to furnish any comments thereon or any representations which they may wish to make in regard thereto. Such comments or representations must be submitted in writing to the following person on or before **23 June 2003**:

Mr TJ Phahlo
Department of Public Works,
Roads and Transport
PO Box 9769
BLOEMFONTEIN
9300
Room 205, Trek Building
cor. East Burger Street and Nelson Mandela Drive
BLOEMFONTEIN

Tel: (051) 430-7808
Fax: (051) 430-7458
E-mail: tj@freetrans.gov.za

Please note that any comments or representations that are received after **23 June 2003** shall be disregarded.

Copies of the *Provincial Gazette* in which the proposed regulations were published could be obtained from the Office of the Provincial Gazette, Room 341, Lebohang Building, St Andrew Street, BLOEMFONTEIN from Mondays to Fridays between 07:30 and 16:00, contact number (051) 405-5420.

SCHEDULE

Definitions

1. In these Regulations, a word to which a meaning has been assigned by the National Act and the Provincial Act, shall have the same meaning, unless the context otherwise indicates, and –

“association” means any group of persons formed primarily in relation to the operation of minibus taxi-type services, and –

- (a) which has been formed not for gain;
- (b) whose object is to promote the interest of its members; and
- (c) whose funds are to be applied in promoting those interests;

“educational transport” means public transport services being provided between the area of residence of students and learners and the educational institution on a regular basis, based on an agreement or contract between the operator and the institution and/or learners and students or their parents;

“educational transport association” means any group of persons formed primarily in relation to the operation of educational transport services, and –

- (a) which has been formed not for gain;
- (b) whose object is to promote the interest of its members; and
- (c) whose funds are to be applied in promoting those interests;

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

“the Provincial Act” means the Free State Interim Passenger Transport Act, 1998 (Act No. 16 of 1998).

Special procedures for legalisation

2. The Board shall grant operating licences to public transport operators who meet the following requirements:
- (a) the public transport operator must be a member of a registered or provisionally registered educational transport association and must reside within the area of operation of such association;

- (b) where such registration of association or operator as contemplated in subregulation (a) has not been confirmed, the public transport operator shall be required to prove that he or she has applied for such registration;
- (c) the public transport operator must have an acceptable vehicle registered in his or her name that may be used for public transport services in terms of the National Act, and is not used for other public transport services other than for educational transport services as authorised by the operating licence;
- (d) the public transport operator must have a signed contract or agreement between itself and the educational institution to provide the services described in the operating licence, which complies with the minimum requirements as prescribed by the Board;
- (e) the public transport operator must have been transporting scholars on or before February 2003.

Registration of educational transport associations

3. Subject to section 53(2) of the National Act, the Registrar shall receive, consider and decide on applications for the registration or provisional registration of educational transport associations based in the Province and their members in a manner similar to that of associations as provided for in Part 12 of the National Act.

Application for registration of educational transport associations

4. (1) An application for the registration of a educational transport association, a member thereof or a non-member must be completed on the relevant prescribed form FSPT 8. The form must be submitted to the Registrar with the application fee as determined by the Member of the Executive Council for Transport by notice in the *Provincial Gazette*. All information required in the application form must be given in full. The Registrar may refuse to accept an application if the form is not fully completed.
- (2) A registration certificate issued to a educational transport association must be in the relevant form prescribed in Annexure A.
- (3) Annual fees determined by the Member of the Executive Council by notice in the *Provincial Gazette* shall be payable by a registered educational transport association, the first amount which is payable not later than one year after the date of initial registration, and thereafter annually not later than that date.
- (4) An association that fails to pay the prescribed annual fees by the due date, is liable to a penalty of 10 % of the amount of the annual fees per month that such fees have not been paid after the due date.

Standard constitution

5. The standard constitution to which registered educational transport associations must adhere is as set out in Annexure B.

Minimum number of members or primary associations required for registration of association

6. The minimum number of members which a educational transport association must have before it may be registered in terms of the National Act shall be 20 (excluding a conditional member referred to in the standard constitution).

Standard contract

7. The standard contract that should form the basis of any contract between a educational transport operator and the institution and/or learners and students or their parents is as set out in Annexure C.

Record of particulars of trips

8. The record of particulars of all trips made must be kept by the operator in his or her vehicle at all times.

Applications for operating licences

9. (1) Subject to subregulation (2), applications for the operating licences referred to in regulation 2, must be lodged with the Board on the forms as prescribed by the Board, together with the following documents:
- (a) (i) in the case of a natural person, the identity document or other type of identification acceptable to the Board;
 - (ii) in the case of a company, its certificate of incorporation or certified copy thereof;
 - (iii) in the case of a closed corporation, its founding statement or a certified copy thereof;
 - (iv) in the case of a trust, its Deed of Trust or a certified copy thereof; or
 - (v) in the case of another type of juristic person, its constitution or a certified copy thereof or any such proof as required by the Board;
 - (b) proof of registration as a member of an educational transport association according to the records of the Registrar;

- (c) proof that the vehicle to which the application relates is registered in the name of the applicant;
 - (d)
 - (i) a valid vehicle registration certificate and a valid certificate of fitness for the vehicle concerned;
 - (ii) a valid licence certificate and a valid clearance certificate for the vehicle; or
 - (iii) a valid certificate of registration of the vehicle and a valid motor vehicle licence, licence disc and roadworthy certificate disc;
 - (e) a certified resolution of the executive committee of the educational transport association of which the applicant is a member confirming the support of the association for the application.
- (2) Applications must be submitted to the Board within such period as determined by the MEC by notice in the *Provincial Gazette* for a specific area.
 - (3) A separate application must be lodged in respect of each motor vehicle to be authorised to operate under the operating licence.
 - (4) The application must be supported by the applicant's association.
 - (5) The Board or an official designated by the Board must issue an interim operating licence once it is satisfied that the application has been completed fully and all supporting documents have been submitted. A receipt shall be issued for any payment of fees made. The Board shall hand the interim operating licence and the receipt, if applicable, to the person lodging the application.
 - (6) The original of each of the interim operating licences must be kept by the applicant in the vehicle concerned when it is operating.
 - (7) The interim operating licence must be returned to the Board when the operating licence is uplifted as provided in subregulation (17), or, if the application is refused, the interim operating licence must be returned to the Board within 10 days after the applicant is informed of the decision of the Board referred to in subregulation (15).
 - (8) The Board must verify the application details against its records and the records of the Registrar, which would include the verification of the registration number of the association of which the applicant is a member and the registration number assigned to the applicant as an operator, and all other relevant records.

- (9) The Board must submit an application to the relevant planning authority for recommendations on the matters set out in section 83(1)(b) of the National Act, and must consider those recommendations subject to section 39(5) of the Provincial Act.
- (10) The planning authority must respond to the request contemplated in subregulation (9) within 21 calendar days from the date of submission of the application.
- (11) The application form, together with all the other relevant documents, must be submitted to the Board and considered at a duly constituted meeting of the Board.
- (12) The Board must confirm that the applicant is operating on the stated route or route-network, as the case may be, by consulting one or more of the relevant municipalities, forum(s) in a manner the Board deems fit.
- (13) The Board may summon the applicant or any other person to appear before it to answer questions or make representations before approving or refusing an application for an operating licence.
- (14) The applicant, as well as a person wishing to object to such application, has the right to appear before the Board. Objectors must give reasonable written notice to the Board and to the applicant of their intention to object to an application.
- (15) The Board must inform the applicant of the decision of the Board in relation to the application and, if the application was successful, that the applicant must uplift the operating licence as provided for in subregulation (17).
- (16) Together with the operating licence, the Board must issue a disc relating to the operating licence and may also issue other distinguishing marks for which the applicant must pay the prescribed fee. Where these are issued, they must be displayed forthwith and at all times on the vehicle concerned.
- (17) Successful applicants must uplift the granted operating licence within 60 calendar days of notification: Provided that the Board may extend the period for upliftment by a further period of 30 calendar days upon written application made before the expiry of the initial period of 60 calendar days on good cause shown. In which case an applicant must also comply with the requirements set out in subregulation (1)(c), unless this has already been done.

- (18) The applicant must provide the Board with the following documents before the operating licence and disc will be prepared and released to the applicant:
- (a) identification of the applicant;
 - (b)
 - (i) a valid vehicle registration certificate and a valid certificate of fitness for the vehicle concerned;
 - (ii) a valid licence certificate and a valid clearance certificate for the vehicle; or
 - (iii) a valid certificate of registration of the vehicle and a valid motor vehicle licence, licence disc and roadworthy certificate disc.
- (19) The Board may, as it deems fit, redefine or amend a route or route-network stipulated in the application in accordance with the need and supply for services on that route-network, when it grants an operating licence in terms of these Regulations.

Short title

10. These Regulations shall be called the Special Procedures for Legalisation of Educational Transport, 2003.

**DEPARTMENT OF PUBLIC WORKS, ROADS AND TRANSPORT
FREE STATE PROVINCE
OFFICE OF THE PROVINCIAL REGISTRAR**

**APPLICATION FORM FOR REGISTRATION OF AN EDUCATIONAL TRANSPORT
ASSOCIATION**

Abbreviated Association name

PARTICULARS OF ASSOCIATION

Nature of association

Priv Co

Close Corp

Voluntary

Other (specify):

Business register no. (if applicable)

Date established 19

Y Y M D

Name of association

Postal address

Postal code

Street address

(if different from postal address)

Postal code

Telephone num during day/cell phone*

Code

Facsimile number

Code

Num of operating members/affiliated associations*

Num. of employees

Annual membership fees per member/affiliated members*

R

Num. of reg. vehicles

Joining fee for members/affiliated associations*

Affiliations:

Names of other associations to which
the applicant is affiliated

Associations, which are affiliated from
the applicant

PARTICULARS OF OFFICE BEARERS

Position (e.g. chairperson, executive,
Committee member, secretary)

Type of identity document

RSA - ID

Foreign ID

Other (specify):

Identity number

Surname and initials (not more than 3)

Position (e.g. chairperson, executive,
Committee member, secretary)

Type of identity document

RSA - ID

Foreign ID

Other (specify):

Identity number

Surname and initials (not more than 3)

PARTICULARS OF ROUTE(S) OPERATED BY THE MEMBERS OF ASSOCIATION

Abbreviated association name

Area of educational operations ☐ Long distance ☐ Urban ☐ Rural ☐ Other (specify):

DESCRIPTION OF OPERATIONS
Institution

Departure from To destination

Via (list details – including pick-up and drop-off points)

Area of educational operations ☐ Long distance ☐ Urban ☐ Rural ☐ Other (specify):

DESCRIPTION OF OPERATIONS
Institution

Departure from To destination

Via (list details – including pick-up and drop-off points)

Area of educational operations ☐ Long distance ☐ Urban ☐ Rural ☐ Other (specify):

DESCRIPTION OF OPERATIONS
Institution

Departure from To destination

Via (list details – including pick-up and drop-off points)

Attach additional page with particulars of additional routes in the same format as above.

Type of passengers (As per permit)			
Taxi	Tourists	Metered Taxi	Other

PARTICULARS OF VEHICLE

ROUTE DESCRIPTION

Vehicle registration No & Vehicle Identification No

Chassis number

Vehicle make (e.g. Toyota, Nissan)

Vehicle type

Certified seating capacity

Roadworthiness Certification (RWC) number

RWC expiry date

Permit number

Type of passengers (As per permit)

(If other specify)

Total capacity

Engine no.

Issue no.

Other

Metered

Tourists

Taxi

Departure point (rank)

Destination (rank)

Detailed route description (including pick-up and drop-off points):

Average daily trips

Mon

Tue

Wed

Thurs

Fri

Sat

Sun

DECLARATION BY MEMBER

I, the undersigned member of the applicant association, hereby declares as follows:

(a) I do not belong to any other registered association;

(b) I hold do not hold a permit for each motor vehicle operated, and operations are not legally within the authority of the permit;

(c) I have have not signed and have have not agreed to abide by the constitution of the association;

(d) I verily believe that the association and I have supplied all required and prescribed information and declare that further required information will be supplied as requested, and verified in the prescribed manner; and

(e) that all information supplied by me is true and correct.

DATE

SIGNATURE

PLACE

FOR OFFICE USE ONLY

Operator registration no.

File number

Date of data entry

19

Y

Y

M

D

ANNEXURE A

**DEPARTMENT OF PUBLIC WORKS, ROADS AND TRANSPORT
FREE STATE PROVINCE**

**PROVISIONAL REGISTRATION CERTIFICATE
EDUCATIONAL TRANSPORT ASSOCIATION**

OFFICE OF THE PROVINCIAL REGISTRAR

This is to certify that the following Educational Transport Association –

.....
.....

has been provisionally registered under section 56 of the National Land Transport Transition Act, 2000, and that full registration will be effected under section 57 of that Act on compliance with all the requirements set out in the Act.

.....

Conditional registration date

.....

Provincial registrar

.....

Provisional registration number

**DEPARTMENT OF PUBLIC WORKS, ROADS AND TRANSPORT
FREE STATE PROVINCE**

**FULL REGISTRATION CERTIFICATE
EDUCATIONAL TRANSPORT ASSOCIATION**

OFFICE OF THE PROVINCIAL REGISTRAR

This is to certify that the following Educational Transport Association –

.....
.....

has been fully registered under section 57 of the National Land Transport Transition Act,
2000.

.....

Registration date

.....

Provincial registrar

.....

Registration number

**DEPARTMENT OF PUBLIC WORKS, ROADS AND TRANSPORT
FREE STATE PROVINCE**

**PROVISIONAL REGISTRATION CERTIFICATE
MEMBER OF AN
EDUCATIONAL TRANSPORT ASSOCIATION**

OFFICE OF THE PROVINCIAL REGISTRAR

This is to certify that the following member –

.....
.....

of the following Educational Transport Association –

.....
.....

has been provisionally registered under section 56 of the National Land Transport Transition Act, 2000, and that full registration will be effected under section 58 of that Act on compliance with all the requirements set out in the Act.

.....

Conditional registration date

.....

Provincial registrar

.....

Provisional registration number

**DEPARTMENT OF PUBLIC WORKS, ROADS AND TRANSPORT
FREE STATE PROVINCE**

**FULL REGISTRATION CERTIFICATE
MEMBER OF AN
EDUCATIONAL TRANSPORT ASSOCIATION**

OFFICE OF THE PROVINCIAL REGISTRAR

This is to certify that the following member –

.....
.....

of the following Educational Transport Association –

.....
.....

has been fully registered under section 58 of the National Land Transport Transition Act,
2000.

.....

Registration date

.....

Provincial registrar

.....

Registration number

ANNEXURE B

STANDARD CONSTITUTION

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PREAMBLE

In order to provide for the structuring and management of the passenger transport industry in the Free State, the parties who are signatories of this Constitution undertake to abide by the provisions thereof to ensure that the above-mentioned goals are achieved.

STANDARD CONSTITUTION FOR AN EDUCATIONAL TRANSPORT ASSOCIATION

1. NAME

The name of the Association is *(to be filled in by Association)*. The abbreviated name of the Association is *(to be filled in by Association)*.

2. DEFINITION

For the purposes of this Constitution:

"AGM" means the annual general meeting of the Association;

"Association" means an educational transport association;

"code of conduct" means the code of conduct contained in the Regulations and set out in Annexure A;

"Executive Committee" means the Executive Committee elected at the AGM;

"grievance procedure" means the grievance procedure described in Annexure B;

"member" means a registered member of the Association;

"register" means a register kept by the Registrar in terms of the Act;

"Registrar" means the Provincial Transport Registrar appointed in terms of the Act.

"The Act" means the National Transport Transition Act, 2000 (Act 22 of 2000)

"The Provincial Act" means the Free State Provincial Transport Act, 1998 (Act 16 of 1998)

3. PURPOSE OF ASSOCIATION

3.1 CONSTITUTION OF ASSOCIATION

The minimum number of members to constitute an Association is 20. The Association is managed by an Executive Committee, which is elected every two years.

3.2 AIMS AND OBJECTIVES

The aims and objective of the Association are –

- (a) to protect, secure and promote the interests of the members of the Association;
- (b) to actively engage in negotiations and make representations and appeals to the various national, provincial and local authorities in the interests of its members;
- (c) to ensure fair labour practices by all its members, thereby promoting the interests of all the members' employees;

- (d) to promote and improve road safety education and all other education of its members;
- (e) to promote and improve the standard of living and quality of life of its members;
- (f) to take all steps that are considered necessary by the Association to preclude misconduct on the part of members of the Association or members; drivers, to report misconduct to the authorities concerned and to take any further steps regarding the suspension or expulsion of defaulting members that are considered necessary;
- (g) to raise funds for the Association in any legal manner;
- (h) to apply all funds for the purpose of giving effect to the objectives of the Association and invest funds in suitable financial institutions and, in addition to acquire movable or immovable property by purchase, lease exchange or gift;
- (i) to cause audited accounts for each financial year to be prepared by the auditors of the Association;
- (j) to ensure that all members live and work to a code of conduct, and to apply disciplinary procedures in respect of transgressions of the code of conduct;
- (k) to work according to a grievance procedure to avoid conflict;
- (l) to promote the interests of the commuting public and develop structures and procedures to enable the commuting public to communicate dissatisfaction with transport facilities or services and to co-operate with existing or established structures;
- (m) to co-operate with any other taxi association having similar objectives to respect the rights of other Associations and to encourage and strive for the joint co-operation and co-ordination of similar organisations and bodies. This may include local, provincial or national, authorities and bodies created by statute for the attainment and fulfilment of the objectives of its members.
- (n) to exercise all or any of the powers that are necessary to achieve, or are ancillary to the achievement of, one or more of all of the objectives of the Association;
- (o) to act in all matters that affect the interests of the taxi industry;
- (p) to register the Association with the Registrar; and
- (q) to specify the route or routes of the members of the Association and provide this information to the Registrar.

3.3 AREA OF OPERATION

The area of operation of the Association is as described by the route and network operating licences held by its members and is as follows: *(to be completed by Association)*.

(Please note that the above information must correspond with the information submitted to the Registrar in this regard.)

4. EXECUTIVE STRUCTURE OF ASSOCIATION

4.1 COMPOSITION

The affairs of the Association must be managed, conducted and controlled by a committee consisting of the following members and referred to as the Executive Committee –

- (a) Chairperson
- (b) Vice-chairperson
- (c) Treasurer
- (d) Secretary
- (e) Training officer
- (f) Chairperson of grievance committee
- (g) Chairperson of disciplinary committee
- (h) Any other officers needed by the Association as determined by the AGM, subject thereto that the number of the Executive Committee may not exceed 20.

4.2 ELIGIBILITY AND ELECTION OF OFFICE BEARERS

- (a) Any member of the Association is eligible for election to the Executive Committee. Members of the Executive Committee must be elected at the AGM.
- (b) The Association in consultation with the Registrar shall appoint an Independent Electoral Body registered with the Registrar to supervise the election of members of the Executive Committee.
- (c) The Independent Electoral Body must ask for written nominations for membership of the Executive Committee from the members of the Association to be lodged with the Electoral Body prior to the AGM or on the day of the AGM.
- (d) In the event of any election dispute, the Registrar, in consultation with the Association, may decide on a procedure to deal with such dispute.
- (e) Members of the Executive Committee must be elected at an AGM.
- (f) Voting takes place by secret ballot.
- (g) Members that vote must prove their identity. An identity document, a passport or a membership card will serve as proof of identity.

4.3 TERM OF OFFICE

4.3.1 A member of the Executive Committee must hold office for a period of 2 years. Upon expiry of his or her term of office a member shall be eligible for re-election unless disqualified under any of the provisions of this Constitution.

4.3.2 A member of the Executive Committee must vacate his or her position –

- (a) On being suspended or expelled from the Association; or
- (b) On having been absent without tendering an apology and without permission of the Executive Committee from three consecutive meetings of the Executive Committee, and after being warned in writing by the Executive, after being absent for two consecutive meetings;
- (c) On resigning after having given *(to be filled in by Association)* weeks written notice to the secretary of his or her intention to resign;

- (d) On being convicted of any criminal offence for a act of violence or dishonesty; or
- (e) On becoming disqualified as a member of the Association; or
- (f) On failing to adhere to the code of conduct or the grievance procedure and the disciplinary committee decided that he or she must vacate his or her position.
- (g) On being declared insolvent.

4.4 EXPIRY OF TERM OF OFFICE

- 4.4.1 Upon expiry of the term of office of any office bearer or upon termination of the term of office of any office bearer for any reason in terms of this Constitution, the office bearer will automatically cease to hold office and the office will become vacant.
- 4.4.2 If an office bearer is to be replaced prior to the expiry of his or her term of office, the existing expiry date must remain and will be valid, and the Executive Committee must nominate an ordinary member of the Executive Committee to fill the vacant position as an interim measure. A special general meeting must be called within 7 days after the vacancy occurred by the Executive Committee and must be held within 60 days after the position became vacant at which another member must be elected to replace the office bearer who's position became vacant.
- 4.4.3 Nomination of members to replace the members of the Executive Committee whose positions have become vacant must be made prior to or on the day of the special general meeting.
- 4.4.4 If the Association has no office bearers capable of calling an election and an election of office bearers is due or desirable, a special general meeting must be held where members may decide to approach the Registrar for an order directing that an election must take place, and set forth the terms and procedures in respect thereof.

4.5 MEETINGS OF EXECUTIVE COMMITTEE

- 4.5.1 The Executive Committee must meet at least once a month and the Chairperson in his or her own discretion may call further meetings from time to time or if at least three members of the Executive Committee request in writing that a meeting must be convened.
- 4.5.2 The minutes of the previous meeting should be approved and signed at the next meeting and minutes of all meetings must be properly kept.
- 4.5.3 Resolutions of the Executive Committee must be communicated to the members at the next general meeting.
- 4.5.4 The Quorum at a meeting of the Executive Committee is the majority of the members of the Executive Committee.

4.6 ROLE AND RESPONSIBILITIES

The role and responsibilities of the Executive Committee are the following:

- (a) To manage, conduct and control the affairs of the Association.
- (b) To engage any employees that it may consider necessary, set their terms of employment, dismiss such persons and regulate their duties.

- (c) To arrange for the holding or periodic meetings of the Executive Committee and of the general body of members and regulate the proceedings at meetings.
- (d) To collect funds from its members and take action to raise funds.
- (e) To keep accounts according to generally accepted accounting practice and produce financial statements.
- (f) To draw up and adopt a set of administrative rules and regulations consistent with this Constitution, relevant legislation, policies and regulations for the management and control of its affairs and amend or add to these rules and regulations at its discretion.
- (g) To issue letters of recommendation in support of applications made by its members for public road carrier permits that it approves taking into consideration the demand for the public road carrier permits and the sufficiency and adequacy of existing transportation facilities in the area or along the route applied for.
- (h) To appoint attorneys, accountants and other professional persons to act on behalf of the Association and take legal action against persons who may act contrary to the interest of the members of the Association or in regard to the recovery of money owing to the Association or for any other legitimate reason.
- (i) To formulate policy on matters not provided for in the Constitution.
- (j) To invest the monies of the Association and to open and operate accounts with any financial institution registered in terms of any law of Parliament.
- (k) To establish or participate in a trust, agency or any other body which may directly or indirectly promote any of the objectives of the Association and undertake and execute any business of the trust, agency or body.
- (l) To print and publish any newspaper, periodical, magazine, book or leaflet considered desirable for the promotion of its objectives.
- (m) Subject to clause 12, to sell, manage, lease, mortgage, pledge, alienate, dispose of or otherwise deal with all or any of the assets of the Association.
- (n) If possible, to grant loans, donations, bursaries or financial assistance in order to directly fulfil the objectives of the Association and provide financial assistance to one or more of its members and employees and their dependants.
- (o) To establish, support and assist in the establishment of an affiliate body or bodies to achieve all or any of the objectives of the Association.
- (p) To convene an AGM and hold additional special general meetings at the times and place that it determines at its discretion or as the need arises.
- (q) At the AGM, to present its report on the activities of the Association during the previous year together with the audited accounts of the Association.
- (r) To hold a meeting of the Executive Committee at least once a month and any further meetings called by the chairperson at his or her discretion from time to time.
- (s) To provide information in respect of the activities of the Association and its members to the Registrar on his or her request.
- (t) To inform the Registrar of the outcome of disciplinary hearings and grievance procedures and to report to the Registrar any information that has come to the

attention of a member of the Executive Committee that indicates that a conflict may be developing or could develop between the Association and other Associations.

- (u) To implement a system approved by the members at an AGM under which operators and drivers are evaluated and graded.
- (v) To see to it that the members adhere to the code of conduct, grievance procedure and disciplinary procedure and to ensure that these procedures are made known to the commuting public.
- (w) To promote the interests of the travelling public and other role players in the industry.
- (x) To see to it that the Association has a proper administrative system and records are kept by the Association of its activities.
- (y) To ensure that committees such as a disciplinary committee, a grievance committee, a training committee or other committee, which may be necessary to ensure that the Association achieves its objectives, are established and are functioning properly.
- (z) To perform all other lawful tasks that are incidental or conducive to the attainment of its objectives.

4.7 COMMUNICATION CHANNELS

- (a) *(Each Association must state its own communication channels, for example secretary or public relations officer.)*
- (b) The Association must make its communication channels and procedure known to all relevant role players (authorities, commuters, other Associations, etc).

5. MEMBERSHIP

5.1 APPLICATION

- (a) A person desiring to become a member of the Association must submit a written application to the Executive Committee containing the following information:
 - i) A list of all the vehicles he or she operates, or intends to operate, as well as the registration/licence number and vehicle identification number of such vehicle.
 - ii) A list of all the operating licences (if any) held by him or her.
 - iii) A list of drivers employed by him or her on the Association's route or routes, if applicable.
 - iv) A list of both his or her previous convictions for criminal offences and those of his or her drivers.
 - v) The reasons for applying for membership of the Association.
 - vi) An undertaking to abide by the Associations Constitution and Code of Conduct
 - vii) His or her postal address.
 - viii) An indication whether he or she is under suspension or has been expelled from another Association or is a member of another Association.
 - ix) A letter of transfer from his or her current or previous Association (if applicable); and
 - x) An indication whether he or she has any outstanding applications for membership of another Association

- (b) An application fee (to be completed by the Association) shall be charged for an application for membership, which fee may be refunded in the event of the application being denied.
- (c) The Association must keep a list of all applications received in chronological order and must issue a receipt in respect of an application to the applicant concerned.

5.2 ACCEPTANCE OR DENIAL

5.2.1 If, the Executive Committee is satisfied that –

- (a) The applicant is the holder of a valid permit or operating licence and operates on The route or routes of the Association;
- (b) The vehicle in relation to which a permit is held is roadworthy;
- (c) The applicant has applied for registration with the Registrar;
- (d) The drivers employed by him or her are in possession of a public driving permit;
- (e) The applicant resides within the area of operation of the Association;
- (f) The application has paid the application fee,
- (g) If the applicant has previously been a member of another Association, such applicant has submitted a clearance letter/letter of transfer from his or her previous Association.

It may accept the application. Unsuccessful applicants must be furnished with reasons for their application being unsuccessful.

5.2.2 An Association may accept an applicant who does not hold a permit or operating licence, but such applicant will on acceptance become a conditional member and will only qualify (and may then apply) for full membership on obtaining a valid operating licence

5.2.3 The Association must recommend on a first-come-first-serve basis, the issue of an operating licence to a conditional member.

5.3 RIGHTS, DUTIES AND LIMITATIONS OF A CONDITIONAL MEMBER

A conditional member –

- (a) Has the right to request the Association to recommend his or her application for an operating licence;
- (b) May participate in the General Meeting, AGM and Special General Meeting with observer status only, which means that he or she may attend and participate but may not vote;
- (c) Cannot be elected as an office bearer of the Association;
- (d) Cannot represent the Association in any forum, committee, etc;
- (e) Cannot speak on behalf of the Association; and
- (f) Shall not operate any vehicles on any route until an operating licence has been granted to him or her.

5.4 TERMINATION OR MEMBERSHIP

Membership of the Association may be terminated it –

- (a) a member fails to pay the annual affiliation fee or any other fee or levy laid down in this Constitution or rules and regulations of the Association;
- (b) a member fails to adhere to the objectives of the Association or violates the objectives or disregards a decision of the Association;

- (c) a member joins any other Association operating on the route or routes that is/are operated by the Association without the consent of the Association;
- (d) the member no longer holds a public road carrier permit or operating licence relating to the vehicle operated by the member on the route or routes of the Association.
- (e) a member has been found guilty of a contravention of this Constitution or the code of conduct.

5.5 APPEAL PROCEDURE

If a membership application of a operating licence-holder is refused by the Executive Committee, the operating licence holder or Association may lodge a written appeal with the Secretary for submission at the next General Meeting. The decision of the General Meeting is final.

5.6 DUTIES AND RIGHTS OF MEMBERS

5.6.1 Subject to clause 5.3, the duties of members of the Association are the following:

- (a) To pay annual affiliation fees or any other fees or levies laid down in this Constitution or rules and regulations of the Association or by a decision of the members of a General Meeting;
- (b) To ensure that a vehicle to which a permit is applicable is being driven by a person who is in possession of a valid driver's licence and public or professional driver's permit, as applicable.
- (c) To ensure that no person uses a vehicle in respect of which a public road carrier permit has been issued in a manner inconsistent with the Road Transportation Act, 1977, the regulations made there under or any amendment act replacing the Road Transportation Act, 1977.
- (d) To ensure that permits are not disposed or in a manner inconsistent with the Road Transportation Act, 1977 the regulations made there under or any amendment act replacing the Road Transportation Act, 1977.
- (e) To refrain from applying for additional public road carrier permits along the same route or routes, unless the Association at a general meeting decides that there are insufficient taxis along the route or routes concerned to cope with the demand for taxi transportation along such route or routes.
- (f) To provide registration information to the Association.
- (g) To comply with this Constitution, Code of Conduct and grievance procedure and to ensure that any driver in the employ of a member complies with the provisions of this Constitution and Code of Conduct.

5.6.2 Subject to Clause 5.3 the rights of members of the Association are the following:

- (a) To utilise all or any ranks allotted to or operated or controlled by the Association.
- (b) To require the Association to take all reasonable steps to protect the interests of its members and ensure that there is no unlawful and unfair competition between members.

- (c) To receive written notice of all meetings of the Association and every other occurrence which affects the rights of each member, not less than 7 days prior to such meetings or occurrence.
- (d) To resign on giving one month's written notice to the secretary of the Association.
- (e) To vote at all meetings through the secret ballot (excluding conditional members)
- (f) To receive all benefits, information and privileges afforded to full members and conditional members, respectively.

5.7 MEMBERSHIP LIST

(To be filled in by Association)

6. GENERAL MEETINGS AND ANNUAL GENERAL MEETING (AGM)

6.1 GENERAL MEETINGS

- 6.1.1 A general meeting of the Association shall be held at least once every two months, and if deemed necessary be held monthly.
- 6.1.2 The purpose of a general meeting is to give the opportunity to the Executive Committee to report back to the members of the Association regarding any matter of interest to the Association and to consult with the members of the Association and deal with all matters that should be dealt with at such meeting in terms of this Constitution.
- 6.1.3 Members shall be given written notice of a general meeting at least 7 days prior to the date of such meeting.
- 6.1.4 The Executive Committee shall compile a schedule of general meetings to be held during the financial year of the Association and must distribute the schedule to the members of the Association at the first general meeting.
- 6.1.5 The quorum at a general meeting is the majority of the members. If a quorum is not present within 30 minutes of the time fixed for the general meeting, the meeting must adjourn for seven days to a time and place announced by the chairperson. At the adjourned meeting, the members present will constitute a quorum. Notice of the adjourned meeting must be given to all members.
- 6.1.6 The following must be permanent items on the agenda of the general meeting:
 - (a) Chairperson's report
 - (b) Secretary's report
 - (c) Treasurer's report.
- 6.1.7 Only members who can prove their identity and whose membership fees have been paid up to the date of the meeting, may vote at general meetings. An identity document, passport or a membership card will serve as proof of identity.

The chairperson has a casting vote in addition to a deliberative vote except in respect of the election of office bearers of the Executive Committee.
- 6.1.8 The treasurer must prepare a financial statement for the general meeting.

- 6.1.9 Voting with regards to elections, changes to the Constitution and the dissolution of the Association shall be by secret ballot. All other voting may be by show of hands unless the chairperson either directs that voting must be by secret ballot or at least 20% of the members present and entitled to vote call for such a secret ballot.

6.2 ANNUAL GENERAL MEETING (AGM)

At the AGM -

- (a) the minutes of the previous AGM and special general meetings must be approved or altered and signed by the chairperson at the next general meeting;
- (b) the chairperson's report on the affairs of the Association for the year under review must be considered and approved;
- (c) the audited annual financial statements for the previous financial year and the budget for the ensuing financial year must be considered and approved;
- (d) the Executive Committee, members of the Grievance Committee and Disciplinary Committee must be elected;
- (e) the Constitution may only be amended by a two-thirds majority of members present and voting and approved by the Registrar;
- (f) non-executive office bearers of the Association must be elected;
- (g) no voting by proxy may be permitted and voting must be by secret ballot; and
- (h) the annual affiliation fee and levies payable by the members to the Association must be determined.
- (i) Minutes of the AGM must be submitted to the Registrar within 10 days after the date of the meeting.

6.2.1 DATE AND LOCATION

The AGM must take place in the months of February, March or April (*month to be filled in by Association*) of each year at the time and place determined by the Executive Committee.

6.2.2 PROCEDURE FOR NOTICE OF MEETING

Notice of the time, place and date of the AGM must be given to members in writing at least 7 days prior to the meeting.

6.2.3 QUORUM

- (a) The quorum at an AGM is the majority of the members.
- (b) If a quorum is not present within 30 minutes of the time fixed for the AGM, the meeting must adjourn for seven days to a time and place announced by the chairperson. At the adjourned meeting, the members present will constitute a quorum. Notice of the adjourned meeting must be given to all members.

6.2.4 AGENDA AND MINUTES

The following must be permanent items on the agenda of the AGM:

- (a) Chairperson's report
- (b) Secretary's report
- (c) Treasurer's report supported by the necessary bank or other statements.

Minutes must be kept of every AGM and must be submitted to the Registrar within 10 days after the date of the meeting.

6.2.5 VOTING

- (a) Only members (excluding conditional members) whose membership fees are paid up may vote at the AGM. Members may be requested to prove their identity.
- (b) Subject to clause 4.2, the chairperson has a casting vote in addition to a deliberative vote except in respect of the election of office bearers of the Executive Committee.
- (c) Voting with regards to elections, changes to the Constitution and the dissolution of the Association shall be by secret ballot. All other voting may be by show of hands unless the chairperson either directs that voting must be by secret ballot or at least 20% of the members present and entitled to vote call for such a secret ballot.

6.2.6 Financial Statements

The treasurer must prepare a financial statement for the AGM, which shall be audited by the independent auditors.

7. SPECIAL GENERAL MEETING

7.1 RIGHT TO CALL SPECIAL GENERAL MEETING

7.1.1 A special general meeting may be called by:

- (a) A member of the Executive Committee
- (b) A member of the Association with written support of 20% of the member of the Association
- (c) The Registrar.

7.1.2 A special general meeting may be called in circumstances such as the following:

- (a) Loss of confidence in the Executive Committee.
- (b) Filling of posts vacated before the expiry date.
- (c) Any other circumstances deemed necessary by the Executive or members.
- (d) Any other circumstances deemed necessary by the Registrar.

7.2 PROCEDURE

7.2.1 When the secretary receives a request for a special general meeting, he or she must determine a date, time and place of meeting in consultation with the Executive Committee.

7.2.2. The secretary must give at least 7 days written notice of a special general meeting.

7.3 QUORUM

7.3.1 The quorum at a special general meeting is 5the majority of the members.

7.3.2 If a quorum is not present within (fixed time, for example 30 minutes) the time fixed for a meeting the meeting must adjourn for seven days to a time and place

announced by the chairperson. At the adjourned meeting the members then present will form a quorum. Notice of the adjourned meeting must be given to all members.

7.4 VOTING

- 7.4.1 Subject to clause 5.3 only members whose membership fees have been paid up may vote at special general meetings. An identity document, a passport or a membership card will serve as proof of identity.
- 7.4.2 The chairperson has a casting vote in addition to a deliberate vote except in respect of the election of office bearers of the Executive Committee.
- 7.4.3 Voting with regards to elections, changes to the Constitution and the dissolution of the Association shall be by secret ballot. All other voting may be by show of hands unless the chairperson either directs that voting must be by secret ballot or at least 20% of the members present and entitled to vote call for such a secret ballot.

8. FINANCE AND EXTERNAL AUDITING

8.1 ANNUAL AFFILIATION FEE

- 8.1.1 The amount of affiliation fee to be paid annually to the Association by each member is as recommended by the Executive Committee and approved at the AGM or a special general meeting. The Executive Committee may at its discretion collect this fee from the members.
- 8.1.2 No funds of the Association may be utilised for any purpose other than for investment or for the objectives for which the Association has been established.

8.2 FINANCIAL YEAR

The financial year of the Association ends on *(to be filled in by Association, however recommended date is end of February of each year)* in each year. The treasurer shall draw up a quarterly financial statement for submission to the Executive Committee.

8.3 BOOKS OF ACCOUNT

- 8.3.1 A banking account or accounts must be opened in the name of the Association and all the funds of the Association must be deposited in it.
- 8.3.2 Books and records must be properly kept in accordance with sound accounting principles.
- 8.3.3 Audited accounts must be submitted at the AGM or whenever required by the Executive Committee.
- 8.3.4 The treasurer and two appointed members of the Executive Committee are responsible for all payments into and withdrawals from the account of accounts and are the only members entitled to sign financial document on behalf of the Association.
- 8.3.5 All withdrawals from any account of the Association shall require two signatories of persons authorised thereto.

8.4 EXTERNAL AUDIT

An independent auditing firm must be appointed by the Association at the AGM to audit its books for the coming financial year

8.5 RATIFICATION OF EXPENDITURE

- 8.5.1 Expenditure incurred must be according to an annual budget approved at the AGM or such budget as adapted at a special general meeting and members have the right to scrutinise the financial statements/documents quarterly.
- 8.5.2 The Procedure for deciding on an incurring expenditure shall be as follow: A discussion must take place and a decision must be taken at a formal Executive Committee meeting which is minuted as the generation of a request/instruction to the treasurer, in full compliance with documentation requirements, including orders, invoices and receipts.

9. DISCIPLINARY FUNCTIONS

9.1 DISCIPLINARY COMMITTEE

- 9.1.1 A disciplinary committee must be elected at the AGM consisting of:
- (a) A chairperson referred to in clause 4.1 (a) (viii)
 - (b) Two members (excluding conditional members) of which one must be appointed at the first meeting of the Disciplinary Committee to serve as its secretary.
- 9.1.2 The term of office of the members of the disciplinary committee must run concurrently with that of the members of the Executive Committee.
- 9.1.3 In an event that the Executive Committee is disbanded such action will also lead to automatic disbandment of the disciplinary committee.
- 9.1.4 All replacements and filling of vacancies in the Disciplinary Committee must be dealt with according to the same principles and procedures applicable to replacements of the members of the Executive Committee

9.2 DISCIPLINARY PROCEDURE

The disciplinary procedure to be followed against a member is contained in Annexure B

10. GRIEVANCE FUNCTIONS

(To be completed)

11. AMALGAMATION

A decision of the Association to amalgamate with another Association shall be taken at an AGM or special general meeting at which not less than 80% of the members are present by a two-third majority of the members (excluding conditional members) of the Association.

12. ALIENATION OF ASSETS

A decision regarding the selling, mortgaging or alienation of the assets of the Association, above the value of *(to be completed by the Association)*, shall be taken at an AGM or special general meeting at which not less than 80% of the members are present by a two-third majority of the members (excluding conditional members) of the Association.

13. AMENDMENT OF CONSTITUTION

This Constitution may only be amended at an AGM or special general meeting at which not less than 80% of the members are present and if a two-third majority of the members (excluding conditional members) of the Association approve such amendment. A proposed amendment to this Constitution shall only become effective after the Registrar has approved it.

14. DISSOLUTION OF ASSOCIATION

The decision to dissolve the Association should be taken by two-thirds of the members (excluding conditional members) at an AGM or a special general meeting, at which the quorum will be 80% of the members.

The decision on how to deal with the Association's assets must be taken by a two-thirds majority. (Excluding conditional members)

15. PROVINCIAL EDUCATIONAL TRANSPORT COUNCIL

(To be completed)

STANDARD CODE OF CONDUCT

1. GENERAL STATEMENT

It is imperative that the Association aspires to attain and maintain the highest possible ethical standards, in its own interest and in the interest of the transport industry.

Operators should run their business as a service to the public. It is therefore vital for the industry to gain the respect and support of the public it serves. Operators should also strive towards a violent free transport industry.

The Code of Conduct is not intended to be exhaustive, and the Association and Registrar have final discretion in deciding on the propriety or otherwise of a complaint received.

1.1 OPERATORS

- (a) Operators must conduct their business with due regard to the safety of the public. This means that operators must do everything in their power to ensure that no violent incidents occur.
- (b) Operators must not use vehicles that are unsafe, unroadworthy or for which no certificate of fitness ("roadworthy certificate") has been issued under the road traffic laws.
- (c) Operators must exercise proper control over their drivers.
- (d) Operators may not use drivers who are not adequately trained.
- (e) Operators must adhere to the provisions of the Constitution.
- (f) Operators must maintain confidentiality with regard to the internal affairs of the Association.
- (g) Operators may not organise or participate in any subversive activity against the Association or other, local association and regional and provincial structures created in the transport industry.
- (h) Operators may not hold membership of more than one Association operating on the same route or routes without the consent of the Association.
- (i) An operator who, as a member of the Association, has been duly elected to any office must perform the duties of his office diligently and to the best of his ability.
- (j) Operators may not without good cause, fail to attend meetings of the Association.
- (k) Operators shall not take part in personal attacks on or slander an office bearer or a staff member employed by the Association.
- (l) Operators shall not without good cause fail to appear before the disciplinary committee of the Association when called upon to do so.
- (m) Operators' vehicle must at all times be neat, roadworthy and be kept in accordance with the requirements of the roadworthy certificate.
- (n) Operators must at all times carry in or display on their vehicles the Association's logo and number, the operating licence the roadworthy certificate, the rank token

(if applicable), such distinguishing marks as might be issued, and the operator's name, address and telephone number.

- (o) In the event of a breakdown, the operator's vehicle must without delay be removed from the roadway. If possible, an alternative vehicle should be provided to ensure that the passengers reach their destinations as swiftly as possible.
- (p) Route information must be displayed on the vehicle, as prescribed by provincial legislation.

1.2 DRIVERS

- (a) Drivers may not participate in violent activities or activities that could in any way induce violence
- (b) Drivers must adhere to the rules of the road and particularly refrain from driving negligently or recklessly. Drivers must therefore obey all laws and rules promulgated under any Act, regulation or ordinance relating to the driving and maintenance of vehicles or public roads.
- (c) Drivers may under no circumstance disrupt the normal operations of road traffic in any manner.
- (d) Drivers must refrain from continual and persistent minor traffic violations such as parking offences.
- (e) Drivers may only drive roadworthy vehicles registered with the Registrar and the Association.
- (f) All registered drivers must carry proof of registration in their vehicles.
- (g) Drivers are entitled to register with a drivers' association.
- (h) Drivers must hold a valid public or professional driver's permit and a driver's licence.
- (i) Drivers may not use foul language or conduct themselves in a disorderly manner in public.
- (j) Drivers must at all times treat passengers with respect and courtesy and take great care to ensure the comfort and safety of passengers.
- (k) Drivers must render passenger any assistance that is necessary.
- (l) Drivers may not overcharge passengers.
- (m) Drivers may not operate vehicles for public conveyance if the vehicles are unsafe or unfit to be so operated.
- (n) Drivers may not operate vehicles that are not clean and neat in appearance.
- (o) Drivers must be clean and neatly dressed.
- (p) Drivers may not obstruct operations at a rank.
- (q) Drivers must load passengers on a first-come, first served basis.
- (r) Drivers of the first three vehicles at a rank must be in or in the immediate vicinity of their vehicles.

- (s) Drivers may not repair or maintain vehicles at ranks and stopping places or at the educational institution.
- (t) Drivers may not gamble or use intoxicating liquor at taxi facilities.
- (u) Drivers may not litter and may also not allow passengers to litter.
- (v) Drivers may not smoke in their vehicles.

1.3 OPERATORS AND DRIVERS

- (a) Operators and drivers must at all times strive to maintain a good relationship with the authorities and law enforcement officers.
- (b) Operators and drivers must co-operate with and obey any police officer, traffic officer or transportation inspector and carry out all instructions given by them to assist them in carrying out their official duties.
- (c) Operators and drivers may not make press, radio or television statements unless properly authorised by the Association on behalf of which the statements are made.
- (d) Operators and drivers may not publish or distribute a pamphlet or document with regard to the affairs of the Association without its consent.
- (e) Operators and drivers may not call, hold or attend protest meetings or arrange any other form of protest against the Association in manner that is contrary to the provisions of the Constitution or the grievance procedure.
- (f) Operators and drivers may not take part in any political activities on behalf of or in the name of the Association without the consent of the members.
- (g) Operators and drivers may not threaten or intimidate any person.

1.4 EDUCATIONAL SPECIFIC CONDUCT

- (a) Drivers should not off load passengers at any other point at the educational institution than the point/s identified by the institution, which should preferably be on the terrain of the institution.
- (b) Drivers shall at all times ensure that they are on time and provide the transport services according to the legal contract.
- (c) Drivers should keep record of all passengers transported in the register to be kept in their vehicles at all times. This record should be kept up to date at all times
- (d) Drivers shall not transport any person other than passengers for which provision is made in the Contract.

2. GENERAL

- 2.1 This code of conduct is also binding on all staff members of the Association.
- 2.2 If a breach of this code of conduct comes to the attention of any operator, driver, commuter, authority or law enforcement officer, it must immediately be reported to the Association.

ANNEXURE C

STANDARD CONTRACT

1. AGREEMENT

THIS AGREEMENT is made between:

.....

(The Educational Institution)

hereafter called the "**Institution**", whose physical address is:

.....
.....
.....
.....

of the first part, and:

.....

(The Educational Transport Operator)

hereafter called the "**Operator**", whose physical address is:

.....
.....
.....
.....

operating on the authority of the following operating licence/s:

.....

of the second part.

The Special Procedures for Legalisation and Provision of Educational Transport Services and its annexures, plus revisions thereof shall form part of this Agreement.

2. THE SERVICES

There might be a need for the following (herein after called the Services):

- A Transport services to and from the educational institution on a regular basis.
- B Transportation of lecturers, teachers, students or learners on an Ad hoc basis as defined in "The Act" as a "charter service"

and the Operator is offering to undertake the Services on the terms and conditions contained herein

3. UNDERTAKING OF THE SERVICES

1. For the consideration expressed in Clause 2 below, the Operator, subject to the following terms and conditions, undertakes to assume and be responsible for the performance in full of the Services.
2. The Operator undertakes that in connection with the performance of its obligations hereunder: -
 - 2.1 The Operator will comply with the Special Procedures for Legalisation and Provision of Educational Transport Services Regulations and its annexures.
 - 2.2 The Operator will at all times operate according to the authority of his or her operating licence.
 - 2.3 The Operator will at all times use the loading and off-loading areas as indicated by the Institution and will not load and off-load passengers at any other point at the institution.
 - 2.4 The Operator will only transport the passengers as contained in his Passenger List as part of his regular services.
 - 2.5 The Passenger List must at all times be kept up to date and must be available in the vehicle for inspection.
 - 2.6 The Operator shall ensure that passengers are off-loaded and loaded at the Institution on the times as agreed by the parties.
 - 2.7 The Operator shall at all times keep the Record of Particulars of Trips up to date and available for inspection.
 - 2.8 If the Operator is contracted by the Institution for a Chartered Service, the Operator shall provide the Service on the route, date and time of travel as decided by the Institution.
 - 2.9 In the case of a Chartered Service the Operator or his or her driver will not charge the passengers individual fares.

4. REMUNERATION

3. The Operator will obtain payment for the Services direct from the passengers and the Institution has no obligation to assist with the collection of payment and is not liable for any payments due to the Operator by passengers.
4. If the Institution chooses to enter into agreement with the Operator for the provision of Services on behalf of its lecturers, teachers, students or learners, or wishes to contract the Operator for a Chartered Service, payment for the Services will be according to a separate agreement. Services shall however still be provided according to the principles of this contract.

5. TERMINATION OF AGREEMENT

5. Without prejudice to any rights or remedies which the parties may have against each other or to any other provision of this Agreement, this Agreement may be terminated forthwith by either party:

- 5.1 In the event of either party committing any breach of this Agreement which is remediable and not remedying the same within 21 days of written notice from the other party requiring such remedy or
- 5.2 Upon written notice by either party to the other party if: -
- 5.2.1 being a partnership any partner in either party shall become bankrupt or have a receiving order or administration order made against him or shall make any composition or arrangement with or for the benefit of his creditors or shall make any conveyance or assignment for the benefit of his creditors or shall grant any trust deed on behalf of his creditors or shall purport to do so or shall have any application made against him under the Insolvency Act, 1936 (Act No. 24 of 1936) for the time being in force for the sequestration of his estate or
- 5.2.2 being a company a order is made or an effective resolution is passed for the liquidation or winding up or any similar judicial process or
- 5.2.3 either party ceases or threatens to cease to carry on its business or substantially the whole of its business or disposes of its undertaking or stops or threatens to stop payment of its debts, or loses its licence/s to operate its business.

6. NON-TRANSFERABLE

6. The rights and obligations of each of the parties of this Agreement are personal to such party and may not be assigned, sub-contracted, charged, delegated or transferred in any way whatsoever by such party without notification to the other party and the written consent of the Provincial Registrar.

7. MEDIATION AND/OR LEGAL PROCEEDINGS

7. Any notice required or authorised to be given under this Agreement or any other communication between the parties provided for under the terms of this Agreement shall be served by pre-paid registered letter or airmail letter (as appropriate) or by cable or by telex or facsimile addressed to either party at the address given above or any other address notified to the other as its address for service.

Any notice so given by post shall be deemed to have been serve three days after the same shall have been posted and any notice so given by cable shall be deemed to have been served twenty-four hours after it shall have been despatched and any notice so given by telex or by facsimile shall be deemed to have been received on despatched and in proving such service it shall be sufficient to prove that the letter cable or telex or facsimile containing the notice was properly addressed and as the case may be put into the post, handed to a cable officer or transmitted. Any such notice transmitted by facsimile shall be confirmed by letter.

8. This Agreement shall be governed and construed and performed solely in accordance with South African Law.

SIGNED for and on behalf of the Institution at.....on this
.....day of20..... in the presence of the undersigned
witnesses.

SIGNED BY
for and on behalf of the Institution

in the presence of (Witness)

SIGNED for on and on behalf of the Operator at.....on this
.....day of20..... in the presence of the undersigned
witnesses.

SIGNED BY
For and on behalf of the Operator

in the presence of (Witness)

PROVINSIALE KOERANT

(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampste Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie. Indien eksemplare van die Provinsiale Koerant verlang word, moet R7,30 vir elke eksemplaar gestuur word.

Intekengeld (vooruitbetaalbaar)

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

Halfjaarliks (posvry)	R190,00
Jaarliks (posvry)	R 380,00
Prys per los eksemplaar (posvry).....	R 7,30

Seëls word nie aanvaar nie.

Sluitingstyd vir die Aannee van Kopie

Alle advertensies moet die Beampste Belas met die Provinsiale Koerant bereik nie later nie as 12:00 sewe werksdae voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampste oorhandig word nie later nie as 10:30 op die Donderdag van die week voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R2,60 per sentimeter of deel daarvan, enkelkolom.

Advertensiegelde is vooruitbetaalbaar aan die Beampste belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Administrasie

PROVINCIAL GAZETTE

(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied. If copies of the Provincial Gazette are required, R7,30 must be sent for each copy.

Subscription Rates (payable in advance)

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

Half-yearly (post free)	R 190,00
Yearly (post free)	R 380,00
Price per single copy (post free)	R 7,30

Stamps are not accepted

Closing time for acceptance of copy

All advertisements must reach the Officer in Charge of the Provincial Gazette not later than 12:00, seven working days prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge not later than 10:30 on the Thursday of the week preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

Advertisement Rates

Notices required by Law to be inserted in the Provincial Gazette: R2,60 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300.

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