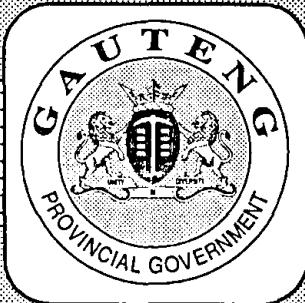


THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

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No. 408

## GENERAL NOTICE

### NOTICE 3447 OF 1997

#### DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

#### GAUTENG INTERIM BILL TO REGULATE MINIBUS TAXI-TYPE SERVICES

The Gauteng Provincial Legislature proposes to introduce the above-mentioned Bill in the Gauteng Legislature on or about 2 December 1997.

The purpose of the Bill is to provide for the interim regulation of minibus taxi-type services; to provide for the establishment of a Provincial Transport Commission and a provincial Taxi Registrar; to exclude the provisions of the Road Transportation Act, 1977, from applying to minibus taxi-type services; and to provide for matters connected therewith.

Public hearings on the Bill will be held on:

Date: 11, 13 November 1997.

Time: 09:00–16:00.

Venue: The Auditorium, Gauteng Provincial Legislature, corner of Loveday and President Streets, Johannesburg.

The above-mentioned Bill will be published in English, Afrikaans, Zulu, North Sotho, in *Gauteng Provincial Gazette Extraordinary* No. 408 on Thursday, 6 November 1997, for general information. Persons who wish to comment on the Bill may send their comments to—

The Legislature Secretary  
Gauteng Provincial Legislature  
Private Bag X52  
MARSHALLTOWN  
2107.

Copies of the *Gauteng Provincial Gazette Extraordinary* may be obtained from the Provincial Government, Fifth Floor, 30 Simmonds Street, Johannesburg.

1 September 1997

## GAUTENG INTERIM BILL TO REGULATE MINIBUS TAXI-TYPE SERVICES

**To provide for the interim regulation of minibus taxi-type services; to provide for the establishment of a Provincial Transport Commission and a Provincial Taxi Registrar; to exclude the provisions of the Road Transportation Act, 1977, from applying to minibus taxi-type services; and to provide for matters connected therewith**

**B**E IT ENACTED by the Provincial Legislature of Gauteng, as follows:—

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Master copies supplied by Gauteng Provincial Government.

## 1. Definitions

In this Act, unless the context indicates otherwise--

"*Ad hoc* authorization" means an authorization to undertake minibus taxi-type transport on an ad hoc basis as contemplated in section 26;

"Advisory Panel" or "Panel" means the Gauteng Permit Board Advisory Panel established by section 14;

"association" means a formal grouping of minibus-taxi operators or body to which two or more of these groupings are affiliated, which is formed not for gain, its main object being to promote the group interests of its members, and which intends to apply its income in promoting those interests;

"authorized official" means an inspector, a member of the South African Police Services, or a person in the service of the Province or a municipality whose duty it is to inspect motor vehicles or licences for motor vehicles or to control traffic;

"Board" means the Gauteng Transport Permit Board established as a local road transportation board under section 4 of the Road Transportation Act, 1977 (Act No. 74 of 1977);

"business partner" means a partner in the case of a partnership agreement, a co-director in the case of a company or a co-member in the case of a close corporation;

"Commission" means the Provincial Transport Commission established in terms of section 27;

"Department" means the Gauteng Department of Transport and Public Works;

"forum" means a grouping of officials, representatives of the minibus taxi industry and others established for a metropolitan area in terms of section 10;

"Head of Department" means the Head of Department responsible for transport in Gauteng;

"holder" in relation to a permit means the person in whose favour the permit was issued;

"inspector" means an inspector contemplated in section 56;

"international service" means a service in respect of which minibus taxi-type transport takes place partly within the Republic and partly within another country or in transit through the Republic to another country;

"inter-provincial association" means an association whose members pick up or set down passengers in two or more different provinces;

"inter-provincial service" means a minibus taxi-type transport service partly within the area of the Province and partly within the area of another province or provinces, and excludes an international service;

"liaison committee" means a local taxi liaison committee;

"local taxi liaison committee" means a committee of officials, representatives of the minibus taxi industry and others established for a non-metropolitan municipality or substructure under section 11;

"MEC" means the Member of the Executive Council responsible for transport in Gauteng;

"metered taxi service" means a public transport service by means of a motor vehicle with a seating capacity defined in other legislation or by regulation where the vehicle-

- (a) is able to be hailed for hire;
- (b) may stand for hire at a rank; and
- (c) is equipped with a sealed meter in working order to charge fares.

"metropolitan authority" means

- the Greater Johannesburg Metropolitan Council;
- the Greater Pretoria Metropolitan Council;
- the Lekoa-Vaal Metropolitan Council;
- the Khayalami Metropolitan Council,
- the West Gauteng Services Council;
- the East Gauteng Services Council;

or their successors in title as metropolitan authorities or other similar authorities established within Gauteng;

"metropolitan area" means the area of jurisdiction of a metropolitan authority;

"minibus taxi" means a motor vehicle used for a minibus taxi-type service;

"minibus taxi management system" means a system contemplated in section 3 that facilitates the planning of minibus taxi-type services;

"minibus taxi operator" means a person authorized by a permit to provide a minibus taxi-type service;

"minibus taxi-type service" means a regular or frequent non-scheduled public passenger road transport service authorized by a valid permit, provided on a fixed route or network of routes by means of a motor vehicle in respect of which a valid certificate of fitness or roadworthy certificate has been issued under applicable legislation which authorizes the carrying of passengers, and that is not subject to restrictions in respect of fares and time tables and excludes a metered taxi service; provided that the MEC may exclude from this definition services or vehicle types by regulation in the *Provincial Gazette*;

"minibus taxi-type transport" means "road transportation" as defined in the Road Transportation Act, 1977 (Act No. 74 of 1977) insofar as it relates to minibus taxi-type services;

"motor vehicle" means a motor vehicle as defined in the Road Traffic Act, 1989 (Act 29 of 1989);

"municipality" means a local government body as defined in the Local Government Transition Act, 1993 (Act 209 of 1993) and includes a metropolitan authority and a substructure of a metropolitan authority;

"National Transport Commission" means the National Transport Commission defined in the Road Transportation Act, 1977 (Act No. 74 of 1977);

"non-member" means the holder of a permit who does not belong to an association;

"permit" means a permit authorizing minibus taxi-type services;

"Permit Administration System" means the computerised Permit Administration System operated by the national Department of Transport;

"permit consultant" means a person who is qualified by registration in terms of section 51 to assist applicants for permits with the submission of forms and appearances;

"prescribed" means prescribed by regulation or notice in the *Provincial Gazette*;

"primary association" means an association to which no registered associations are affiliated;

"Province" means the Province of Gauteng unless the context indicates otherwise;

"RAS" means the Registration Administration System administered by the Department;

"registered" means registered or conditionally registered under section 5(3) or (4);

"Registrar" means the Provincial Registrar appointed under section 4;

"relevant metropolitan authority" means a metropolitan authority in whose area of jurisdiction passengers are picked up or set down;

"relevant municipality" means a municipality in whose area of jurisdiction passengers are picked up or set down;

"relevant provincial authority" means a provincial administration in whose area of jurisdiction passengers are picked up or set down;

"relevant taxi association" in relation to a permit application means a taxi association which operates on the route, routes or route network or area to which the application relates;

"secondary association" means an association to which two or more other registered associations are affiliated;

"TPAB" means a transport permit administrative body;

"transport authority" means the Department or a municipality responsible for preparing integrated transport plans or development plans in terms of provincial or national legislation;

"transport permit administrative body" means a transport permit administrative body contemplated in section 15;

"Tribunal" means the Road Transport Appeal Tribunal established by the National Land Transport Act, 1997;

"unauthorized minibus taxi-type transport" means transport not authorized by a permit and includes transport undertaken by the holder of a permit otherwise than in accordance with the provisions of the permit.

## 2. Planning for minibus taxi-type services

(1) Every transport authority and every municipality required to do so by a metropolitan authority must undertake planning for minibus taxi-type services for its area of jurisdiction, in the manner prescribed, on a route or network basis, as an initial step to form part of the integrated transport plan for Gauteng to--

- (a) incorporate taxi route plans to rationalise and co-ordinate minibus taxis on routes or networks;
- (b) co-ordinate and upgrade the quality of minibus taxi-type transport within, to or from its area;
- (c) ensure the provision of passenger transport to all sectors of the population subject to economic constraints.

(2) In planning for minibus taxi-type services the transport authority must consult and undertake a public participation process in the manner prescribed.

(3) In the planning process a transport authority may research or investigate as necessary or expedient for the effective carrying out of the objects of this Act.

## 3. Establishment of management systems and data banks

(1) The Department and every metropolitan authority must establish a taxi management system as part of its public transport management system, for the Province or its area of jurisdiction, as the case may be, in the manner prescribed.

(2) The Department and every metropolitan authority must establish a computerised data bank to accommodate at least the following information:

- (a) the names, addresses, office holders and members of all registered associations;
- (b) details of permits with their date of issue and the holder thereof and the motor vehicles to which they relate;
- (c) the names, identity numbers and addresses of holders, and the associations of which they are members, where applicable;
- (d) in the case of a partnership that is a holder, the names, addresses and identity numbers of all partners;
- (e) in the case of a company or close corporation, the name, address and identity number of the person authorised to represent it, and
- (f) other information specified by the MEC in regulations.

(3) The data banks referred to in subsection (2) must be capable of accessing the national Land Transport Permit System (LTPS), the National Traffic Information System (NaTIS) and the provincial Registration Administration System (RAS).

(4) Subject to the protection of privacy afforded by the Constitution, the Department, transport permit administrative bodies and metropolitan authorities must have access to the information in the various data banks.

#### 4. Appointment of Registrar

(1) The MEC must, subject to the laws governing the public service, appoint a provincial Registrar who is or has been a judge or magistrate, or an attorney or advocate who has practised as such for at least five years, or who, in the opinion of the MEC, has equivalent legal background or experience, to perform the functions assigned to him or her under this Act.

(2) The Head of Department must, subject to the laws governing the Public Service, make staff available to assist the Registrar in the performance of his or her functions.

(3) No person may be appointed as Registrar if he or she or his or her spouse or partner, immediate family, dependants, business partner or employer, has a financial interest in a business of public transport or is an elected office bearer in an association, or is engaged in an activity which, in the opinion of the MEC, will interfere with the impartial discharge of the functions of his or her office.

(4) When the office of Registrar is vacant or when the Registrar is absent or is for another reason unable to perform his or her functions, the MEC may appoint an acting registrar who must act in the Registrar's stead.

#### 5. Powers and duties of the Registrar

(1) The Registrar may--

- (a) consider and decide upon an application for registration in terms of this Act;
- (b) grant conditional registration to a primary association or inter-provincial association and their members in terms of this Act;
- (c) grant full registration to a primary association or inter-provincial association and their members, secondary association or non-member in terms of this Act;
- (d) decide upon the form of the register and certificates to be kept, maintained or issued under this Act;
- (e) take all reasonable steps to monitor and receive information with respect to the compliance or non-compliance of registered associations and their members with the provisions of the Standard Minimum Constitution required in terms of this section, or in the case of a registered non-member, with the prescribed Code of Conduct for Non-Members, and
- (f) advise the MEC and supply the MEC with information regarding minibus taxi matters.

(2) The Registrar must--

- (a) assist in the promotion of professional practices by registered associations and their members and by non-members;
- (b) take all reasonable steps to encourage associations and eligible non-members to register in terms of this section;
- (c) provide as much advice and assistance to associations and eligible non-members as is reasonably possible to enable them to apply successfully for registration, and
- (d) receive and consider applications for registration from associations and non-members.

(3) The Registrar must grant a certificate of conditional registration and a registration number to a primary association or secondary association and each of its members who upon application satisfies him or her--

- (a) that it has been in existence for a period not less than the minimum period prescribed by the MEC;
- (b) that the number of members meets the minimum prescribed by the MEC, and
- (c) that all of the information required by the Registrar has been provided and this information has been verified in the manner prescribed:

provided that conditional registration shall lapse if the association has not obtained registration within the prescribed period.

(4) The Registrar must grant a certificate of registration and a registration number to a primary association and each of its members who upon application satisfies him or her--

- (a) that it has been in existence for a period not less than the minimum period prescribed by the MEC;
- (b) that the number of members meets the minimum prescribed by the MEC;
- (c) that the constitution and code of conduct submitted by the association has been signed

and accepted by each of its members as binding upon the member;

- (d) that the said constitution and code of conduct are consistent with and encompass the provisions of the Standard Minimum Constitution prescribed in terms of this section;
- (e) that the association enjoys the support of relevant municipalities;
- (f) that each member holds a valid permit for each motor vehicle that he or she operates and that his or her operations are within the authority of the permit, and
- (g) that all of the information required by the Registrar in terms of this section has been provided and this information has been verified in the manner prescribed.

(5) The Registrar must grant a certificate of registration to a new member of a registered association who upon application made by the association on his or her behalf satisfies him or her--

- (a) that he or she holds a valid permit for each motor vehicle that he or she operates and that his or her operations are within the authority of the permit;
- (b) that he or she has signed and agreed to abide by the constitution of the association of which he or she is a member, and
- (c) that all of the information required by the Registrar in terms of this section has been provided and verified in the manner prescribed.

(6) The Registrar must grant a certificate of registration to a secondary association who upon application satisfies him or her--

- (a) that each of its affiliated associations has been registered;
- (b) that each member holds a valid permit for each motor vehicle that he or she operates and that the operations are within the authority of the permit;
- (c) that its office bearers and the office bearers of each of its affiliated associations have signed and accepted the constitution submitted by the secondary association as binding upon themselves;
- (d) that the constitution is consistent with and encompasses the provisions of the Standard Minimum Constitution prescribed in terms of this section, and
- (e) that all of the information required by the Registrar in terms of this section has been provided and verified in the manner prescribed.

(7) The Registrar must grant a certificate of registration to a non-member who upon application made by him or her satisfies him or her that--

- (a) no primary association operates on the route or routes on which he or she operates; or
- (b) although a primary association operates on the route or routes on which he or she operates, the conditions set by the association for membership are unfair in terms of the criteria prescribed in the Standard Minimum Constitution or in regulations; or
- (c) although a primary association operates on the route or routes on which he or she operates, the association has failed to obtain registration; and
- (d) he or she holds a valid permit for each motor vehicle that he or she operates and that his or her operations are within the authority of the permit;
- (e) he or she has signed and agreed to abide by the Code of Conduct for Non-Members prescribed in terms of this section, and
- (f) all of the information required by the Registrar in terms of this section has been provided and verified in the manner prescribed.

(8) The Registrar must consider and give a decision on--

- (a) the suspension, as contemplated in section 8 of the registration of a registered association, member or non-member;
- (b) the deregistration, as contemplated in section 8, of a registered association, member or non-member.

(9) The Registrar must in every calendar year submit to the MEC an annual report containing information concerning the activities of his or her office, registration of associations and their members, the registration of non-members and other matters as the MEC may direct.

(10) The Registrar must establish and keep up to date a Register of registered Taxi Associations, Members and Non-Members, and link it electronically to the Provincial Permit Administration System, the national Registration Administration System (RAS) and the data banks contemplated in section 3, in the manner prescribed.

(11) The Registrar must, on request and on payment of the prescribed fee, provide any person with statistical information from the Register.

## 6. Powers of the MEC regarding registration

(1) The MEC must prescribe a Standard Minimum Constitution for associations and a Code of Conduct for Non-Members, and may make additional rules governing the manner in which--

- (a) a registered association and its members must conduct their affairs;
- (b) a registered non-member must conduct his or her business.

(2) The MEC may make regulations--

- (a) prescribing--

- (i) the minimum number of members associations must have in order to be eligible for registration;

- (ii) the minimum period of time for which associations must have existed in order to be eligible for registration;

- (iii) other additional requirements with which an association must comply in order to qualify for registration;

- (b) determining the method of inquiry into allegations of improper conduct by registered associations, members or non-members;

- (c) providing that assistance by the Gauteng Government must be reserved for persons and associations registered under this section;

- (d) prescribing the manner in which an association or non-member must apply for registration, the fees payable to the Registrar in respect of an application and annual fees which an association or non-member must pay to the Registrar:

provided that different regulations may apply to different areas in Gauteng and for new associations as opposed to established ones.

## 7. Application for registration

(1) An association or non-member who desires to be registered must lodge with the Registrar in the manner prescribed a written application for registration, accompanied by the prescribed application fee, if any, and the information required by the Registrar or by this Act.

(2) If after considering the application and verifying the information submitted, the Registrar is satisfied that the applicant has complied with the relevant requirements, the Registrar must register the applicant and issue to the applicant a certificate of registration or conditional registration and registration number as appropriate.

(3) If after considering the application the Registrar is not satisfied that the applicant has complied with the relevant requirements, the Registrar must inform the applicant of the requirements the applicant has failed to meet, and may provide the applicant with advice and assistance to enable the applicant to meet the requirements.

(4) Upon registration of an inter-provincial association, the Registrar must forward a copy of the certificate of registration and all registered details of the association to the registrar or department responsible for transport affairs in each province to or from which the members of the association operate.

(5) Upon receiving an application from an inter-provincial association which has already obtained registration in another province, the Registrar may register the association if it meets the relevant requirements specified in this Act, but may exempt the association from the obligation to pay an application fee and annual registration fees, if it has paid or will have to pay similar fees in another province.

## 8. Disciplinary measures

(1) On receipt of a complaint, accusation or allegation or on the ground of information which has come to his or her notice and which may point to the failure of an association or non-member registered in terms of this section to comply with the rules set out in the Standard Minimum Constitution or Code of Conduct for Non-Members as appropriate, the Registrar may conduct an inquiry in the manner prescribed in terms of this section.

(2) The Registrar may send a written warning to a registered association or registered non-member found in terms of the inquiry to have failed to comply with the rules set out in the Standard Minimum Constitution or Code of Conduct for Non-Members, as appropriate, for reasons within the control of the association or non-member, directing that the Standard Minimum Constitution be complied with and setting out the steps to be followed within a stated period.

(3) If an association or non-member fails to comply with the warning referred to in subsection (2), the Registrar may--

- (a) impose a fine not exceeding the amount prescribed, or
- (b) send a written order signed by him or her of temporary suspension of the certificate of registration; or
- (c) send a written order signed by him or her withdrawing the certificate of registration.

(4) Immediately after issuing an order that the name of an association or non-member be struck off the Register, the Registrar must forward a certified copy thereof to a senior official in a government department or institution providing benefits or assistance to that association or its members or that non-member.

(5) A person who is dissatisfied with a decision of the Registrar, may take the matter on appeal to the MEC within the time and in the manner prescribed by regulation before resorting to a court of law.

## 9. Panel of assessors

(1) The MEC may establish a panel of assessors for the Registrar and determine its constitution and functioning by regulation.

(2) The Panel must advise the Registrar on the performance of his or her functions.

(3) No person may be appointed as an assessor if he or she or his or her spouse or partner, immediate family, dependants, business partner or employer holds a financial interest in a business of public transport or is an elected office bearer in an association, or is engaged in an activity which, in the opinion of the MEC, will interfere with the impartial discharge of his or her duties.

## 10. Establishment of taxi forums

(1) Each metropolitan authority must establish a taxi forum.

(2) The following bodies must be represented on the forum in the manner prescribed by regulation or recommended in guidelines--

- (a) the metropolitan authority;
- (b) each local taxi liaison committee in the metropolitan area;
- (c) registered taxi associations operating in the metropolitan area;
- (d) representatives of relevant driver unions;
- (e) representatives of relevant passenger associations or groups;
- (f) other persons and bodies as prescribed.

(3) The forum must elect one of its members as chairperson of the forum.

(4) Forums must meet at times and in the manner and according to procedures prescribed by regulation.

## 11. Establishment of local taxi liaison committees

(1) Each municipality that is not a metropolitan authority must establish a local taxi liaison committee for its area of jurisdiction.

(2) The following bodies must be represented on the committee in the manner prescribed by regulation or recommended in guidelines--

- (a) the metropolitan authority;
- (b) the local authority in question;
- (c) registered taxi associations operating in the municipal area;
- (d) representatives of relevant driver unions;
- (e) representatives of relevant passenger associations or groups;

- (f) other persons and bodies as prescribed.
- (3) The committee must elect one of its members as chairperson of the committee.
- (4) Local taxi liaison committees must meet at times and in the manner and according to procedures prescribed by regulation.

## 12. Functions of taxi forums and liaison committees

- Taxi forums and local taxi liaison committees must--
- (a) act as a means of liaison between municipalities and taxi associations;
  - (b) act as a means of liaison between taxi associations themselves;
  - (c) act as a means of resolving problems and issues in the taxi industry and facilitating conflict resolution;
  - (d) disseminate information on new developments and other matters affecting the taxi industry;
  - (e) formulate joint policy and action plans on matters such as, but not limited to-
    - (i) training and skills development;
    - (ii) regulation and control;
    - (iii) conflict resolution;
    - (iv) fare structures;
    - (v) driver and employee relations;
    - (vi) modal integration;
    - (vii) information and data banks;
    - (viii) ranks and other facilities and their development, and
    - (ix) safety issues;
  - (f) provide input to passenger transport planning authorities, the Permit Board and other authorities, and
  - (g) undertake other functions prescribed in municipal by-laws or recommended in guidelines.

## 13. Board responsible for applications relating to permits for minibus taxi-type services

(1) The Board shall be responsible for dealing with all applications relating to permits in respect of minibus taxi-type services, subject to the provisions of this Act.

(2) Regarding the constitution and procedures of the Board, the provisions of the Road Transportation Act, 1977 (Act No. 74 of 1977) shall apply except insofar as modified or supplanted by the provisions of this Act.

## 14. Establishment of Advisory Panel to the Board

(1) An advisory panel to the Board is hereby established, to be called the Gauteng Permit Board Advisory Panel.

(2) The Advisory Panel must advise the Board on policy matters: it must not participate in individual decisions of the Board unless specifically requested by the Board, and, if requested, must provide only advice of a general and policy nature.

(3) The Advisory Panel shall consist of the members of the Board and the following members, who must be nominated by their respective organizations and appointed by the MEC:

- (a) one representative from the Department;
  - (b) one representative from each metropolitan authority;
  - (c) one representative from the minibus taxi industry;
  - (d) one representative from the metered taxi industry;
  - (e) one representative from the organized bus industry;
  - (f) one representative from the emerging or small bus industry;
  - (g) one representative from the South African Rail Commuter Corporation Limited;
  - (h) one person who is capable, in the opinion of the MEC, of representing the interests of passengers;
  - (i) one representative from organised labour relating to the minibus taxi industry;
  - (j) one representative from organised labour relating to the bus industry.
- (4) The MEC must appoint one of the Panel members as chairperson.

(5) The chairperson must designate another member of the Panel to act as chairperson if he or she is unable to attend a meeting of the Panel.

(6) A member of the Panel who is a member of the public service shall hold office at the MEC's pleasure and other members must be appointed for a period not exceeding two years and shall, subject to the provisions of this Act, hold office upon conditions as to remuneration and otherwise, as the MEC may, with the concurrence of the Member of the Executive Committee for Finance, determine when the member is appointed.

(7) The MEC may make regulations regarding meetings of the Panel and procedures at meetings.

#### 15. Establishment of Transport Permit Administrative Bodies

(1) The Head of Department must designate one or more staff members to be stationed at the offices of each metropolitan authority to fulfil the functions of transport permit administrative bodies, in the manner prescribed by regulation.

(2) The TPAB must receive completed application forms for permits in respect of services commencing in its metropolitan area together with the application fees, and must check to see that the application forms have been properly completed and that all of the necessary accompanying documentation has been submitted and is valid and acceptable, and enter details of the applications into the relevant data banks in the manner prescribed.

(3) The TPAB must then submit the applications to its metropolitan authority, relevant municipalities in the metropolitan area, the relevant forum and relevant liaison committees for recommendations.

(4) In making recommendations, metropolitan authorities must ensure that the application is in accordance with relevant integrated transport plans and other relevant transport and land use plans, and consider factors such as demand (needs) on a route basis, availability of ranking space and traffic and other metropolitan or local considerations.

(5) If no forum or liaison committee exists in respect of a route or area at the relevant time, the TPAB must submit the application for comment and recommendations to all relevant associations, unless the association has already provided comments on the application form.

(6) The TPAB must collect all of the representations and submit them with the application form and other supporting documentation to the Board for a decision.

(7) Where the proposed transport will also take place in the metropolitan area of another TPAB, the first TPAB must submit the application to the other TPAB, which must take the steps contemplated in subsections (3) to (6) and return the application with applicable recommendations to the first TPAB.

(8) Where the board of another province has referred an application to the Board for comment in respect of an applicant based in another province, the Board must refer the application to the relevant TPAB for the latter to obtain the comments and recommendations contemplated in subsection (3).

(9) Initially, transport permit administrative bodies shall be responsible only for dealing with matters contemplated in this Act, but the MEC may extend their activities to cover procedures required by the Road Transportation Act, 1977 (Act No. 74 of 1977) and other legislation.

#### 16. Application in respect of a permit

(1) A person who desires to undertake minibus taxi-type transport other than transport which may be authorized by the issue of an *ad hoc* authorization, must apply in the manner prescribed by this Act and by regulation to the Board for a permit.

(2) A holder of a permit may apply to the Board for the renewal or amendment of the permit in the manner prescribed by regulation.

(3) A person who desires to take transfer of a permit must apply in the manner prescribed by regulation and with the written consent of the holder of the permit in question, to the Board, for the transfer of the permit.

(4) All applications contemplated in subsections (1), (2) and (3) must include a detailed description of the route or routes on which the applicant operates or intends to operate and all

points where passengers are being or will be picked up or set down.

(5) All applications contemplated in subsections (1), (2) and (3) must be lodged with the transport permit administrative body established for the relevant metropolitan area.

(6) The application form in respect of applications contemplated in subsections (1), (2) and (3) must make provision for recommendations from the taxi association operating on the route, routes or network in question of which the applicant is a member, which must be completed by the association before submission of the application, or a statement to the effect that no association exists.

(7) Applicants must state on the application form whether they have been convicted of criminal offences of a nature prescribed by regulation, and if so, to list the convictions, and to state whether they or their spouses or partners or their immediate family members, dependants, business partners or employers are authorized officials or officials of the Public Service or Provincial Administration or of a municipal administration.

(8) In the case of applications for inter-provincial services, the Board must also refer the application to the Permit Board of each relevant province for recommendations.

(9) If no response is received from the board of another province as contemplated in subsection (8) within 21 days, the Board must submit the matter to the National Transport Commission or Tribunal, whichever is applicable, as an appeal. The applicant shall be exempt from paying fees relating to this type of appeal.

(10) Where application is made to the Permit Board of another province for inter-provincial transport where passengers will be picked up or set down in Gauteng, the Board must provide recommendations regarding the application to the other Permit Board, after obtaining recommendations from all relevant municipalities, forums, liaison committees and, where no forums or liaison committees exist, from the relevant associations.

(11) The Board may issue an interim permit for not more than 60 days where--  
 (a) an applicant is awaiting prescribed documentation for a replacement motor vehicle; or  
 (b) an application for the transfer of a permit is pending.

## 17. Exemptions

For the purposes of this Act, the definition of "minibus taxi-type transport" shall be deemed to exclude the following--

- (a) an individual farmer (including a partnership or company carrying on farming operations) who uses a suitable motor vehicle owned solely by him, her or it, to convey the farm's labourers--
  - (i) from a place where they have been recruited to where the farmer requires them for farming operations;
  - (ii) from a place where the farmer is or has been employing them in farming operations to another place where they may be required in the farming operations or where another farmer may require them in farming operations, or to the place where they have been recruited;
  - (iii) between a place where they have been or are to be so employed and the railway station or bus stop most convenient for their conveyance to another place to which they are to be conveyed by rail or by bus or to the place where they are to be so employed; or
  - (iv) between the place where they are so employed and another place within the Republic to do shopping or to attend a church service or funeral or for purposes of a sports or recreational meeting; or
  - (v) between a place where the farmer has recruited them and the railway station or bus stop most convenient for their conveyance to another place to which they are to be conveyed by rail or by bus,

and for the purposes of this paragraph labourers employed by a co-operative society, registered under the law relating to co-operative societies, of which the farmer is a member, or prisoners as defined in section 1 of the Correctional Services Act, 1959 (Act 8 of 1959), who are or have been or are to be employed by a farmer in his/her/its farming operations, shall be deemed to be the farmer's farm labourers;

- (b) a municipality conveying (other than the conveyance of persons for reward) by means of a motor vehicle which it owns, within its area of jurisdiction and between that area and another area which the municipality controls or in which it provides a public service or carries on an undertaking;
- (c) a municipality conveying prisoners as defined in section 1 of the Correctional Services Act, 1959 (Act 8 of 1959), whom it employs or has employed or will employ in a motor vehicle which it owns;
- (d) the conveyance, by means of a motor vehicle, of a patient to any place where he or she is to receive medical treatment from a person authorized to administer the treatment in terms of any law relating to the medical profession, or from any place where he or she has received treatment;
- (e) the conveyance (including the towing), by means of a motor vehicle, of another motor vehicle that has become defective, to a place for its repair or storage, or of persons who were being conveyed by means of the other motor vehicle at the time when it became defective, to that place or another place, provided, if the conveyance of the persons by means of the other motor vehicle at the time when it became defective constituted minibus taxi-type transport, the conveyance was authorized by a permit, and their conveyance by means of the first-mentioned motor vehicle is undertaken in accordance with the provisions of the permit and the permit is carried on the first-mentioned motor vehicle for production on demand to an authorized official;
- (f) the conveyance of persons as contemplated in the definition of "lift club" in section 1 of the Road Accident Fund Act, 1996 (Act 56 of 1996);
- (g) an hotel conveying its own guests only and their personal effects between the hotel and the nearest or most convenient railway station, airways terminal, airport or port, in a motor vehicle identified in the manner prescribed by regulation which the hotel owns solely;
- (h) the conveyance, in the course of a industry or trade or business, of persons (excluding the conveyance of an employee between his or her place of residence and place of work) by means of a motor vehicle if no reward is received for the conveyance;
- (i) a person who carries on an industry, trade or business conveying his or her employees from a place where they perform work in the course of that industry, trade or business, to another place where they will perform work, in a motor vehicle which the person owns;
- (j) an employee of the State or Gauteng or a State aided body or a company of which the State or Gauteng is the sole member and shareholder or a municipality conveying, in connection with the performance of his or her duties, in a motor vehicle which the employee owns in the performance of those duties, of a person in respect of whose conveyance that employee is entitled to receive a reward from the State or Gauteng or the State aided body or company or municipality;
- (k) the conveyance on school days of school children and teachers to or from the school which they attend, as well as the conveyance of school children and teachers for the purpose of sport or recreation or on holiday, sightseeing or educational tours by means of a motor vehicle of which the school is the sole owner. Where a vehicle is set apart for the use of a school in terms of an agreement, the school shall require a special permit as prescribed by regulation;
- (l) the conveyance by a university, technikon, technical college or teachers' training college (hereinafter referred to as an 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. Where a vehicle is set apart for the use of an educational institution in terms of an agreement, it shall require a special permit as prescribed by regulation;
- (m) the conveyance for reward by a person who has been summoned to appear at a place as a witness in a criminal case, of another person who has been summoned to appear as a witness in that case or in another criminal case, whether at the same place and on the same day or at another place or on another day, to or from the place at which the person conveyed has been summoned to appear, by means of a motor vehicle of which the first-mentioned person is the owner;
- (n) the conveyance for reward, by a person who has been summoned to appear to give

evidence before a commission with reference to which the provisions of the Commissions Act, 1947 (Act 8 of 1947), have been declared to be applicable, or before a body established under a law in terms of which that body is empowered to summon persons to appear before it to give evidence, to or from the place at which the person has been summoned to appear, of another person who has been summoned to appear before the commission or body to give evidence on the same day and at the same place, by means of a motor vehicle of which the first-mentioned person is the owner;

- (o) the conveyance of a person who must necessarily be conveyed in connection with the conveyance of persons, which in terms of paragraphs (a) to (n) does not constitute minibus taxi-type services.

#### 18. Inter-provincial transport

(1) Applicants for inter-provincial transport must apply to the Board if the minibus taxi-type transport in question commences in Gauteng, or in Gauteng as well as in another province.

(2) For the purposes of this section transport shall be deemed to commence at a place where persons board a motor vehicle by means of which the transport is effected, for the purpose of being conveyed to another place, and to terminate there.

(3) In the case of doubt as to where the transport commences, the applicant must apply in the province where the motor vehicle in question is registered.

(4) The Board may not grant an application for a permit authorizing road transportation which commences in another province, or for the renewal or transfer of the permit, or for an amendment of the permit affecting the conducting of road transportation within the other province, except with the agreement of the board established for the other province.

(5) Where the Board is unable to obtain the necessary responses from the board of another province in a referral contemplated in subsection (4), or cannot obtain the agreement of the other board within the prescribed period, the Board must submit the matter as an appeal to the National Transport Commission or Tribunal, as required by the Road Transportation Act, 1977 (Act No. 74 of 1977) or the National Land Transport Act, 1997, whichever is in force, in the manner prescribed by those Acts.

(6) Appeals concerning inter-provincial services must be made to the National Transport Commission or Tribunal as required by the Road Transportation Act, 1977 (Act No. 74 of 1977) or the National Land Transport Act, 1997, whichever is in force, in the manner prescribed by those Acts.

(7) In the case of inter-provincial services, passengers may not be picked up or set down except at points of origin and destination, unless there is no alternative service between the origin or destination and the drop off or pick up point, or relevant associations operating on the route(s) have agreed to the contrary.

#### 19. International transport

Applications for international minibus taxi-type transport and appeals relating thereto must be made to the National Transport Commission in terms of the Road Transportation Act, 1977 (Act No. 74 of 1997), or to the Regulatory Committee or Tribunal in terms of the Cross-Border Road Transport Act, 1997, whichever is in force, in the manner prescribed by those Acts.

#### 20. Disposal of application in respect of a permit

(1) Subject to the provisions of this Act, the Board through the relevant TPAB must receive and consider an application for the grant, renewal, amendment or transfer of a permit made to it thereunder, and may thereafter, in its discretion grant the application in full or in part subject to the conditions it may deem necessary, or refuse the application.

(2) The Board may not issue a permit on a radius or casual basis, and area permits shall be issued only in the case of..

- (a) feeder services provided in confined areas around a destination point, if the area is limited and defined, and
- (b) what the Board regards in its discretion as exceptional circumstances.

(3) For the purposes of subsection (2), "casual basis" shall mean a permit which authorizes the undertaking of trips on an *ad hoc* basis.

(4) The Board may not grant a transfer of a permit which authorizes conveyance in an area or within a radius of a specified point unless the authority is converted to a route or network based authority.

(5) Where an application referred to in subsection (1) is supported by recommendations from all relevant municipalities, and, where applicable, the permit boards of all other relevant provinces, the Board must grant the application in full or in part, as may be recommended, subject to the conditions it may deem fit.

(6) The Board may refuse to consider an application for the grant, renewal, amendment or transfer of a permit if it has considered and refused a previous application, which in its opinion had the same or substantially the same object as the first-mentioned application, within six months preceding the date on which the first-mentioned application was received.

(7) The Board must refuse to consider an application for the grant, renewal, amendment or transfer of a permit if all of the following are opposed to the application:

- (a) the relevant municipalities;
- (b) relevant forums and liaison committees, and
- (c) relevant associations.

(8) The Board must give preference to applicants who are resident in the metropolitan area from which the services will be operated.

(9) The Board must determine the ranks and other facilities that an applicant may use based on recommendations from relevant municipalities, and stipulate these in the permit.

(10) No permit may be granted unless the applicant is a member of an association that has been registered by the Registrar under section 7 and the application is supported in writing by the association, or the Registrar certifies in writing that the applicant qualifies as a registered non-member under that section and has applied for registration as such.

## 21. Publication of application and representations in respect of a permit

- (1) The TPAB receiving an application--
- (a) must, in the case of an application for the grant or amendment (other than an amendment referred to in paragraph (b)) of a permit;
  - (b) may, in the case of an application for the amendment of a permit so as to authorize the permanent replacement of a motor vehicle specified in the permit by a motor vehicle of which the passenger capacity is equal to or smaller than or exceeds that of the first-mentioned motor vehicle by not more than twenty percent or in the case of transfer of a permit,

publish in the *Provincial Gazette* and in at least one newspaper circulating in each area where passengers will be picked up or set down, the particulars of the application as may be prescribed by regulation, and place a notice of the application on the notice board at the offices of the Permit Board and the relevant TPAB, also in the manner prescribed.

(2) Where the applicant has not submitted recommendations from the relevant taxi forum, the TPAB must inform that forum, which must put the matter on the agenda of its next meeting for discussion, and convey its recommendations regarding the application to the TPAB.

(3) The MEC may by regulation prescribe procedures and time limits for the provision of recommendations to the Board by interested parties in respect of applications published under subsection (1).

## 22. Matters to be taken into consideration in disposing of an application in respect of a permit

(1) Subject to the other provisions of this Act, the Board must take into consideration the following in deciding whether an application should be granted or refused and in determining conditions to which a permit shall be made subject:

- (a) the provisions of an applicable integrated transport plan;
  - (b) representations from relevant municipalities;
  - (c) representations from relevant forums, liaison committees and taxi associations;
  - (d) all other representations duly submitted in relation to the application;
  - (e) the extent to which the transport is necessary or desirable in the public interest;
  - (f) the requirements of the public for transportation along the route(s) or between the points that the applicant proposes to operate, or in the area in which the applicant proposes to operate;
  - (g) the existing transport facilities available to the public along the route(s) or between the points or in the area;
  - (h) the co-ordination of all forms and modes of transport on an economically sound basis and with due regard to the public interest;
  - (i) the conservation and improvement of the environment;
  - (j) the ability of the applicant to provide in a manner satisfactory to the public the transport to which the permit relates;
  - (k) a relevant previous conviction of the applicant for an offence;
  - (l) the existence of a by-law, regulation, prohibition, limitation or restriction relevant to the proposed transport;
  - (m) whether the applicant and drivers employed or proposed to be employed by the applicant have attended training courses as prescribed by regulation or recommended in guidelines;
  - (n) other factors which, in the opinion of the Board, may be relevant to the question whether the application should be granted or what conditions should be attached to the permit.
- (2) The word "ability" in subsection (1)(j) shall include the financial ability of the applicant to provide the proposed services in a sustainable manner.

#### 23. Validity period of a permit

(1) The Board must grant permits for an indefinite period subject to a valid certificate of fitness or roadworthy certificate as required by legislation for the motor vehicle in question, the provisions relating to reregistration under section 25 and withdrawal or suspension of the permit in terms of sections 37 to 39.

(2) If, when an existing fixed period permit expires, an application for its renewal is pending before the Board, the permit shall continue in force until the application has been disposed of.

#### 24. Issue of permit and provisions thereof

(1) Subject to subsection (2), the Board through the relevant TPAB must issue, in the manner prescribed by regulation, a permit granted, renewed, amended or transferred by it.

(2) The Board may not issue a permit unless--

- (a) it is satisfied that every motor vehicle to which the permit relates is suitable for the type of transport for which it is to be used;
- (b) the applicant submits a valid certificate of fitness or roadworthy certificate, issued on or after a date specified by regulation, or a copy of the certificate authenticated in the manner prescribed.

(3) If, during the currency of a permit, the certificate of fitness or roadworthy certificate for a motor vehicle to which the permit relates, becomes invalid for any reason, the permit itself shall automatically become invalid as regards that vehicle, and the holder must submit it to the relevant TPAB within fourteen days for amendment or cancellation, as the case may be.

(4) All permits issued in terms of this section must specify the following:

- (a) the name and address of the holder;
- (b) the period for which it was granted;
- (c) the number of passengers allowed to be carried in terms of the relevant certificate of fitness or roadworthy certificate, provided that the maximum number of passengers approved by the Board shall not be exceeded;
- (d) the registration number, make, chassis number, year of manufacture, type, seating or

- passenger capacity of the motor vehicle for which the Board granted the permit;
- (e) the certificate of fitness or roadworthy certificate number and date of expiry;
- (f) the detailed route(s) or network(s) on which the relevant transport may be undertaken, as well as the points of origin and destination, all points where passengers may be picked up or set down and ranks and other facilities that may be used;
- (g) another condition which the Board in its discretion may impose.

## 25. Registration and re-issuing of existing permits

(1) Subject to subsections (2) and (3), every person who holds a permit on the date of commencement of this Act, must apply to the Board through the relevant TPAB, free of charge, in the manner and within the time prescribed by regulation, for the registration and reissuing of the permit, and produce the registration certificate and a valid certificate of fitness or roadworthy certificate issued for the motor vehicle to which the permit relates, failing which the permit will lapse and must be submitted to the relevant TPAB forthwith for cancellation: provided that the permit may be suspended for a period not exceeding one year if the applicant can prove to the Board that there are good reasons for doing so, which reasons may include but not be limited to--

- (a) illness or incapacity;
- (b) the fact that the motor vehicle is temporarily out of service due to an accident;
- (c) arrangements being made for transfer of the permit due to the death of the holder;
- (d) financial hardship due to circumstances beyond the control of the permit holder, or
- (e) the fact that the holder is prevented from operating due to a conflict situation.

(2) The Board may not reissue a permit unless the holder is a member of an association that has been registered under section 7 or is registered as a non-member under that section.

(3) All reissued permits must specify the route or network of routes on which the holder may operate except in the case of-

- (a) metered taxi services;
- (b) feeder services that are provided in a confined area around the destination point, if the area is limited and defined, and
- (c) what are regarded by the Board as exceptional circumstances.

(4) The TPAB must check particulars of permits submitted under subsection (1) and of their holders against the national Permit Administration System, and must, where necessary, correct or enter details on or into the System.

## 26. *Ad hoc* authorizations

(1) No person may undertake temporary minibus taxi-type transport upon a particular date or in connection with a particular occurrence, such as a sports event, funeral or wedding, except under the authority of an *ad hoc* authorization issued and completed under this section.

(2) A minibus taxi operator may apply to the Board for the issue, on payment of the prescribed fee, of a series of *ad hoc* authorizations.

(3) The Board must sequentially number *ad hoc* authorizations issued by it and keep a register of the authorizations with the name of the minibus taxi operator to whom they have been issued.

(4) Before commencing services contemplated in subsection (1), the operator concerned must complete an *ad hoc* authorization for the trip(s) in question in the manner prescribed by regulation and must keep the authorization on the relevant motor vehicle at all times when the service is undertaken and produce it on demand to an authorized official.

(5) As soon as possible, but not later than 72 hours after completion of the transport in question, the operator must submit a completed copy of the *ad hoc* authorization to the Board and to the relevant registered association(s) operating on the route(s) or network(s) in question.

(6) The Board may disqualify a person who habitually undertakes temporary transport services without completing the necessary authorizations, or who habitually abuses *ad hoc* authorizations, for example by undertaking regular services in the guise of temporary services, from being issued with *ad hoc* authorizations in the future or from the undertaking of the services.

**27. Establishment, function and constitution of Provincial Transport Commission**

- (1) A Provincial Transport Commission shall be established for the Province.
- (2) The interim function of the Commission shall be to hear appeals relating to applications for intra-provincial transport in respect of minibus taxi-type services, and the MEC may allocate to it other functions by proclamation in the *Provincial Gazette*.
- (3) The Commission shall consist of a departmental official and not more than four other members appointed by the MEC of whom one has at least ten years' experience in practice as an advocate or attorney, and the other must possess wide experience of or have shown ability in public passenger transport or commercial, or financial matters or the conduct of public affairs. The MEC shall appoint one of the members to be the chairperson.
- (4) Members of the Commission who are not members of the public service must be appointed for a period not exceeding five years and, subject to the other provisions of this Act, shall hold office on the conditions that the MEC may determine when making the appointments.
- (5) Members of the Commission shall be eligible for reappointment and individual members may be appointed for different periods and on different conditions.

**28. Disqualification of Commission members**

- (1) No person shall be appointed a member of the Commission--
  - (a) if he or she is an unrehabilitated insolvent;
  - (b) if he or she has been convicted of an offence involving dishonesty or has been sentenced to imprisonment without the option of a fine;
  - (c) if he or she in his or her personal capacity, or his or her spouse, partner, immediate family, dependants, business partner or employer--
    - (i) has a financial interest in a business of road passenger transport, or
    - (ii) is engaged in an activity connected with road passenger transport,which in the opinion of the MEC will interfere with the impartial discharge by the member of the duties of his or her office.
- (2) Notwithstanding subsection (1) no act, direction or decision of the Commission shall be invalid solely by reason of the fact that a member was disqualified from serving on the Commission.

**29. Vacation of and removal from office of Commission members**

- (1) A member of the Commission must vacate his or her office--
  - (a) if he or she becomes subject to any of the disqualifications for appointment mentioned in section 28;
  - (b) if he or she is removed from office under subsection (2).
- (2) The MEC may remove from office a member of the Commission--
  - (a) who has failed to comply with a condition of his or her appointment;
  - (b) who, in the opinion of the MEC, has been guilty of improper conduct or has regularly neglected his or her duties as a member of the Commission;
  - (c) who, in the opinion of the MEC, is unable to perform efficiently his or her duties as a member of the Commission;
  - (d) who, in the opinion of the MEC has failed to attend three consecutive meetings without good reason.

**30. Remuneration of members of the Commission**

- (1) The members of the Commission shall be paid the remuneration and allowances as determined by the MEC in consultation with the MEC for Finance.
- (2) A member of the Commission who is a member of the public service shall not be paid remuneration in addition to his or her salary, except for travelling and out-of-pocket expenses.

**31. Meetings of the Commission**

(1) The first meeting of the Commission must be held at the time and place determined by the MEC, and thereafter meetings will be held at the times and places determined by the chairperson of the Commission.

(2) The chairperson or, in his or her absence, the deputy chairperson, may at any time in his or her discretion convene a special meeting of the Commission, and must convene the meeting within fourteen days of receipt of a request signed by not fewer than three members of the Commission to convene a meeting.

(3) A quorum for a meeting of the Commission shall be two members.

(4) The procedure at meetings of the Commission, including the procedure for taking decisions, shall be determined by the Commission subject to the directions of the MEC, if any.

(5) The decision of the majority of the members of the Commission present at a meeting shall constitute the decision of the Commission in respect of those proceedings and in the event of an equal number of votes, the person presiding at the meeting has a casting (decisive) vote in addition to his or her deliberative (normal) vote.

(6) A member of the Commission may not take part in the discussion of or the making of decisions about a matter before the Commission in which he or she or his or her spouse, immediate family, partner or employer, other than the State, or the partner or employer of his or her spouse, has, directly or indirectly, a pecuniary interest.

(7) The Commission must hear appeals within 60 days of receipt of the notice of appeal and communicate decisions thereon to all relevant parties within the period determined by the MEC by regulation.

**32. Appeal to Commission against act, direction or decision of Board**

(1) Save as otherwise provided in this Act and subject to subsection (2), a person who-

(a) has applied to the Board for the grant, amendment or transfer of a permit or whose permit has been withdrawn, varied or suspended by the Board;  
(b) is the holder of a permit issued by the Board;  
(c) in the manner and within the time prescribed by regulation, submitted representations to the Board concerned objecting to or supporting an application,  
and is affected by an act, direction or decision of the Board, may, in the manner and within the time prescribed by regulation, after the said act was performed or the said direction or decision was given by the Board, appeal against the act, direction or decision to the Commission.

(2) Where the Board notifies a person of a direction or decision contemplated in subsection (1) by means of a written document, the date of that document shall be deemed to be the date on which that direction or decision was given.

(3) The Commission must receive and, subject to the provisions of this section and the regulations, consider an appeal lodged with it in terms of subsection (1) and may, in its discretion-

(a) reject the appeal and confirm the act, direction or decision appealed against; or  
(b) uphold the appeal, set aside the act, direction or decision appealed against, and-  
(i) substitute the Board's decision with another act, direction or decision which the Board could have performed or given; or  
(ii) remit the matter which gave rise to the appeal to the Board for consideration afresh; or  
(c) uphold the appeal partially and vary the act, direction or decision appealed against.

(4) The chairperson of the Commission or a member thereof nominated by the chairperson may, in his or her discretion and without giving prior notice to or hearing any interested party-

(a) grant an application for condonation of the late filing of a notice or appeal, provided the appeal is lodged in the manner prescribed by regulation within 42 days after the Board performed the act or gave the direction or decision appealed against, or refuse it;  
(b) grant or refuse an application to suspend the operation of an act, direction or decision of the Board appealed against;

(c) set aside an act, direction or decision of the Board appealed against and remit the matter to the Board for consideration afresh.

(5) An act, direction or decision of the Commission under subsection (3)(b)(i) or (c) shall, except for the purposes of subsection (1), be deemed to be an act, direction or decision of the Board.

(6) This section shall apply only in respect of minibus taxi-type transport operating entirely within the area of jurisdiction of Gauteng.

### 33. Staff of Commission

The Head of Department must, subject to the laws governing the provincial public service, provide the staff necessary to assist the Commission in the performance of its functions.

### 34. Publication of reasons

The Commission and Board must provide an interested party on request within 14 days with written reasons for a decision taken by them in terms of this Act.

### 35. Additional authority conveyed by a permit

A permit must, in addition to the transport expressly authorized by it, authorize also the conveyance of a person necessary in connection with the transport.

### 36. Temporary replacement of motor vehicle to which permit relates

(1) Where a motor vehicle used under a permit has become defective or is not being used temporarily because of an accident, the Board or a member thereof designated by the chairperson, may grant written permission for another motor vehicle to be used in its place, subject to subsections (2) and (3).

(2) The passenger capacity of the replacing vehicle must be equal to or smaller than or not exceed by more than 20 percent that of the vehicle to which the permit relates.

(3) The replacing vehicle may be used for a fixed period not exceeding 21 days as the Board or member determines.

(4) The replacing vehicle shall, during the period of replacement, be deemed to be the vehicle to which the permit relates.

### 37. Duties of the holder of a permit

(1) The holder of a permit must--

(a) carry the permit (or the written permission referred to in section 35) in the motor vehicle for which it was issued and produce it on demand to an authorized official;

(b) protect and keep the permit in a condition that the letters and figures on it are clearly legible and, if the permit is damaged or ceases to be clearly legible, apply for a duplicate in the manner prescribed by regulation;

(c) display the name, address and nature of business of the holder on the motor vehicle for which the permit was issued, in a conspicuous place, in the manner prescribed or in the other manner that the Board approves in writing in a particular case;

(d) exhibit the other particulars as may be prescribed by the Board in its discretion;

(e) affix and keep affixed in the manner prescribed by regulation, a distinguishing mark on all motor vehicles used in terms of the permit;

(f) ensure that all drivers of motor vehicles operating in terms of the permit have the required drivers' licences or professional driving permits.

(2) A permit issued under this Act--

(a) shall not authorize the holder to undertake transport on a public road in the area of jurisdiction of a municipality if it is unlawful under an ordinance, regulation or by-law in the area or as a result of action taken by the municipality in terms of an ordinance, regulation

or by-law, to use a motor vehicle on the road or to undertake on that road transport for which the permit was issued;

- (b) shall not exempt the holder from the obligation to comply with a requirement under a law, licence or permit issued by another authority.

(3) Every holder of a permit must submit the permit to the relevant TPAB annually for registration in the manner prescribed on or before the date of expiry of the registration certificate in respect of the motor vehicle for which the permit was issued, subject to the existence of a valid certificate of fitness or roadworthy certificate as required by legislation, failing which the permit will lapse and must be submitted to the relevant TPAB forthwith for cancellation: provided that the permit may be suspended for a period not exceeding one year if the applicant can prove to the board that there are good reasons for doing so, which reasons may include but are not limited to--

- (a) illness or incapacity;
- (b) the fact that the motor vehicle is temporarily out of service due to theft thereof or an accident;
- (c) arrangements being made for transfer of the permit due to the death of the holder;
- (d) financial hardship due to circumstances beyond the control of the permit holder;
- (e) the fact that the holder is prevented from operating due to a conflict situation..

(4) Every holder who or whose spouse, partner, immediate family member, dependant, business partner or employer is appointed as an authorized official or as an official of the Public Service or provincial administration or of a municipal administration, must forthwith notify the Board of this fact in writing. A person who becomes aware of such a relationship must likewise notify the Board.

(5) The Board may revoke a permit where it discovers a relationship contemplated in subsection (4).

**38. Withdrawal, suspension and variation of a permit for misconduct or where contract has been terminated or in case of an emergency**

(1) Subject to the provisions of subsection (2) the Board may at any time withdraw or suspend a permit for the period it may deem fit--

- (a) if the holder of the permit or an employee of the holder involved in the transport services authorized by the permit, has been convicted of an offence under this Act or under a law relating to motor vehicles or the regulation of traffic as prescribed by regulation; or
- (b) if, in the opinion of the Board, the holder of the permit has not carried out faithfully the conditions of the permit, or
- (c) if the holder is not or has ceased to be registered with the Registrar.

(2) The Board may not under subsection (1) withdraw or suspend a permit unless-- at least twenty one days' written notice of its intention to do so, together with reasons therefor, has been given to the holder of the permit by registered or certified post;

- (b) the holder has been given an opportunity, either personally or through his or her authorised representative, to appear before the Board and provide evidence or submit representations in regard to the proposed action, and

(c) relevant municipalities, forums, local taxi liaison committees and, where no forums or liaison committees exist, relevant taxi associations, have been given an opportunity to submit representations and make alternative arrangements.

(3) The Board may, in the case of an emergency or to combat unrest or conflict, temporarily suspend a permit for the period it deems appropriate, which shall not exceed seven days. In such a case the Board must give notice to the holders concerned, in the manner prescribed.

**39. Withdrawal of unused permits**

(1) Subject to subsections (2) and (3), where the minibus taxi-type transport authorized by a permit has not been undertaken for an uninterrupted period of thirty days, the holder must submit it to the relevant TPAB for cancellation.

(2) Where a holder proves to the relevant TPAB that the minibus taxi-type transport has

not been undertaken for that period because of--

- (a) illness or incapacity;
- (b) the motor vehicle being temporarily out of service due to theft thereof or an accident;
- (c) arrangements being made for transfer of the permit due to the death of the holder;
- (d) financial hardship due to circumstances beyond the control of the permit holder;
- (e) a situation of unrest.

the holder must be given a period not exceeding one year in which to resume the service, details of which must be endorsed on the permit.

(3) Where the executor or heirs of a deceased holder prove to the relevant TPAB that the holder is deceased, the permit shall remain valid for a period not exceeding one year to enable the heirs to recommence the relevant services.

#### 40. Withdrawal of surplus permits

Where the Board is satisfied that--

- (a) a municipality has by virtue of the undertaking of appropriate planning determined that there is an oversupply of minibus taxi-type transport on a given route, routes or network;
  - (b) the municipality has negotiated with the holder of a permit operating on the route, routes or networks, in consultation with the relevant forums, liaison committees and taxi associations, with a view to procuring the cancellation of excess permits by purchasing the right to the permit;
  - (c) agreement has been reached with the holder in question in a fair and reasonable manner to compensate the holder for the loss of economic benefits attached to the permit, and that payment of the compensation has been made or secured,
- the Board must withdraw the permit.

#### 41. Submission of lapsed permits

A permit that has lapsed or been withdrawn or become invalid, together with the distinguishing mark that relates to the permit, must be returned by the holder thereof to the relevant TPAB within seven days after the permit has lapsed, been withdrawn or become invalid.

#### 42. Regulations and guidelines

- (1) The MEC may make regulations--
- (a) with reference to-
  - (i) the information to be submitted with an application for the grant, renewal, amendment or transfer of a permit;
  - (ii) the procedure to be followed by a TPAB or the Board in dealing with the application;
  - (iii) the information to be submitted with an appeal to the Commission against an act, direction or decision of the Board;
  - (iv) the information to be supplied by the Board to the Commission or the appellant in connection with an appeal, and the manner in which and time within which the information must be supplied;
  - (v) the procedure to be followed by the Commission in dealing with an appeal;
  - (vi) the offences that the Board should take into account in considering permit applications under section 22;
  - (vii) the numbering of routes and allocation thereof to particular associations or minibus taxi operators, and the form and issuing of distinguishing marks in that regard;
  - (viii) regulating the undertaking of scholar transport by minibus taxi operators;
  - (ix) regulating the provision of taxi training;
  - (x) regarding conflict resolution and arbitration between associations or minibus taxi operators;
  - (xi) providing for a system of grading minibus taxi operators.
- (b) requiring the payment of fees in connection with--

- (i) an application for the grant, amendment or transfer of a permit, or
- (ii) an appeal to the Commission against an act, direction or decision of the Board;
- (iii) the issue by a TPAB of a permit, distinguishing mark or other document or a duplicate thereof,

and prescribing the amount of the fee, the circumstances in which an amount paid by way of the fee shall be forfeited or refunded in whole or in part, the amount of a partial refund and the circumstances in which an amount so paid may in the discretion of the Board or Commission be forfeited in whole or be refunded in whole or in part;

- (c) any other matter that will promote the objects of this Act.
- (2) The MEC may make guidelines regarding--
- (a) the provision of taxi training;
  - (b) the transporting of scholars by minibus taxi operators;
  - (c) any other matter that will promote the objects of this Act.

#### **43. Requirements for providing information and statistics**

(1) The Department and all municipalities in the Province must provide one another or the MEC with the transport information and statistics as the MEC may require by regulation.

(2) The Department may request municipalities to supply transport information or statistics that it requires for planning purposes, whereupon the municipality must comply with the request within the prescribed time.

#### **44. By-laws**

- (1) A metropolitan authority may in accordance with an applicable integrated transport plan--
- (a) regulate the size or number of minibus taxis that may enter a specified sector of its area of jurisdiction and determine the time or times when a minibus taxi may enter that sector;
  - (b) regulate or prohibit the entry of a minibus taxi in a specified sector during a set period;
  - (c) prohibit the picking up or setting down of passengers by minibus taxis in a specified sector during a set period, and determine the time or times when the picking up or setting down may take place.

(2) A municipality may make by-laws to further the objects of this Act that are not in conflict with this Act or regulations made thereunder, including, but not limited to--

- (a) the numbering of routes and allocation thereof to particular associations or minibus taxi operators, and the form and issuing of distinguishing marks in that regard;
- (b) the establishment and functioning of forums, local taxi liaison committees and similar bodies;
- (c) the allocation of facilities to particular minibus taxi operators or associations and the issuing of permits or licences to the operators or associations and the charging of fees in that regard;
- (d) the appointment and conduct of rank marshals;
- (e) the conduct of drivers of minibus taxis.

(3) A municipality may enter into agreements with private persons or institutions regarding the allocation or use of facilities for minibus taxi-type services situated on private property, in accordance with regulations or guidelines made by the MEC, if the allocation or use is in terms of a relevant integrated transport plan.

#### **45. Powers of the MEC**

- Apart from the powers mentioned elsewhere in this Act, the MEC may--
- (a) finance research in connection with minibus taxi-type services;
  - (b) finance demonstration or pilot projects in connection with minibus taxi-type services;
  - (c) disseminate information in connection with minibus taxi transport by means of the press, radio, television or other media;
  - (d) assist municipalities which do not have the necessary staff or capacity in the execution of the functions assigned to them under this Act;

- (e) assist in providing training for minibus taxi operators, drivers and administrators;
- (f) give guidance to associations or bodies of persons working towards the promotion of public passenger transport;
- (g) organise seminars and workshops in relation to minibus taxi-type services;
- (h) by regulation establish a demerit system for holders of permits authorizing minibus taxi-type services based on points to be recorded in respect of offences committed by the holders or employees or agents of the holders. The regulations may provide for the withdrawal or suspension of permits;
- (i) amend or withdraw a notice published under a preceding paragraph of this section, and
- (j) take other steps that may be necessary to achieve the objects of this Act.

#### 46. Offences and prohibitions

- A person who--
- (a) undertakes minibus taxi-type transport except under the authority of a permit authorizing the transport; or
  - (b) being the holder of a permit, undertakes minibus taxi-type transport otherwise than in accordance with the provisions of the permit, or fails to comply with a condition of a permit; or
  - (c) being the holder of a permit, makes it available to another person to undertake minibus taxi-type transport not authorized by the permit or by this Act;
  - (d) with intent to deceive, makes a document falsely purporting to be a permit or other document issued under this Act, or alters or defaces or mutilates or adds anything to a permit or document; or
  - (e) knowing that a document is not a permit or document issued under this Act, or that a permit or other document issued under this Act has been altered, defaced, mutilated or added to in contravention of paragraph (d), utters the writing, permit or other document or uses it for the purposes of this Act; or
  - (f) except as allowed by this Act, transfers a permit or distinguishing mark, without the consent in writing of the Board, to a motor vehicle or person other than a vehicle or person referred to or named in the permit or distinguishing mark; or
  - (g) not being an authorized official, by words, conduct or demeanour, pretends to be an authorized official; or
  - (h) wilfully obstructs or hinders or interferes with an authorized official in the exercise of his or her powers or the performance of his or her duties; or
  - (i) without sufficient reason (the onus of proof whereof shall be upon him or her) fails or refuses to appear before the Commission or Board or member thereof after having been required to do so in terms of this Act, or fails or refuses to answer to the best of his or her knowledge a question lawfully put to him or her or to produce a book, plan or other document or article which he or she has been so required to produce; or
  - (j) makes a false statement in connection with an application, appeal, inquiry or investigation under this Act, whether orally or in writing, knowing it to be false; or
  - (k) obtains a permit from the Board knowing that a permit has already been issued to some other person in respect of the motor vehicle concerned; or
  - (l) displays a distinguishing mark on a motor vehicle used for minibus taxi services, which has not been lawfully issued under this Act or any other law, or fails to display a distinguishing mark when one has been issued under this Act; or
  - (m) fails to return a distinguishing mark to the Board or destroy it upon demand being made for its return or destruction by the Board or Department;
  - (n) contravenes another provision of this Act.
- shall be guilty of an offence.

#### 47. Act or omission of manager, agent or employee of holder

- (1) Whenever a manager, agent or employee of a holder does or omits to do an act

which it would be an offence under this Act for a holder to do or omit to do, then, unless the holder proves that--

- (a) he or she did not connive at or permit the act or omission; and
- (b) he or she took all reasonable measures to prevent an act or omission of the nature in question; or
- (c) an act or omission, whether legal or illegal, of the character of the act or omission charged did not under any condition or in any circumstances fall within the scope of the authority or the course of the employment of the manager, agent or employee,

the holder shall be deemed him- or herself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and for the purposes of paragraph (b) the fact that he or she forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he or she took all reasonable measures to prevent the act or omission.

(2) Whenever a manager, agent or employee of a holder does or omits to do an act which it would be an offence under this Act for the holder to do or omit to do, the manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he or she were such holder.

#### 48. Penalties

A person convicted of an offence under this Act shall be liable on conviction to imprisonment for a period not exceeding three years or to a fine not exceeding R20 000, or to both a fine and imprisonment.

#### 49. Special emergency measures in certain areas

(1) The MEC may declare an area by notice in the *Provincial Gazette* in which the special measures provided for in this section will apply, where he or she is of the opinion that this is necessary to normalize the situation in the area by virtue of violence, unrest or instability in the taxi industry.

(2) The Department may issue a distinguishing mark to any member of an association that has been conditionally registered under section 5(3) in the manner prescribed, and the member must affix that mark and keep it affixed in the manner prescribed on all motor vehicles concerned. Such a distinguishing mark shall not exempt the member from the obligation to obtain the requisite permit and must be handed back to the Department or destroyed within twenty-four hours of demand being made for its return or destruction.

(3) In an area declared under subsection (1), an authorized official who is reasonably satisfied that a motor vehicle is being used for unauthorized minibus taxi-type transport, may impound the vehicle for a period not exceeding fourteen days unless the operator concerned proves to the satisfaction of the Department that he, she or it was not undertaking unauthorized road transportation or that he, she or it qualifies for conditional registration in terms of section 5(3).

(4) A vehicle impounded under subsection (3) may not be released until the Department is satisfied that the operator concerned has obtained the requisite permit to operate on the route concerned, or has obtained conditional registration under section 5(3), or that the situation in the area concerned has normalised in terms of a cessation of violence and lawlessness, and, in addition, an administration fee of R500 has been paid to the Department, which fees shall be used to defray the costs of establishing and maintaining the relevant pound or pounds and the balance, if any, shall be paid into the Provincial Revenue Fund.

(5) If a vehicle impounded under subsection (3) is again apprehended for undertaking unauthorized road transportation in the area, it may be impounded again, in which case subsections (3) and (4) above shall apply *mutatis mutandis*, except that the administration fee referred to in subsection (4) shall be R1000 for the second impoundment and shall be doubled for each subsequent impoundment.

(6) Impoundment of a vehicle under this section shall not exempt the operator, owner or driver thereof from being prosecuted for an offence under this Act or a law relating to the regulation and control of road traffic.

(7) The MEC may make regulations providing that one or more routes or ranks shall be

closed to the operation of minibus taxi services in an area declared under subsection (1) for a period stated in the notice, and that no person may undertake the services on the route or routes or in the rank or ranks during the period. The regulations may provide that the contravention thereof will constitute an offence and prescribe penalties in respect thereof.

(8) Regulations under subsection (7) may provide for the issuing of temporary permits to operators of motor vehicles with a carrying capacity of more than sixteen persons, including the driver, to operate the closed routes for the period of their closure.

#### 50. Effect of multiple convictions for certain offences

(1) On a second or subsequent conviction of a person of an offence involving the undertaking of unauthorized minibus taxi-type transport the Board may-

- (a) by notice in writing sent by registered or certified post, withdraw a permit held by that person or suspend any permit held by that person for the period that it may deem appropriate; and
- (b) during the period that the Board may deem fit, and irrespective of whether or not a permit held by that person has been withdrawn under paragraph (a), refuse to consider an application for the grant or transfer of a permit to him or her or to a company of which he or she is a director.

(2) For the purposes of subsection (1) a conviction of a company of an offence mentioned in that subsection shall be deemed to be a conviction also of every person who was a director of that company at the time of the commission of the offence in question.

#### 51. Presumptions, and proof of certain facts

(1) In a prosecution under this Act--

- (a) a person who has conveyed a person by means of a motor vehicle, or who has permitted the conveyance of any person in addition to the driver of the vehicle, shall be presumed thereby to have undertaken minibus taxi-type transport, unless the contrary is proved;
- (b) if it is proved that a person was conveyed in contravention of this Act by means of a particular motor vehicle, the owner of the vehicle shall be presumed to have so conveyed the person, unless it is proved that he or she was not the driver of the vehicle at the time of the conveyance and did not authorize or permit the use of the vehicle for the conveyance;
- (c) a person in whose possession any document falsely purporting to be a permit issued under this Act is found, or in whose possession a permit which has been altered, defaced, mutilated or added to in contravention of this Act is found, shall be presumed to have made the writing or to have altered, defaced, mutilated or added to the permit, unless the contrary is proved.

(2) A document which purports to be a permit issued under this Act, or a copy of the permit certified as a true copy by a person who purports to be an officer of the Board shall on its production by a person in a prosecution under this Act, be admissible in evidence and be *prima facie* proof that it is a permit which has been validly issued under this Act, or that it is a true copy of the permit, as the case may be, and that every statement contained therein is correct.

(3) A document that states that a motor vehicle is lawfully registered in the name of a person named therein, and which purports to have been issued by the authority charged with the registration of motor vehicles at the place where the vehicle is registered, shall be admissible in evidence and be *prima facie* proof of the correctness of the statements contained therein in a prosecution for an offence under this Act.

#### 52. Registration of approved permit consultants

(1) No one shall practice as a permit consultant unless he or she has been registered in terms of this section, in the manner prescribed by regulation.

(2) In order to be registered, a permit consultant must have the qualifications and experience as prescribed by regulation, and accept and sign the Code of Conduct likewise prescribed.

(3) Practising advocates and attorneys shall be exempted from the requirements of this section.

(4) A person who practises as a permit consultant without being registered in terms of this section shall be guilty of an offence and liable on conviction to the penalties prescribed by regulation.

(5) Regulations made in terms of this section may provide for suspension or deregistration of a permit consultant who has been found guilty of prescribed offences.

#### 53. Jurisdiction

A magistrate's court shall have jurisdiction to impose a penalty provided for in this Act.

#### 54. Limitation of liability

No civil or criminal proceedings shall be instituted or continued in a court of law against an authorized official by reason of an act done in good faith by any authorized official or the employer of an authorized official in terms of this Act.

#### 55. Finance

All money received by the Board under this Act must be paid into the Provincial Urban Transport Fund established by the Urban Transport Act, 1977 (Act No. 78 of 1977) or into the provincial Land Transport Fund as its successor, and all expenditure incurred in the administration of this Act shall be defrayed from money appropriated by the MEC out of those Funds: provided that an expenditure incurred in connection with the performance of the functions of an authorized official must be defrayed by the employer of the officer.

#### 56. Relation of Act to other laws

The provisions of this Act shall be additional to and not in substitution of another law related to motor vehicles.

#### 57. Inspectors

Inspectors appointed under the Road Transportation Act, 1977 (Act No. 74 of 1977) shall have the powers and functions allocated to them by that Act in respect of minibus taxi-type services.

#### 58. Repeal and transitional provisions

(1) The provisions of the Road Transportation Act, 1977 (Act No. 74 of 1977) and all regulations made thereunder shall apply to minibus taxi-type services in the Province after the date of commencement of this Act, except insofar as amended or repealed by this Act or regulations made thereunder, either directly or indirectly.

(2) Subject to the provisions of this Act, a permit issued under the Road Transportation Act, 1977 (Act 74 of 1977) shall be deemed to be a permit issued under the corresponding provisions of this Act and shall be valid for the period of issue thereof.

#### 59. Short title and commencement

(1) This Act shall be called the Gauteng Interim Act to Regulate Minibus Taxi-Type Services, 1997, and shall come into effect on a date determined by the MEC by notice in the *Provincial Gazette*.

(2) Different provisions of this Act may be brought into effect on different dates, or in respect of different areas.

(3) This Act shall terminate on the date of commencement of more comprehensive provincial public passenger transport legislation.

## GAUTENG INTERIM ACT TO REGULATE MINIBUS TAXI-TYPE SERVICES, 1997

Memorandum in terms of Rule 134 of the Standing Rules of the Gauteng Provincial Legislature.

### 1. REASONS FOR THE BILL

This Gauteng Interim Bill to Regulate Minibus Taxi-Type Services has been prepared pursuant to the recommendations of the Gauteng Taxi Initiative (GTI) and other provincial policy documents. The Province is currently engaged in a process of drafting a suite of legislation to provide for transport matters pursuant to the recommendations of the Gauteng Strategic Management Team (SMT), and having regard to the National Land Transport Bill, 1997. One of the bills contemplated is a Public Passenger (Road) Transport Bill to cater for all aspects and modes of public passenger road transport. Because of the urgent need to address the problems of the minibus taxi industry in Gauteng, to bring about order and stability in the industry and stem the tide of taxi violence, this Interim Bill to Regulate Minibus Taxi-Type Services (the Bill) has been drafted as an urgent forerunner to the Public Passenger Bill.

The main object of the Bill is to make special provision for the regulation and control of minibus taxi-type services in the short term. Some amendments to the Road Transportation Act, 1977, will have to be made to be in place alongside this Bill to cater for other road modes of public passenger transport until both are repealed by the envisaged Public Passenger (Road) Transport Act.

The policy of the Gauteng Department of Transport and Public Works is to draw the minibus taxi industry into the mainstream of the public transport industry as soon as possible. This will require the formalisation of, and assistance to, the industry. Positive efforts are being and will be made to promote integration of all public transport modes. On the face of it a dedicated taxi act, albeit as an interim measure, would seem to contradict this policy. However, care will be taken to integrate this Act and the taxi industry into the larger Public Passenger (Road) Transport Act and system as soon as possible.

The Legislature passed some urgent amendments to the Road Transportation Act, 1977 in June 1997 to provide for interim, emergency measures to combat violence and provide for the marking of minibus taxi vehicles, in the Soshanguve/Mabopane area. These changes have been taken up in the Bill.

### 2. ENVIRONMENTAL IMPACT

None.

### 3. FINANCIAL IMPLICATIONS OF THE BILL

The establishment of a Provincial Transport Commission with not more than 5 members as an appeal body, will have financial implications. The MEC will determine their remuneration in consultation with the MEC for Finance. Members of the Commission who are public servants will not be paid additional remuneration except for travelling and out-of-pocket expenses.

Money received under the Act is to be paid into the Provincial Urban Transport Fund, and

expenses are to be defrayed from that Fund. Expenses related to authorized officials will be defrayed by their employers.

A transport permit administrative body will be established for each metropolitan authority as an administrative arm of the Permit Board (local road transportation board). However, this will amount to a dispersal of staff that is currently centred in Johannesburg, and should not have financial implications.

#### 4. COMMENTS RECEIVED AND SOLICITED

A draft Bill was published for comment in the *Provincial Gazette* on 6 January 1997. Extensive comments were received from a range of stakeholders, which have been considered and accommodated, where appropriate.

The principles of the Bill arise from the deliberations of the Gauteng Taxi Initiative (GTI) which were taken up in the National Taxi Task Team (NTTT), and have also been discussed with the organised bus industry (the Southern African Bus Operators Association - SABOA). Other role players have been consulted on a wide basis, such as the provincial Permit Board (Local Road Transportation Board) and associations of transport permit consultants.

The provisions of the Bill are also in line with the recommendations of the provincial Regulation and Control Committee, the provincial Committee of [metropolitan] Officials on Regulation, Control and Co-ordination, the National Taxi Task Team (NTTT) the national Regulation and Control Working Group and the national Formalisation and Training Working Group.

#### 5. CLAUSE-BY-CLAUSE EXPLANATION

- c 1: Certain words used in the Bill are defined in this clause.
- c 2: This clause provides that metropolitan authorities and municipalities must undertake planning for minibus taxi-type services on a route or network basis.
- c 3: Each metropolitan authority and the Department of Transport and Public Works (the Department) will have to establish and maintain management systems and data banks that are compatible with national and provincial systems, such as the National Traffic Information System (NaTIS).
- c 4: This clause provides for the appointment of a provincial Registrar to register taxi associations, their members and non-members. This has already been done in terms of the abovementioned amendment to the Road Transportation Act.
- c 5: This clause provides for the powers and duties of the Registrar, which are to
  - conditionally register taxi associations whose members do not all have valid permits;
  - register associations whose members have permits, and
  - register non-members of associations who qualify.

In terms of later legislation, the duties of the Registrar will be expanded to cover other transport modes.

- c 6: This clause empowers the MEC to prescribe a Minimum Standard Constitution for taxi associations and a Code of Conduct for Non-Members, and other matters, such as the minimum number of members an association must have to register.
- c 7: This clause sets out the procedure to apply for registration.
- c 8: The Registrar may take disciplinary action against associations and non-members that do not comply with the Act or with the Minimum Standard Constitution or Code of Conduct for Non-Members. This may include deregistration.
- c 9: The MEC may establish a Panel of Assessors to advise the Registrar. This has already been done in terms of the recent amendment to the Road Transportation Act.
- c 10: Each metropolitan authority must establish a taxi forum consisting of representatives of the taxi industry, the metropolitan authority and other stakeholders, such as driver unions and passenger representatives.
- c 11: Each municipality must establish a local taxi liaison committee with similar representation to that of the forum.
- c 12: The functions of forums and liaison committees will be to act as liaison between municipalities, to disseminate information, provide input into transport planning, etc.
- c 13: The Gauteng Transport Permit Board (Board) established as a local road transportation board under the Road Transportation Act, 1977, will hear applications for permits regarding minibus taxi-type services.
- c 14: A widely representative advisory panel to the Board will be established to provide it with advice of a general nature.
- c 15: A transport permit administrative body will be established for each metropolitan authority as an administrative arm of the Board. This will amount to a dispersal of staff that is currently centred in Johannesburg.
- c 16: This clause provides for permit application procedures.
- c 17: This clause provides for exemptions from the duty to obtain a permit, for example in the case of schools and other educational institutions conveying pupils or students with their own vehicles.
- c 18: Applicants for inter-provincial services will apply for permits in the province where the transport commences, with the agreement of the boards of the other provinces. Appeals regarding inter-provincial services will be made to the National Transport Commission (NTC), and when the envisaged Road Transport Appeal Tribunal is established, to that Tribunal.

- c 19: Applicants for international services will apply at national level to the NTC as in the past, or to the proposed Regulatory Committee established by the envisaged Cross-Border Road Transport Bill. Appeals for international services will be made to the NTC, or to the proposed Tribunal after promulgation of the Cross-Border Road Transport Act.
- c 20: This clause provides for certain important conditions that will apply in deciding whether to grant or refuse permit applications. One example is that the applicant must be a member of a registered association, or qualify as a non-member.
- c 21: The Board will publish applications for permits in the *Provincial Gazette* to allow interested persons to make representations in support of or opposing the application.
- c 22: This clause provides for matters to be taken into consideration in deciding whether to grant or refuse a permit.
- c 23: Permits will be issued for an indefinite period, unless they are withdrawn.
- c 24: Matters are specified in this clause that must be contained in permits.
- c 25: All permits existing at the date of commencement of the Act will have to submit them for re-issuing, failing which they will lapse. The purpose is to eliminate "cupboard" permits that are not in use.
- c 26: Operators will require ad hoc authorizations for temporary services on a particular date or in connection with a particular occurrence.
- c 27: A Provincial Transport Commission is established, consisting of not more than 5 members, to hear appeals relating to intra-provincial transport. The MEC may allocate other functions to the Commission.
- c 28: This clause provides for disqualifications for Commission members.
- c 29: This clause provides for vacation and removal of office of Commission members.
- c 30: This clause provides for remuneration of Commission members.
- c 31: This clause regulates meetings of the Commission.
- c 32: Any person aggrieved by a Board decision may appeal to the Commission, except in the case of inter-provincial and international transport. The clause also provides for appeal procedures.
- c 33: The Head of the Department must provide staff for the Commission.
- c 34: The Commission and Board must provide reasons for their decisions to interested parties.
- c 35: Permits also authorize the conveyance of persons necessary for the conveyance authorized by the permit, e.g. bus conductors.

- c 36: Where a vehicle used in terms of a permit is out of service, it can be replaced by another vehicle in specified circumstances.
- c 37: This clause provides for duties of holders of permits, for example to submit the permit for annual registration.
- c 38: Permits may be withdrawn for misconduct, or suspended in the case of conflict situations.
- c 39: Permits not in use may be withdrawn, with certain exceptions.
- c 40: Surplus permits may be withdrawn, if fair compensation is paid to the holder. Municipal planning must show that there is a surplus.
- c 41: Permits that have lapsed must be submitted to the Board for cancellation.
- c 42: The MEC may make regulations or guidelines on various aspects related to minibus taxi-type services.
- c 43: Municipalities and the Department must provide each other with statistical information.
- c 44: Metropolitan authorities and other municipalities may make by-laws on certain subjects, such as the allocation of routes and facilities.
- c 45: The MEC may finance research, assist municipalities and perform other functions.
- c 46: This clause provides for offences and prohibitions.
- c 47: Where a manager, agent or employee of a permit holder performs certain acts, they will be attributable to the holder.
- c 48: This clause provides for maximum penalties.
- c 49: This clause provides that the MEC may declare emergency areas, in which special stickers may be issued to members of associations who have been conditionally registered, and in which vehicles may be impounded and routes or ranks closed for specified periods. These measures are already contained in the amendment to the Road Transportation Act referred to above.
- c 50: Permits may be withdrawn on a second or subsequent offence.
- c 51: This clause contains certain presumptions.
- c 52: No one may practice as a permit consultant without being registered and accepting a prescribed code of conduct.
- c 53: Magistrates' courts have jurisdiction to impose penalties under the Act.
- c 54: Authorized officials, such as inspectors, are not to be held liable for acts done in good faith.

- c 55: Money received under the Act is to be paid into the Provincial Urban Transport Fund. Expenses are to be defrayed from that Fund. Expenses related to authorized officials will be defrayed by their employers.
- c 56: The Act is additional to other laws on motor vehicles, and does not take their place.
- c 57: Inspectors appointed under the Road Transportation Act have powers to enforce the Act.
- c 58: This clause repeals the Road Transportation Act, 1977.
- c 59: This clause provides for the short title and date of commencement of the Bill.

## ALGEMENE KENNISGEWING

### KENNISGEWING 3447 VAN 1997

DEPARTEMENT VAN VERVOER EN OPENBARE WERKE

#### GAUTENGSE TUSSENTYDSE WETSONTWERP TER REGULERING VAN MINIBUSTAXI-TYPE DIENSTE

Die Gautengse Provinciale Wetgewer stel voor om die bogenoemde Wetsontwerp voor te bring in die Gautengse Wetgewer ongeveer 2 Desember 1997.

Die doel van die Wetsontwerp is om voorsiening te maak vir die tussentydse regulering van minibustaxi-tipe dienste, die daarstelling van 'n Provinciale Vervoerkommissie asook 'n provinsiale Taxi-registratelier; die bepalings van die Wet op Padvervoer, 1977, ontoepaslik op minibustaxi-tipe dienste te maak, en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

Publieke verhoor sal op die Wetsontwerp gehou word op:

Datum: 11, 13 November 1997.

Tyd: 09:00–16:00.

Plek: Die Ouditorium, Gauteng Provinciale Wetgewer, hoek van Loveday- en Presidentstraat, Johannesburg.

Die Wetsontwerp sal in Afrikaans, Zulu, Noord-Sotho en Engels in die *Gauteng Buitengewone Provinciale Koerant* No. 408 op Donderdag, 6 November 1997, gepubliseer word. Persone wat kommentaar op die Wetsontwerp wil lewer mag hul kommentaar stuur aan—

Die Sekretaris van die Wetgewer  
Gauteng Provinciale Wetgewer  
Privaatsak X52  
MARSHALLTOWN  
2107.

Kopieë van die *Gauteng Buitengewone Provinciale Koerant* mag verkry word van die Provinciale Regering, Vyfde Verdieping, Simmondsstraat 30, Johannesburg.

1 September 1997

## GAUTENGSE TUSSENTYDSE WETSONTWERP TER REGULERING VAN MINIBUSTAXI-TIPE DIENSTE

Om voorsiening te maak vir die tussentydse regulering van minibustaxi-tipe dienste; om voorsiening te maak vir die daarstelling van 'n Proviniale Vervoerkommissie en 'n Proviniale Taxi-registrateur; om die bepalings van die Wet op Padvervoer, 1977, ontoepaslik op minibustaxi-tipe dienste te maak; en om voorsiening te maak vir aangeleent-hede wat daarmee verband hou

**L**AAT DAAR as volg deur die Gautengse Proviniale Wetgewer UITGEVAARDIG WORD:—

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Tikmeesters voorsien deur Gautengse Regering.

### 1. Omskrywings

In hierdie Wet, tensy anders uit die samehang blyk--

beteken "Ad hoc-magtiging" 'n magtiging om minibustaxi-tipe dienste op 'n ad hoc-grondslag te onderneem, soos voorsien in afdeling 26;

beteken "Adviespaneel" of "Paneel" die Gautengse Permitraad-Adviespaneel wat ingevolge 14 tot stand gebring is;

beteken "vereniging" 'n formele groepering van minibustaxi-operateurs, of 'n liggaam waarby twee of meer van hierdie groeperinge geaffilieer is, wat as nie-winsgewende liggaam tot stand gebring is, met die hoofdoel om die belangte van die lede daarvan te bevorder, en wat van voorneme is om sy inkomste ter bevordering van sodanige belangte aan te wend;

beteken "gemagtigde amptenaar" 'n inspekteur, 'n lid van die Suid-Afrikaanse Polisiediens, of 'n persoon in diens van die Provinsie of 'n munisipaliteit, met die plig om motorvoertuie

te inspekteer of motorvoertuie te lisensieer of om verkeer te beheer;

beteken "Raad" die Gautengse Vervoerpermitraad wat ingevolge afdeling 4 van die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977), as 'n plaaslike padvervoerraad tot stand gebring is;

beteken "sakevennoot" 'n venoot in geval van 'n vennootskapsooreenkoms, 'n mede-direkteur in geval van 'n maatskappy, of 'n mede-lid in geval van 'n beslote korporasie.

beteken "Kommissie" die Provinciale Vervoerkommissie wat ingevolge afdeling 27 tot stand gebring is;

beteken "Departement" die Gautengse Departement van Vervoer en Openbare Werke;

beteken "forum" 'n groepering amptenare, verteenwoordigers van die minibustaxi-bedryf en ander wat ingevolge afdeling 10 vir 'n metropolitaanse gebied tot stand gebring is;

beteken "Departementshoof" die Hoof van die Departement wat vir vervoer in Gauteng verantwoordelik is;

beteken "houer" met betrekking tot 'n permit die persoon aan wie die permit uitgereik is;

beteken "inspekteur" 'n inspekteur soos in afdeling 56 voorsien;

beteken "internasionale diens" 'n diens ten opsigte waarvan minibustaxi-tipe vervoer gedeeltelik in die Republiek en gedeeltelik in 'n ander land plaasvind, of in transito deur die Republiek na 'n ander land;

beteken "interprovinsiale vereniging" 'n vereniging waarvan die lede passasiers in twee of meer verskillende provinsies op- of aflaai;

beteken "interprovinsiale diens" 'n minibustaxi-tipe vervoerdiens wat gedeeltelik binne die gebied van die Provincie en gedeeltelik binne die gebied van 'n ander provinsie of provinsies gelewer word, en word 'n internasionale diens hierby uitgesluit;

beteken "skakelkomitee" 'n komitee van amptenare, verteenwoordigers van die minibustaxi-bedryf en ander wat ingevolge afdeling 11 vir 'n metropolitaanse gebied tot stand gebring is;

beteken "LUR" die Lid van die Uitvoerende Raad verantwoordelik vir vervoer in Gauteng;

beteken "metertaxi-diens" 'n openbare vervoerdienst by wyse van 'n voertuig met 'n passasiersdravermoë omskryf in ander

wetgewing of per regulasie waar die voertuig-

- (a) te huur is, en as sodanig ontbied kan word;
- (b) te huur by 'n staanplek kan staan; en
- (c) met 'n werkende verseëlded meter toegerus is om reisgeld te bepaal.

beteken "metropolitaanse owerheid"

- die Metropolitaanse Raad van Groter Johannesburg;
- die Metropolitaanse Raad van Groter Pretoria;
- die Lekoa-Vaal Metropolitaanse Raad;
- die Khayalami Metropolitaanse Raad;
- die Wes-Gautengse Diensteraad;
- die Oos-Gautengse Diensteraad;

of hul opvolgers in naam as metropolitaanse owerhede, of ander soortgelyke owerhede wat in Gauteng tot stand gebring word;

beteken "metropolitaanse gebied" die ampsgebied van 'n metropolitaanse owerheid;

beteken "minibustaxi" 'n voertuig wat vir 'n minibustaxi-tipe diens benut word;

beteken "minibustaxi-bestuurstelsel" 'n stelsel soos voorsien in afdeling 3 wat beplanning vir minibustaxi-tipe dienste bemiddel;

beteken "minibustaxi-operator" 'n persoon wat deur 'n permit gemagtig word om 'n minibustaxi-tipe diens te lewer;

beteken "minibustaxi-tipe diens" 'n gereelde of herhaalde ongeskeduleerde openbare passasierpadvervoerdiens wat deur 'n geldige permit goedgekeur is, op 'n vaste roete of netwerk van roetes by wyse van 'n motorvoertuig waarvoor 'n geldige gesiktheidsertifikaat of padwaardigheidsertifikaat ingevolge toepaslike wetgewing uitgereik is wat die vervoer van passasiers magtig gelewer, en wat nie aan beperkings ten opsigte van reiskoste en tydskedes onderhewig is nie, en sluit 'n metertaxi-diens uit: op voorwaarde dat die LUR mag besluit om per regulasie in die Provinsiale Koerant sekere dienste of soorte voertuie by hierdie omskrywing uit te sluit.

beteken "minibustaxi-tipe vervoer", "padvervoer", soos omskryf in die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977), vir sover dit met minibustaxi-tipe dienste verband hou;

beteken "motorvoertuig" 'n motorvoertuig soos omskryf in die Wet op Padverkeer, 1989 (Wet nr. 29 van 1989);

beteken "munisipaliteit" 'n plaaslike regeringsliggaam soos omskryf in die Oorgangswet op Plaaslike Regering, 1993 (Wet nr. 209 van 1993) en sluit 'n metropolitaanse owerheid en 'n substruktuur van 'n metropolitaanse owerheid in;

beteken "Nasionale Vervoerkommissie" die Nasionale Vervoerkommissie soos omskryf in die Wet op Padvervoer, 1977

(Wet nr. 74 van 1977);

beteken "nie-lid" die houer van 'n permit wat nie aan 'n vereniging behoort nie;

beteken "permit" 'n permit wat minibustaxi-tipe dienste magtig;

beteken "Permitadministrasiestelsel" die gerekenariseerde Permitadministrasiestelsel wat deur die nasionale Departement van Vervoer bedryf word.

beteken "permitkonsultant" 'n persoon wat per registrasie ingevolge afdeling 51 gekwalifiseerd is om aansoekers om permitte by te staan met die voorlegging van vorms en verskynings;

beteken "voorgeskryf" voorgeskryf per regulasie of kennisgewing in die Proviniale Koerant;

beteken "primêre vereniging" 'n vereniging aan wie geen geregistreerde verenigings geaffilieer is nie;

beteken "Provinsie" die Provinsie van Gauteng, tensy anders uit die samehang blyk;

beteken "RAs" die Registrasie-Administrasiestelsel wat deur die Departement geadministreer word;

beteken "geregistreer" registrasie of voorwaardelike registrasie ingevolge afdeling 5(3) of (4);

beteken "Registrateur" die Proviniale Registrateur wat ingevolge afdeling 4 aangestel is;

beteken "relevante metropolitaanse owerheid" 'n metropolitaanse owerheid in wie se ampsgebied passasiers op- of afgelaai word;

beteken "relevante munisipaliteit" 'n munisipaliteit in wie se ampsgebied passasiers op- of afgelaai word;

beteken "relevante provinsiale owerheid" 'n provinsiale administrasie in wie se ampsgebied passasiers op- of afgelaai word;

beteken "relevante taxi-vereniging" met betrekking tot 'n permit-aansoek 'n taxi-vereniging wat op die roete, roetes, of roete-netwerk, of in die gebied wat met die aansoek verband hou werkzaam is;

beteken "sekondêre vereniging" 'n vereniging aan wie twee of meer ander geregistreerde verenigings geaffilieer is;

beteken "VPAL" 'n vervoerpermit-administratiewe liggaam;

beteken "vervoerowerheid" die Departement of 'n munisipaliteit

wat ingevolge provinsiale of nasionale wetgewing verantwoordelik is vir die opstel van geïntegreerde vervoerplanne of ontwikkelingsplanne;

beteken "vervoerpermit-administratiewe liggaam" 'n vervoerpermit-administratiewe liggaam soos voorsien in afdeling 15;

beteken "Tribunaal" die Padvervoer-Appéltribunaal wat deur die Wet op Nasionale Grondvervoer, 1997, tot stand gebring is;

beteken "ongemagtigde minibustaxi-tipe vervoer" vervoer wat nie deur 'n permit gemagtig is nie, en sluit vervoer in wat deur die houer van 'n permit onderneem word om ander redes as wat ooreenkomsdig die bepalings van die permit is;

## **2. Beplanning vir minibustaxi-tipe dienste**

(1) Elke vervoerowerheid en elke munisipaliteit van wie sodanige beplanning deur 'n metropolitaanse owerheid vereis word, moet beplanning vir minibustaxi-tipe dienste in hul ampsgebied onderneem, op die voorgeskrewe wyse, op 'n roete- of netwerkgrondslag, as eerste stap om deel uit te maak van die geïntegreerde vervoerplan vir Gauteng, om--

- (a) taxi-roeteplanne te inkorporeer om minibustaxi's op roetes of netwerke te rasionaliseer en te koördineer;
- (b) die gehalte van minibustaxi-tipe vervoer binne, van of na hul gebied te koördineer en op te gradeer;
- (c) die voorsiening van passasiersvervoer aan alle sektore van die bevolking te verseker, onderhewig aan ekonomiese perke;

(2) Die vervoerowerheid moet in sy beplanning vir minibustaxi-tipe dienste oorleg pleeg en 'n proses van openbare deelname op die voorgeskrewe wyse onderneem;

(3) 'n Vervoerowerheid mag in die beplanningsproses navorsing of ondersoeke onderneem soos nodig of dienstig vir die doeltreffende uitvoering van die doeleindes van hierdie Wet.

## **3. Totstandbringing van bestuurstelsels en databanke**

(1) Die Departement en elke metropolitaanse owerheid moet op die voorgeskrewe wyse 'n taxi-bestuurstelsel as deel van sy openbare vervoerbestuurstelsel vir die Provinsie of in sy ampsgebied, soos die geval mag wees, tot stand bring.

(2) Die Departement en elke metropolitaanse owerheid moet 'n gerekenariseerde databank tot stand bring om ten minste die volgende inligting te akommodeer:

- (a) die name, adresse, ampsdraers en lede van alle geregistreerde verenigings;
- (b) permitbesonderhede, te wete hul uitreikingsdatum en houer, asook die voertuig waarop hulle betrekking het;
- (c) die name, identiteitsnummers en adresse van houers, en die verenigings waaraan hulle behoort, indien van toepassing;
- (d) in geval 'n vennootskap 'n houer is, die name, adresse en

- (e) identiteitsnummers van alle vennote;
- (f) in geval van 'n maatskappy of beslote korporasie, die name, adresse en identiteitsnummers van die persone wat gemagtig is om sodanige liggaam te verteenwoordig; en
- (g) ander inligting wat per regulasie deur die LUR gespesifieer word.

(3) Die databanke waarna in onderafdeling (2) verwys word moet toegang kan verleen tot die nasionale Grondvervoer-Permitstelsel (GvPs), die Nasionale Verkeersinligtingstelsel (NaVis) en die provinsiale Registrasie-Administrasiestelsel (RAs).

(4) Onderhewig aan die beskerming van pravaatheid wat deur die Grondwet verleen word, moet die Departement, vervoerpermit-administratiewe liggeme en metropolitaanse owerhede toegang hê tot die inligting in die verskillende databanke.

#### 4. Aanstelling van Registrateur

(1) Onderhewig aan die wette wat die staatsdiens reguleer, moet die LUR 'n provinsiale Registrateur aanstel wat 'n regter of landdros is of was, of 'n prokureur of advokaat wat as sodanig vir ten minste vyf jaar lank gepraktiseer het, of wat, volgens die mening van die LUR, gelykstaande agtergrond of ervaring het, om die funksies wat ingevolge hierdie Wet aan hom of haar toegeken word uit te voer.

(2) Onderhewig aan die wette wat die staatsdiens reguleer, moet die Departementshoof personeel beskikbaar stel om die Registrateur in die uitvoering van sy of haar pligte by te staan.

(3) Geen persoon mag as Registrateur aangestel word nie as hy of sy, of sy of haar eggenoot of verhoudingsmaat, nabye familie, afhanglikes, sakevennoot of werkgewer, finansiële belang by 'n openbare vervoeronderneming het, of 'n verkose ampsdraer van 'n vereniging is, of deelneem aan 'n aktiwiteit wat, volgens die mening van die LUR, die onpartydige uitvoering van die funksies van sy of haar amp sal belemmer.

(4) Wanneer die amp van Registrateur vakant is, of wanneer die Registrateur afwesig is, of weens 'n ander rede nie sy of haar funksies kan verrig nie, mag die LUR 'n waarnemende registrateur aanstel om namens die Registrateur op te tree.

#### 5. Magte en pligte van die Registrateur

- (1) Die Registrateur mag--
- (a) 'n aansoek om registrasie ingevolge hierdie Wet oorweeg en daaroor beslis;
- (b) voorwaardelike registrasie ingevolge hierdie Wet aan 'n primêre vereniging of interprovinsiale vereniging en die lede daarvan toestaan;
- (c) volle registrasie ingevolge hierdie Wet aan 'n primêre vereniging of interprovinsiale vereniging en die lede daarvan, sekondêre vereniging of nie-lid toestaan;
- (d) oor die vorm van die register en sertifikate wat ingevolge hierdie wet aangehou, onderhou of uitgereik moet word, besluit;

- (e) alle redelike stappe neem om inligting te monitor en te ontvang wat verband hou met die nakoming of skending deur geregistreerde verenigings en hul lede van die bepalings van die Standaard Minimum Grondwet wat ingevolge hierdie afdeling vereis word, of in geval van 'n geregistreerde nie-lid, van die voorgeskrewe Gedragskode vir Nie-Lede; en
  - (f) die LUR adviseer en die LUR van inligting voorsien oor minibustaxi-aangeleenthede.
- (2) Die Registrateur moet--
- (a) bystand verleen ten opsigte van die bevordering van professionele praktyke deur geregistreerde verenigings en hul lede, en deur nie-lede;
  - (b) alle redelike stappe neem om verenigings en nie-lede aan te moedig om ingevolge hierdie afdeling te regstreer;
  - (c) soveel redelik-moontlike advies en bystand aan verenigings en nie-lede verskaf om hulle in staat te stel om suksesvol om registrasie aansoek te doen; en
  - (d) aansoeke om registrasie deur verenigings en nie-lede ontvang en oorweeg.

(3) Die Registrateur moet 'n sertifikaat van voorwaardelike registrasie en 'n registrasienommer aan 'n primêre vereniging of sekondêre vereniging en elke lid daarvan toestaan, wat hom of haar ten tye van aansoek bevredig--

- (a) dat dit vir 'n tydperk bestaan van nie minder nie as die minimum-periode soos voorgeskryf deur die LUR;
- (b) dat die aantal lede aan die minimum-vereiste soos voorgeskryf deur die LUR voldoen; en
- (c) dat al die inligting wat deur die Registrateur vereis word verskaf is, en dat hierdie inligting op die voorgeskrewe wyse bevestig is:

op voorwaarde dat voorwaardelike registrasie sal verstryk as die vereniging nie binne die voorgeskrewe tydperk registrasie verkry nie.

(4) Die Registrateur moet 'n sertifikaat van registrasie en 'n registrasienommer aan 'n primêre vereniging en elke lid daarvan toestaan, wat hom of haar ten tye van aansoek bevredig--

- (a) dat dit vir 'n tydperk bestaan van nie minder nie as die minimum-periode soos voorgeskryf deur die LUR;
- (b) dat die aantal lede aan die minimum-vereiste soos voorgeskryf deur die LUR voldoen; en
- (c) dat die grondwet en gedragskode wat deur die vereniging voorgelê is deur elke lid onderteken en as bindend deur sodanige lede aanvaar is;
- (d) dat sodanige grondwet en gedragskode in ooreenstemming is met die bepalings van die Standaard Minimum Grondwet wat ingevolge hierdie Wet voorgeskryf word, en dat dit die bepalings daarvan omvat;
- (e) dat die vereniging die steun van relevante munisipaliteite geniet;
- (f) dat elke lid in besit is van 'n geldige permit vir elke motorvoertuig wat deur hom of haar bedryf word, en dat al sy of haar bedrywighede deur die permit gemagtig word; en
- (g) dat al die inligting wat ingevolge hierdie afdeling deur

die Registrateur vereis word verskaf is, en op die voorgeskrewe wyse bevestig is.

(5) Die Registrateur moet 'n sertifikaat van registrasie aan 'n nuwe lid van 'n geregistreerde vereniging toestaan, wat hom of haar op aansoek deur die vereniging namens die lid bevredig--

- (a) dat hy of sy in besit is van 'n geldige permit vir elke motorvoertuig wat deur hom of haar bedryf word, en dat al sy of haar bedrywighede deur die permit gemagtig word;
- (b) dat hy of sy die grondwet van die vereniging waarvan hy of sy lid is onderteken het en ingestem het om daarby te hou; en
- (c) dat al die inligting wat ingevolge hierdie afdeling deur die Registrateur vereis word verskaf is, en op die voorgeskrewe wyse bevestig is.

(6) Die Registrateur moet 'n sertifikaat van registrasie aan 'n sekondêre vereniging toestaan, wat hom of haar bevredig--

- (a) dat elk van die affiliate daarvan geregistreer is;
- (b) dat elke lid in besit is van 'n geldige permit vir elke motorvoertuig wat deur hom of haar bedryf word, en dat al sy of haar bedrywighede deur die permit gemagtig word;
- (c) dat die ampsdraers van die vereniging en die ampsdraers van elk van die affiliate daarvan die grondwet wat deur die sekondêre vereniging voorgelê is onderteken het en as bindend beskou;
- (d) dat die grondwet in ooreenstemming is met die bepalings van die Standaard Minimum Grondwet wat ingevolge hierdie afdeling voorgeskryf word; en
- (e) dat al die inligting wat ingevolge hierdie afdeling deur die Registrateur vereis word verskaf is, en op die voorgeskrewe wyse bevestig is.

(7) Die Registrateur moet 'n sertifikaat van registrasie aan 'n nie-lid toestaan, wat hom of haar bevredig dat--

- (a) geen primêre vereniging werksaam is op die roete of roetes waarop hy of sy werksaam is nie; of
- (b) alhoewel 'n primêre vereniging werksaam is op 'n roete of roetes waarop hy of sy werksaam is, die lidmaatskapvereistes wat deur sodanige vereniging gestel word, onbillik is ingevolge die voorgeskrewe kriteria van die Standaard Minimum Grondwet of regulasies; of
- (c) alhoewel 'n primêre vereniging werksaam is op 'n roete of roetes waarop hy of sy werksaam is, sodanige vereniging nie registrasie verkry het nie; en
- (d) hy of sy in besit is van 'n geldige permit vir elke motorvoertuig wat deur hom of haar bedryf word, en dat al sy of haar werksaamhede deur die permit gemagtig word;
- (e) dat hy of sy die Gedragskode vir Nie-Lede wat ingevolge hierdie afdeling vereis word, onderteken het en ingestem het om daarby te hou; en
- (f) dat al die inligting wat ingevolge hierdie afdeling deur die Registrateur vereis word verskaf is, en op die voorgeskrewe wyse bevestig is.

(8) Die Registrateur moet oorweging skenk aan en 'n

beslissing maak oor--

- (a) die opskorting van 'n geregistreerde vereniging, lid of nie-lid se registrasie, soos voorsien in afdeling 8; en
- (b) die deregistrasie van 'n geregistreerde vereniging, lid of nie-lid, soos voorsien in afdeling 8.

(9) Die Registrateur moet elke kalenderjaar 'n jaarverslag aan die LUR voorlê met inligting oor sy of haar ampsaktiwiteite, registrasie van verenigings en hul lede, die registrasie van nie-lede, en ander aangeleenthede soos deur die LUR voorgeskryf.

(10) Die Registrateur moet 'n Register van geregistreerde Taxi-Verenigings, Lede en Nie-Lede tot stand bring en op datum hou, en dit op voorgeskrewe wyse elektronies skakel aan die Provinciale Permit-Administrasiestelsel, die nasionale Registrasie-Administrasiestelsel (RAs) en die databanke wat in afdeling 3 voorsien word.

(11) Die Registrateur moet op versoek en betaling van die voorgeskrewe fooi, enige persoon van statistiese inligting uit die Register voorsien.

## 6. Magte van die LUR met betrekking tot registrasie

(1) Die LUR moet 'n Standaard Minimum Grondwet vir verenigings, en 'n Gedragkode vir Nie-Lede voorskryf, en mag bykomende reëls maak om die volgende te reguleer--

- (a) die wyse waarop 'n geregistreerde vereniging en die lede daarvan hul werksaamhede verrig; en
- (b) die wyse waarop 'n geregistreerde nie-lid sy of haar werksaamhede verrig.

(2) Die LUR mag regulasies maak--  
(a) met voorskrifte oor--

(i) die minimum aantal lede waарoor 'n vereniging moet beskik om vir registrasie in aanmerking te kom;

(ii) die minimum tydperk wat 'n vereniging moet bestaan om vir registrasie in aanmerking te kom;

(iii) ander bykomende vereistes waaraan 'n vereniging moet voldoen om vir registrasie in aanmerking te kom;

(b) wat die metode van ondersoek na aantygings van wangedrag deur geregistreerde verenigings, lede of nie-lede bepaal;

(c) wat voorsiening daarvoor maak dat bystand deur die Gautengse Regering gereserveer word vir persone en verenigings wat ingevolge hierdie afdeling geregistreer is;

(d) wat die wyse voorskryf waarop 'n vereniging of nie-lid om registrasie moet aansoek doen, die gelde wat aan die Registrateur betaalbaar is ten opsigte van 'n aansoek, en jaarlikse fooie wat 'n vereniging of nie-lid aan die Registrateur moet betaal:

op voorwaarde dat verskillende regulasies in verskillende gebiede van Gauteng mag geld, asook vir nuwe verenigings in vergelyking met bestaande verenigings.

## 7. Aansoek om registrasie

(1) 'n Vereniging of nie-lid wat wil registreer moet op voorgeskrewe wyse 'n geskrewe registrasie-aansoek by die Registrateur indien, vergesel van die voorgeskrewe aansoekfooi, indien enige, asook die inligting wat deur die Registrateur of deur hierdie Wet vereis word.

(2) As die Registrateur ná oorweging van die aansoek en bevestiging van die voorgelegde inligting tevrede is dat die aansoeker voldoen het aan die relevante vereistes, moet die Registrateur die aansoeker registreer en 'n sertifikaat van registrasie of voorwaardelike registrasie en registrasienommer, soos gepas, aan die aansoeker uitreik.

(3) As die Registrateur ná oorweging van die aansoek nie tevrede is dat die aansoeker aan die relevante vereistes voldoen het nie, moet die Registrateur die aansoeker inlig van die vereistes waaraan hy of sy nie voldoen het nie, en mag die Registrateur die aansoeker van advies en bystand voorsien om die aansoeker in staat te stel om aan die vereistes te voldoen.

(4) By registrasie van 'n interprovinsiale vereniging moet die Registrateur 'n afskrif van die registrasiesertifikaat en alle registrasiebesonderhede van die vereniging aan die registrateur of departement verantwoordelik vir vervoersake in elke provinsie vanwaar of waarheen die vereniging werksaam is verskaf.

(5) By ontvangs van 'n aansoek van 'n interprovinsiale vereniging wat reeds in 'n ander provinsie geregistreer is, mag die Registrateur die vereniging registreer mits dit aan die relevante vereistes van hierdie Wet voldoen, maar die vereniging van die verpligting vrystel om 'n aansoekfooi en jaarlikse registrasiefooi te betaal, mits die vereniging reeds soortgelyke fooie in die ander provinsie betaal het, of gaan betaal.

## 8. Dissiplinêre maatreëls

(1) By ontvangs van 'n klagte, beskulding of aantyging, of op grond van inligting wat onder sy of haar aandag gekom het, en wat daarop kan dui dat 'n vereniging of nie-lid wat ingevolge hierdie afdeling geregistreer is, nie aan die reëls van die Standaard Minimum Grondwet of Gedragskode vir Nie-Lede voldoen nie, hoe dit ook al sy, mag die Registrateur op die wyse wat in hierdie afdeling voorgeskryf word ondersoek instel.

(2) Die Registrateur mag 'n geskrewe waarskuwing wat bepaal dat die Standaard Minimum Grondwet of Gedragskode vir Nie-Lede, hoe dit ook al sy, nagevolg moet word, en wat die stappe wat binne 'n bepaalde tydperk geneem moet word uiteensit, aan 'n geregistreerde vereniging of geregistreerde nie-lid stuur indien die ondersoek bevind dat sodanige party weens redes binne die vereniging of nie-lid se beheer, in gebreke gebly het om aan die reëls van die Standaard Minimum Grondwet of Gedragskode vir Nie-Lede te voldoen.

(3) As 'n vereniging of nie-lid in gebreke bly om gehoor te gee aan die waarskuwing waarna in onderafdeling (2) verwys word, mag die Registrateur--

(a) 'n boete hef wat nie groter is nie as die voorgeskrewe bedrag; of

(b) 'n geskrewe bevel wat deur hom of haar onderteken is stuur, wat die sertifikaat van registrasie tydelik opskort; of

(c) 'n geskrewe bevel wat deur hom of haar onderteken is stuur, wat die registrasiesertifikaat herroep.

(4) Onmiddellik nadat 'n bevel uitgereik is dat die naam van 'n vereniging of nie-lid uit die Register verwijder moet word, moet die Registrateur 'n gesertifiseerde afskrif daarvan aan 'n senior amptenaar in 'n staatsdepartement of instelling wat voordele of bystand aan sodanige vereniging of die lede daarvan of nie-lid verskaf, aanstuur.

(5) 'n Persoon wat ontevrede is met 'n beslissing van die Registrateur kan die saak op appél na die LUR neem, binne die tydperk en op die wyse wat per regulasie voorgeskryf word, alvorens daar geregshof toe gegaan word.

## 9. Paneel van Assessore

(1) Die LUR mag 'n paneel van assessore vir die Registrateur tot stand bring, en die samestelling en werking daarvan per regulasie bepaal.

(2) Die Paneel moet die Registrateur adviseer oor die uitvoering van sy of haar pligte.

(3) Geen persoon mag as assessor aangestel word nie as hy of sy, of sy of haar eggenoot of verhoudingsmaat, nabye familie, afhanklikes, sakevennoot, of werkgever, finansiële belang by 'n openbare vervoeronderneming het, of 'n verkose ampsdraer van 'n vereniging is, of deelneem aan 'n aktiwiteit wat, volgens die mening van die LUR, die onpartydige uitvoering van die funksies van sy of haar amp sal belemmer.

## 10. Totstandbringing van taxi-forums

(1) Elke metropolitaanse owerheid moet 'n taxi-forum tot stand bring.

(2) Die volgende liggeme moet in die forum verteenwoordig word, op die wyse wat per regulasie voorgeskryf word, of soos in riglyne aanbeveel word--

- (a) die metropolitaanse owerheid;
- (b) elke plaaslike taxi-skakelkomitee in die metropolitaanse gebied;
- (c) geregistreerde taxi-verenigings wat in die metropolitaanse gebied werkzaam is;
- (d) verteenwoordigers van relevante bestuurdersvakbonde;
- (e) verteenwoordigers van relevante passasiersverenigings of - groepe;
- (f) ander personeel liggeme volgens voorskrif.

(3) Die forum moet een van sy lede as voorsitter van die forum aanwys.

(4) Forums moet vergader op tye en op die wyse en volgens die prosedure wat per regulasie voorgeskryf word.

**11. Totstandbringing van plaaslike taxi-skakelkomitees**

(1) Elke munisipaliteit wat nie 'n metropolitaanse owerheid is nie moet 'n plaaslike taxi-skakelkomitee vir sy ampsgebied tot stand bring.

(2) Die volgende liggeme moet in die komitee verteenwoordig word, op die wyse wat per regulasie voorgeskryf word, of soos in riglyne aanbeveel word--

- (a) die metropolitaanse owerheid;
- (b) die betrokke plaaslike owerheid;
- (c) geregistreerde taxi-verenigings wat in die munisipale gebied werksaam is;
- (d) verteenwoordigers van relevante bestuurdersvakbonde;
- (e) verteenwoordigers van relevante passasiersverenigings of - groepe;
- (f) ander persone en liggeme volgens voorskrif.

(3) Die komitee moet een van sy lede as voorsitter van die komitee aanwys.

(4) Plaaslike taxi-skakelkomitees moet vergader op tye en op die wyse en volgens die prosedure wat per regulasie voorgeskryf word.

**12. Funksies van taxi-forums en skakelkomitees**

Taxi-forums en plaaslike taxi-skakelkomitees moet--

- (a) as skakel tussen die munisipaliteite en taxi-verenigings dien;
- (b) as onderlinge skakel tussen die taxi-verenigings dien;
- (c) as middel tot die oplossing van probleme en aangeleenthede in die taxi-bedryf dien, en konflikbeslegting bemiddel;
- (d) inligting oor nuwe ontwikkelings en ander aangeleenthede wat die taxi-bedryf raak versprei;
- (e) gesamentlike beleids- en aksieplanne formuleer oor sake soos, maar nie beperk nie tot-
  - (i) opleiding en vaardighedsontwikkeling;
  - (ii) regulering en beheer;
  - (iii) konflikbeslegting;
  - (iv) reisgeld-struktuur;
  - (v) bestuurders- en werknemersverhoudinge;
  - (vi) modale integrasie;
  - (vii) inligting en databanke;
  - (viii) staanplekke en ander geriewe, insluitende die ontwikkeling daarvan; en
  - (ix) veiligheidskwessies;
- (f) insette lewer aan passasiersvervoerbeplanningsowerhede, die Permitraad en ander owerhede; en
- (g) ander funksies wat in munisipale bywette voorgeskryf word of in riglyne aanbeveel word verrig.

**13. Raad verantwoordelik vir aansoeke wat met permitte vir minibustaxi-tipe dienste verband hou**

(1) Die Raad sal verantwoordelik wees vir die hantering van alle aansoeke wat met permitte ten opsigte van minibustaxi-tipe dienste verband hou, onderhewig aan die bepalings van hierdie Wet.

(2) Wat die samestelling en procedures van die Raad

betref, sal die bepalings van die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977) geld, behalwe vir sover dit deur die bepalings van hierdie Wet gewysig of vervang word.

#### **14. Totstandbringing van Adviespaneel van die Raad**

(1) 'n Adviespaneel van die Raad word hiermee tot stand gebring, en sal as die Gautengse Permitraad-Adviespaneel bekend staan.

(2) Die Adviespaneel moet die Raad oor beleidsake adviseer: dit moet nie aan afsonderlike besluite van die Raad deelneem nie, tensy spesifiek sodanig deur die Raad versoek, in welke geval dit slegs advies van 'n algemene en beleidstrekking moet verskaf.

(3) Die Adviespaneel sal uit die lede van die Raad en die volgende lede bestaan, wat deur hul betrokke organisasies genomineer en deur die LUR aangestel moet word:

- (a) een verteenwoordiger van die Departement;
- (b) een verteenwoordiger van elke metropolitaanse owerheid;
- (c) een verteenwoordiger van die minibustaxi-bedryf;
- (d) een verteenwoordiger van die metertaxi-bedryf;
- (e) een verteenwoordiger van die georganiseerde busbedryf;
- (f) een verteenwoordiger van die ontluikende of klein busbedryf;
- (g) een verteenwoordiger van die Suid-Afrikaanse Spoornedelaarskorporasie Beperk;
- (h) een persoon wat volgens die mening van die LUR die belang van passasiers kan verteenwoordig;
- (i) een verteenwoordiger van georganiseerde arbeid wat met die minibustaxi-bedryf verband hou; en
- (j) een verteenwoordiger van georganiseerde arbeid wat met die busbedryf verband hou.

(4) Die LUR moet een van die Paneellede as voorsitter aanstel.

(5) Die voorsitter moet 'n ander Paneellid aanwys om in sy of haar afwesigheid by 'n Paneelvergadering waar te neem as voorsitter.

(6) 'n Paneellid wat 'n lid van die staatsdiens is sal na goeddunke van die LUR sy of haar paneelamp beklee, terwyl ander lede vir 'n tydperk van nie langer nie as twee jaar aangestel moet word, welke lede se vergoeding en ander ampsvoorraarde deur die LUR, in oorleg met die Lid van die Uitvoerende Komitee vir Finansies, by hul aanstelling vasgestel mag word.

(7) Die LUR mag regulasies maak aangaande Paneelvergaderings en procedures wat daar gevvolg moet word.

#### **15. Totstandbringing van Administratiewe Liggeme vir Vervoerpermitte**

(1) Die Departementshoof moet een of meer personeellede aanwys om in die kantoor van elke metropolitaanse owerheid te werk om die funksies van vervoerpermit-administratiewe liggame volgens regulasievoorskrif te verrig.

(2) Die VPAL moet voltooide aansoekvorms vir

permitte ten opsigte van dienste wat in sy metropolitaanse gebied in aanvang neem, tesame met aansoekfooie in ontvangs neem, en moet verseker dat die aansoekvorms behoorlik voltooi is en dat al die noodsaaklike meegaande inligting saam met dit ingedien word, en geldig en aanvaarbaar is, en moet die besonderhede van die aansoeke in die relevante databanke op die voorgeskrewe wyse invoer en berg.

(3) Die VPAL moet dat die aansoeke aan sy metropolitaanse owerheid, relevante munisipaliteit in die metropolitaanse gebied, die relevante forum en relevante skakelkomitees vir aanbeveling voorlê.

(4) By aanbeveling moet metropolitaanse owerhede verseker dat die aansoek in ooreenstemming is met relevante geïntegreerde vervoerplanne en ander relevante vervoer- en grondbenuttingsplanne, en faktore in ag neem soos aanvraag (behoefte) op 'n roetegrondslag, beskikbaarheid van staanplekruimte, en verkeers- en ander metropolitaanse of plaaslike oorwegings.

(5) As geen forum of skakelkomitee ten opsigte van 'n roete of gebied op die relevante tydstip bestaan nie, moet die VPAL die aansoek vir kommentaar en aanbeveling aan alle relevante verenigings voorlê, tensy die vereniging reeds bewys van kommentaar in die aansoekvorm gelewer het.

(6) Die VPAL moet alle voorleggings versamel en dit saam met die aansoekvorm en ander ondersteunende dokumentasie by die Raad vir beslissing indien.

(7) As die voorgestelde vervoer ook in die metropolitaanse gebied van 'n ander VPAL sal plaasvind, moet die eerste VPAL die aansoek by die ander VPAL indien, wat die stappe wat in onderafdelings (3) tot (6) voorsien word moet volg, en die aansoek tesame met toepaslike aanbevelings aan die eerste VPAL moet terugbesorg.

(8) As die raad van 'n ander provinsie 'n aansoek na die Raad verwys het vir kommentaar ten opsigte van 'n aansoeker van 'n ander provinsie, moet die Raad die aansoek na die relevante VPAL verwys, wat die kommentaar en aanbevelings wat in onderafdeling (3) voorsien word, moet verkry.

(9) Vervoerpermit-Administratiewe Liggeme sal aanvanklik slegs verantwoordelik wees vir hantering van sake wat deur hierdie Wet gedek word, maar die LUR mag hul aktiwiteite uitbrei om procedures te dek wat deur die Wet op Padvervoer (Wet nr. 74 van 1977) en ander wetgewing vereis word.

## 16. Aansoek met betrekking tot 'n permit

(1) 'n Persoon wat minibustaxi-tipe vervoer wil onderneem wat nie deur ad hoc-magtiging gedek kan word nie, moet op die wyse wat deur hierdie Wet en per regulasie voorgeskryf word by die Raad om 'n permit aansoek doen.

(2) 'n Permithouer mag op die wyse wat per regulasie voorgeskryf word by die Raad om die hernuwing of wysiging van die permit aansoek doen.

(3) 'n Persoon wat oordrag van 'n permit wil neem moet op die wyse wat per regulasie voorgeskryf word en met die

geskreve toestemming van die betrokke permithouer by die Raad om oordrag van die permit aansoek doen.

(4) Alle aansoeke wat in onderafdelings (1), (2) en (3) voorsien word moet 'n gedetailleerde beskrywing van die roete of roetes waarop die aansoeker werksaam is of van voorname is om werksaam te wees insluit, en alle punte waar passasiers tans of in die toekoms op- of afgelaai sal word.

(5) Alle aansoeke wat in onderafdelings (1), (2) en (3) voorsien word moet aan die vervoerpermit-administratiewe liggaam wat vir die relevante metropolitaanse gebied tot stand gebring is voorgelê word.

(6) Die aansoekvorm ten opsigte van aansoeke wat in onderafdelings (1), (2) en (3) voorsien word moet voorsiening maak vir aanbevelings van die taxi-verenigings wat op die betrokke roete, roetes of netwerke werksaam is waarvan die aansoeker 'n lid is, wat voltooi moet word deur die vereniging voordat die aansoeker die voorlegging maak, of vir 'n verklaring met die strekking dat geen vereniging bestaan nie.

(7) Aansoekers moet in die aansoekvorm verklaar of hulle skuldig bevind is aan 'n kriminele oortreding van 'n aard wat per regulasie omskryf word, in welke geval hulle 'n lys van enige veroordelings moet maak; aansoekers moet ook verklaar of hulle of hul eggenote of verhoudingsmaats of nabye familie, afhanglikes, sakevennote of werkgewers gemagtigde amptenare of amptenare van die staatsdiens of provinsiale administrasie of munisipale administrasie is.

(8) In geval van aansoeke om interprovinsiale dienste moet die Raad die aansoek ook na die Permitraad van elke relevante provinsie vir aanbeveling verwys.

(9) As geen respons van die raad van 'n ander provinsie, soos voorsien in onderafdeling (8), binne 21 dae ontvang word nie, moet die Raad die saak aan die Nasionale Vervoerkommissie of Tribunaal, soos wat die geval mag wees, as appél voorlê. In sodanige geval sal die aansoeker onthef word van die betaal van fooie wat met hierdie soort appél verband hou.

(10) As die aansoek om interprovinsiale vervoer aan die permitraad van 'n ander provinsie gerig word, en passasiers in Gauteng op- of afgelaai sal word, moet die Raad aanbevelings in verband met die aansoek aan die ander permitraad maak, nadat aanbevelings verkry is van alle relevante munisipaliteite, forums, en skakelkomitees, en as geen forums of skakelkomitees bestaan nie, van die relevante verenigings.

(11) Die Raad mag 'n tussentydse permit vir 'n tydperk van nie langer nie as 60 dae uitreik as--

- (a) 'n aansoeker op voorgeskrewe dokumentasie vir 'n plaasvervangende motorvoertuig wag;
- (b) 'n aansoek om die oordrag van 'n permit hangende is.

## 17. Vrystellings

Vir die doeleindes van hierdie Wet sal die omskrywing van "minibustaxi-tipe vervoer" die volgende uitsluit--

- (a) 'n individuele plaasboer (insluitende 'n venootskap of maatskappy wat die plaaswerksaamhede verrig) wat 'n

- geskikte motorvoertuig gebruik wat slegs deur hom, haar, of hulle besit word, om die plaaswerkers te vervoer--
- (i) vanaf 'n plek waar hulle gewerf is, na 'n plek waar die plaasboer hulle vir plaaswerksaamhede benodig;
  - (ii) vanaf 'n plek waar die plaasboer hulle vir plaaswerksaamhede aangewend het, of steeds aanwend, na 'n ander plek waar hulle vir plaaswerksaamhede benodig mag word, of waar 'n ander plaasboer hulle vir plaaswerksaamhede mag benodig, of na die plek vanwaar hulle gewerf is;
  - (iii) tussen 'n plek waar hulle as sodanig aangewend is, of aangewend gaan word, en die spoorwegstasie of bushalte wat ten beste geskik is vir hul vervoer na 'n ander plek waarheen hulle per trein of bus vervoer gaan word, of na die plek waar hulle as sodanig aangewend gaan word; of
  - (iv) tussen die plek waar hulle as sodanig aangewend word, en 'n ander plek in die Republiek om inkopies te doen of 'n kerkdiens of begrafnis by te woon of 'n sportbyeenkoms of ontspanningsvergadering; of
  - (v) tussen 'n plek waar die plaasboer hulle gewerf het en die spoorwegstasie of bushalte wat ten beste geskik is vir hul vervoer na 'n ander plek waarheen hulle per trein of bus vervoer gaan word.

en vir die doeleindes van hierdie paragraaf sal werkers wat in die diens staan van 'n koöperatiewe vereniging wat ingevolge die wet wat met koöperatiewe vereniging verband hou geregistreer is, waarvan die plaasboer lid is, of gevangenes soos omskryf in afdeling 1 van die Wet op Korrektiewe Dienste, 1959 (Wet nr. 8 van 1959), wat deur 'n plaasboer vir sy/haar/hulle plaaswerksaamhede aangewend word of aangewend is, as die plaasboer se plaaswerkers beskou word;

- (b) 'n munisipaliteit wat persone vervoer (behalwe die vervoer van persone teen vergoeding) by wyse van 'n motorvoertuig in sy besit, binne 'n gebied wat in sy amptgebied val, en tussen sodanige gebied en 'n ander gebied binne die munisipaliteit se beheer of 'n ander gebied waar die munisipaliteit 'n openbare diens lewer of werksaam is;
- (c) 'n munisipaliteit wat gevangenes, soos omskryf in afdeling 1 van die Wet op Korrektiewe Dienste, 1959 (Wet nr. 8 van 1959), wat in diens van die munisipaliteit staan of gestaan het, in 'n voertuig in sy besit vervoer;
- (d) die vervoer, by wyse van 'n motorvoertuig, van 'n pasiënt na enige plek waar hy of sy mediese behandeling gaan ontvang van 'n persoon wat gemagtig is om die behandeling toe te dien ingevolge enige wet wat met die mediese beroep verband hou, of van enige plek af waar hy of sy behandeling ontvang het;
- (e) die vervoer (insluitende sleeptou), by wyse van 'n

motorvoertuig, van 'n ander motorvoertuig wat stukkend is, na 'n plek vir herstelwerk of om dit te stoor, of van persone wat by wyse van die ander motorvoertuig vervoer is ten tye van die breek daarvan, na sodanige ander plek, op voorwaarde dat as die vervoer van persone by wyse van die ander motorvoertuig ten tye van die breek daarvan minibustaxi-tipe vervoer uitmaak, sodanige vervoer deur 'n permit gemagtig word, en hul vervoer by wyse van die eersgenoemde voertuig onderneem word ingevolge die bepalings van die permit, en die permit oorgeplaas word na die eersgenoemde voertuig om aan 'n gemagtigde amptenaar vertoon te word wanneer vereis;

- (f) die vervoer van persone soos voorsien in die omskrywing van "saamry-klub" in afdeling 1 van die Wet op die Padongeluksfonds, 1996 (Wet nr. 56 van 1996);
- (g) 'n hotel wat slegs sy eie gaste en hul persoonlike besittings in 'n motorvoertuig in die alleenbesit van die hotel, en sodanig geïdentifiseer soos per regulasie voorgeskryf, vervoer tussen die hotel en die naaste en mees gesikte spoorwegstasie, lugdiensterminaal, lughawe of hawe;
- (h) die vervoer van persone (behalwe die vervoer van 'n werknemer tussen sy of haar woon- en werkplek) in die gang van 'n onderneming of handel of sake, by wyse van 'n motorvoertuig, mits geen vergoeding vir sodanige vervoer ontvang word nie;
- (i) 'n persoon wat 'n onderneming, handel of sake bedryf, en sy of haar werknemers vanaf die plek waar hulle werk verrig in die gang van sodanige onderneming, handel of sake, na 'n nader plek waar hulle werk sal verrig, in 'n motorvoertuig in die vermelde persoon se besit;
- (j) 'n werknemer van die Staat of Gauteng of 'n Staatsondersteunde liggaam, of 'n maatskappy waarvan die Staat of Gauteng die alleeneienaar en aandeelhouer is, of 'n munisipaliteit, wat in die uitvoering van sy of haar pligte 'n persoon vir wie se vervoer sodanige werknemer geregtig op vergoeding van die Staat of Gauteng of die Staatsondersteunde liggaam of maatskappy of munisipaliteit is, in 'n motorvoertuig vervoer wat in sy of haar besit is ten opsigte van die uitvoering van sodanige pligte;
- (k) die vervoer op skooldae van leerlinge en leerkragte na of van die skool wat deur hulle bygewoon word, sowel as die vervoer van leerlinge en leerkragte vir die doeleindes van sport of ontspanning of vakansie, besigtiging of opvoedkundige toere, by wyse van 'n motorvoertuig waarvan die skool die alleeneienaar is.  
In geval 'n voertuig ingevolge 'n ooreenkoms vir die gebruik van die skool opsygesit word, sal 'n spesiale permit benodig word, soos per regulasie voorgeskryf.
- (l) die vervoer deur 'n universiteit, technikon, tegniese

- kollege of onderwyskollege (hierná as 'n opvoedkundige instelling bekend) van sy eie studente en personeel vir opvoedkundige, kulturele of sportdoeleindes, by wyse van 'n motorvoertuig waarvan sodanige opvoedkundige instelling die alleeneienaar is. In geval 'n voertuig ingevolge 'n ooreenkoms vir die gebruik van 'n opvoedkundige instelling opsygesit word, sal 'n spesiale permit benodig word, soos per regulasie voorgeskryf.
- (m) die vervoer teen vergoeding deur 'n persoon wat gedagvaar is om by 'n plek as getuie in 'n kriminele saak te verskyn, van 'n ander persoon wat gedagvaar is om te verskyn as 'n getuie in daardie saak of in 'n ander kriminele saak, hetsy by dieselfde plek en op dieselfde dag of by 'n ander plek of op 'n ander dag, na en van die plek waar die gedagvaarde persoon moet verskyn, by wyse van 'n motorvoertuig waarvan die eersgenoemde persoon die eienaar is;
  - (n) die vervoer teen vergoeding, deur 'n persoon wat gedagvaar is om getuenis te lewer voor 'n kommissie met verwysing waarna die bepalings van die Wet op Kommissies, 1947 (Wet nr. 8 van 1947), toepaslik verklaar is, of voor 'n liggaam wat kragtens 'n wet tot stand gebring is ingevolge waarvan daardie liggaam gemagtig is om persone as getuies te roep, na en van die plek waar die persoon gedagvaar is om te verskyn, van 'n ander persoon wat gedagvaar is om voor die kommissie of liggaam te verskyn, op dieselfde dag en by dieselfde plek, by wyse van 'n motorvoertuig waarvan die eersgenoemde persoon die eienaar is;
  - (o) die vervoer van 'n persoon wat noodwendig vervoer moet word in verband met die vervoer van persone, wat ingevolge paragrawe (a) tot (n) nie minibustaxi-tipe dienste uitmaak nie.

## **18. Interprovinsiale vervoer**

(1) Aansoekers vir interprovinsiale vervoer moet by die Raad aansoek doen as die betrokke minibustaxi-tipe vervoer in Gauteng begin, of in Gauteng sowel as in 'n ander provinsie.

(2) Vir die doepleindes van hierdie afdeling sal die aanvangsplek van vervoer beskou word as die plek waar persone die voertuig waarmee die vervoerdien verskaf word betree met die doel om na 'n ander plek vervoer te word, by welke plek die vervoerdien eindig.

(3) In geval daar twyfel oor die aanvangsplek van die vervoer bestaan, moet die aansoeker in die provinsie aansoek doen waar die betrokke voertuig geregistreer is.

(4) Die Raad mag nie 'n aansoek om 'n permit vir die magtiging van padvervoer toestaan wat in 'n ander provinsie in aanvang neem nie, of om die hernuwing of oordrag van die permit, of om die wysiging van die permit wat die lewering van padvervoer in die ander provinsie raak nie, behalwe per ooreenkoms met die raad wat vir die ander provinsie tot stand gebring is.

(5) As die Raad nie binne die voorgeskrewe tydperk die nodige respons van die raad van 'n ander provinsie verkry nie ingevolge die bepalings van onderafdeling (4), of nie die ooreenstemming van die ander raad kan verkry nie, moet die Raad die saak op appéel by die Nasionale Vervoerkommissie of Tribunaal voorlê, soos vereis deur die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977) of die Wet op Nasionale Grondvervoer, 1997, wat ook al van krag is, op die wyse wat deur sodanige wetgewing voorgeskryf word.

(6) 'n Appéel aangaande interprovinsiale dienste moet gerig word aan die Nasionale Vervoerkommissie of Tribunaal, soos vereis deur die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977) of die Wet op Nasionale Grondvervoer, 1997, wat ook al van krag is, op die wyse wat deur sodanige wetgewing voorgeskryf word.

(7) In geval van interprovinsiale dienste mag passasiers op geen ander plek op- of afgelaai word as waar die diens in aanvang neem en eindig nie, behalwe as daar geen alternatiewe diens tussen die aanvangsplek of bestemming en die aflaai- of oplaai-plek bestaan nie, tensy die relevante verenigings op die roete(s) op die teendeel ooreengekom het.

## **19. Internasionale vervoer**

Aansoeke om internasionale minibustaxi-tipe vervoer, en appélsake wat hiermee verband hou, moet gerig word aan die Nasionale Vervoerkommissie, ingevolge die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977), of aan die Reguleringskomitee of Tribunaal ingevolge die Wet op Transgrens Padvervoer, 1997, wat ook al van krag is, op die wyse wat deur sodanige wetgewing voorgeskryf word.

## **20. Hantering van aansoek met betrekking tot 'n permit**

(1) Onderhewig aan die bepalings van hierdie Wet, moet die Raad, deur middel van die relevante VPAL, aansoeke ontvang en oorweeg vir die toekenning, hernuwing, wysiging, of oordrag van 'n permit wat ingevolge daarvan aan hom gerig word, en daarná die aansoek ten volle of gedeeltelik na goeddunke toestaan, onderhewig aan die voorwaardes wat hy as noodsaaklik mag ag, of die aansoek weier.

(2) Die Raad mag nie 'n permit op 'n radius- of terloopse grondslag uitreik nie, en gebiedspermitte sal slegs uitgereik word in geval van--

(a) toevoerdienste wat in beperkte gebiede gelewer word rondom die bestemmingspunt, as die gebied beperk en omskryf is; en

(b) buitengewone ómstandighede, na goeddunke van die Raad.

(3) Vir die doeleindes van onderafdeling (2) sal "terloopse grondslag" 'n permit beteken wat die lewering van vervoerritte op 'n ad hoc-grondslag magtig.

(4) Die Raad mag nie 'n permit toestaan of oordra wat vervoer magtig in 'n gebied of binne die radius van 'n spesifieke punt nie, tensy die magtiging omgesit word na 'n roete- of netwerkgebaseerde magtiging.

(5) In geval 'n aansoek waarna in onderafdeling (1) verwys word deur aanbevelings van alle relevante munisipaliteite gesteun word, en, waar toepaslik, deur die permitrade van alle ander relevante provinsies, moet die Raad die aansoek ten volle of gedeeltelik toestaan, ooreenkomstig die aanbevelings, onderworpe aan die voorwaardes wat as gepas beskou word.

(6) Die Raad mag oorweging van 'n aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n permit weier as hy binne ses maande voor die datum waarop die eersgenoemde aansoek ontvang is 'n vorige aansoek oorweeg en geweier het wat volgens sy mening dieselfde of hoofsaaklik dieselfde doelwit gehad het as eersgenoemde aansoek.

(7) Die Raad moet weier om 'n aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n permit te oorweeg as al die volgende partye gekant is teen die aansoek:

- (a) die relevante munisipaliteite;
- (b) relevante forums en skakelkomitees; en
- (c) relevante verenigings.

(8) Die Raad moet voorkeur verleen aan aansoekers wat woonagtig is in die metropolitaanse gebied vanwaar die dienste bedryf sal word.

(9) Die Raad moet die staanplekke en ander geriewe wat 'n aansoeker mag gebruik bepaal, gebaseer op aanbevelings van relevante munisipaliteite, en dit in die permit stipuleer.

(10) Geen permit mag toegestaan word nie tensy die aansoeker 'n lid is van 'n vereniging wat ingevolge afdeling 7 deur die Registrateur geregistreer is, en die aansoek die geskrewe steun van die vereniging geniet, of die Registrateur skriftelik sertificeer dat die aansoeker as geregistreerde nie-lid onder daardie afdeling kwalificeer en as sodanig om registrasie aansoek gedoen het.

## **21. Publikasie van aansoek en voorleggings met betrekking tot 'n permit**

- (1) By ontvangs van 'n aansoek--
- (a) moet die VPAL, in geval van 'n aansoek vir die toestaan of wysiging van 'n permit (behalwe 'n wysiging waarna in paragraaf (b) verwys word);
  - (b) mag die VPAL, in geval van 'n aansoek vir die wysiging van 'n permit om die permanente vervanging van 'n motorvoertuig te magtig wat in die permit gespesifiseer word, deur 'n motorvoertuig waarvan die passasiersvermoë gelykstaande, kleiner, of groter met nie meer as twintig persent as dié van eersgenoemde voertuig is nie, of in geval van die oordrag van 'n permit, in die Provinciale Koerant en in ten minste een ander koerant in omloop in die gebied waar passasiers op- of afgelaai sal word, die besonderhede publiseer van die aansoek, soos wat voorgeskryf mag word per regulasie, en ook op die voorgeskrewe wyse 'n kennisgewing van die aansoek op die kennisgewingbord by die kantoor van die Permitraad en die relevante VPAL aanbring.
- (2) In geval die aansoeker nie aanbevelings van die

relevante taxi-forum voorgelê het nie, moet die VPAL sodanige forum daarvan in kennis stel, wat die saak op die sakelys van sy volgende vergadering vir bespreking moet plaas, en sy aanbevelings aangaande die aansoek aan die VPAL moet oordra.

(3) Die LUR mag per regulasie die procedures en tydsbeperking vir die verskaffing van aanbevelings aan die Raad deur belangstellende partye ten opsigte van aansoeke wat ingevolge onderafdeling (1) gepubliseer is bepaal.

**22. Aangeleenthede wat in ag geneem moet word ter hantering van 'n aansoek met betrekking tot 'n permit**

(1) Onderhewig aan die ander bepalings van hierdie Wet, moet die Raad die volgende sake in ag neem in die maak van 'n beslissing oor die toestaan of weiering van 'n aansoek, en in die bepaling van die voorwaardes wat op 'n permit van toepassing sal wees:

- (a) die bepalings van 'n toepaslike geïntegreerde vervoerplan;
  - (b) voorleggings deur relevante munisipaliteite;
  - (c) voorleggings deur relevante forums, skakelkomitees en taxi-verenigings;
  - (d) alle ander voorleggings wat behoorlik ten opsigte van die aansoek voorgelê is;
  - (e) die mate waartoe die vervoer in die openbare belang benodig word of wenslik is;
  - (f) die behoefte van die publiek aan vervoer op die roete(s) of tussen die punte, of in die gebied waar die aansoeker beoog om werksaam te wees;
  - (g) die bestaande vervoergeriewe tot beskikking van die publiek op die roete(s) of tussen die punte of in die gebied waar die aansoeker beoog om werksaam te wees;
  - (h) die koördinasie en alle vorme en metodes van vervoer op 'n gesonde ekonomiese grondslag, en met behoorlike inagneming van die openbare belang;
  - (i) die bewaring en verbetering van die omgewing;
  - (j) die vermoë van die aansoeker om die vervoer waarop die permit betrekking het, op 'n wyse te verskaf wat die publiek tevreden stel;
  - (k) 'n relevante vorige skuldigbevinding van die aansoeker aan 'n oortreding;
  - (l) die bestaan van 'n bywet, regulasie, prohibisie, beperking of inperking wat betrekking het op die voorgestelde vervoer;
  - (m) of die aansoeker en bestuurders in diens of beoogde diens van die aansoeker opleidingskursusse bygewoon het soos voorgeskryf per regulasie of aanbeveel in riglyne;
  - (n) ander faktore wat volgens die mening van die Raad relevant kan wees tot die vraag of die aansoek toegestaan moet word, of watter voorwaardes op die permit van toepassing moet wees.
- (2) Die woord "vermoë" in onderafdeling (1)(j) sal die finansiële vermoë van die aansoeker insluit om die voorgestelde dienste op volhoudbare manier te verskaf.

### 23. Geldigheidstydperk van 'n permit

(1) Die Raad moet permitte vir 'n onbepaalde tydperk toestaan, onderhewig aan 'n geldige geskiktheidsertifikaat of padwaardigheidsertifikaat soos vereis deur wetgewing vir die betrokke motorvoertuig, die bepalings wat ingevolge afdeling 25 met registrasie verband hou, en die herroeping of opskorting van die permit ingevolge afdeling 37 tot 39.

(2) As 'n aansoek om die hernuwing van 'n permit voor die Raad dien ten tye van die verstryking van die bestaande beperkte tydperk daarvan, sal die permit geldig bly totdat die aansoek gehanteer is.

### 24. Uitreiking van 'n permit en die bepalings daarvan

(1) Onderhewig aan onderafdeling (2), moet die Raad, deur middel van die relevante VPAL, op die wyse wat per regulasie voorgeskryf word, 'n permit uitreik wat deur dit toegestaan, hernieu, gewysig of oorgedra is.

(2) Die Raad mag nie 'n permit uitreik nie, tensy--

- (a) dit tevrede is dat elke motorvoertuig waarop die permit betrekking het, geskik is vir die soort vervoer waarvoor dit aangewend gaan word;
- (b) die aansoeker 'n geldige geskiktheidsertifikaat of padwaardigheidsertifikaat indien, wat op of na die datum soos per regulasie bepaal uitgerek is, of 'n afskrif van die sertifikaat wat op voorgeskrewe wyse gesertifiseer is.

(3) As die geskiktheidsertifikaat of padwaardigheidsertifikaat tydens die geldigheidstydperk van die permit om welke rede ook al verval, sal die permit sigself outomaties ten opsigte van die betrokke voertuig verval, en moet die houer dit binne veertien dae aan die relevante VPAL vir wysiging of kansellasie voorlê, soos die geval mag wees.

(4) Alle permitte wat ingevolge hierdie afdeling uitgerek is, moet die volgende spesifieer:

- (a) die naam en adres van die houer;
- (b) die tydperk waarvoor dit uitgerek is;
- (c) die aantal passasiers wat vervoer mag word ingevolge die relevante geskiktheidsertifikaat of padwaardigheidsertifikaat, op voorwaarde dat die maksimum aantal passasiers wat deur die Raad goedgekeur is nie oorskry sal word nie;
- (d) die registrasienommer, fabrikaat, onderstelnommer, jaar van vervaardiging, soort, aantal sitplekke en passasiersvermoë van die motorvoertuig waarvoor die Raad die permit toegestaan het;
- (e) die nommer en vervaldatum van die geskiktheidsertifikaat of padwaardigheidsertifikaat;
- (f) besonderhede van die roete(s) of netwerk(e) waarop die relevante vervoer onderneem mag word, sowel as die aanvangs- en bestemmingspunte, alle punte waar passasiers op- of afelaai mag word, en staanplekke en ander geriewe wat benut mag word;
- (g) ander voorwaardes wat die Raad na goeddunke mag stel.

## 25. Registrasie en heruitreiking van bestaande permitte

(1) Onderhewig aan onderafdelings (2) en (3) moet elke persoon wat op die datum van inwerkingtreding van hierdie Wet oor 'n permit beskik, via die relevante VPAL, sonder enige koste, op die wyse en binne die tydperk wat per regulasie voorgeskryf word, by die Raad om registrasie en heruitreiking van die permit aansoek doen, vergesel van die registrasiesertifikaat en 'n geldige geskiktheidsertifikaat of padwaardigheidsertifikaat uitgereik vir die voertuig waarop die permit van toepassing is, by gebreke waarvan die permit sal verval en vervolgens by die relevante VPAL vir kanselliasie ingedien moet word: op voorwaarde dat die permit opgeskort kan word vir 'n tydperk wat nie een jaar oorskry nie, as die aansoeker aan die Raad kan bewys dat daar goeie gronde bestaan vir so 'n stap, welke gronde kan insluit, maar nie beperk is nie tot--

- (a) siekte of onbekwaamheid;
- (b) die feit dat die motorvoertuig tydelik aan diens onttrek is weens 'n ongeluk;
- (c) reëlings om die permit oor te dra weens die afsterwe van die houer;
- (d) finansiële probleme weens omstandighede buite die houer se beheer, of
- (e) die feit dat die houer weens 'n konfliktsituasie nie sy of haar diens kan bedryf nie.

(2) Die Raad mag nie 'n permit heruitreik nie tensy die houer lid is van 'n vereniging wat ingevolge afdeling 7 geregistreer is, of as nie-lid ingevolge daardie afdeling geregistreer is.

(3) Alle heruitgereikte permitte moet die roete of netwerk van roetes waarop die houer werksaam mag wees spesifiseer, behalwe in geval van-

- (a) metertaxi-dienste;
- (b) tovoerdienste wat in beperkte gebiede gelewer word rondom die bestemmingspunt, as die gebied beperk en omskryf is; en
- (c) buitengewone omstandighede, soos bepaal deur die Raad.

(4) Die VPAL moet die besonderhede van permitte en hul houers wat ingevolge onderafdeling (1) ingedien word teen die nasionale Permit-Administrasiestelsel nagaan, en moet, indien nodig, besonderhede op die stelsel regstel of invoer.

## 26. Ad hoc-magtiging

(1) Geen persoon mag tydelike minibustaxi-tipe vervoer op 'n sekere datum of in verband met 'n sekere geleentheid, soos 'n sportbyeenkoms, begrafnis of troue onderneem nie, behalwe ingevolge magtiging verleen deur 'n ad hoc-magtiging wat kragtens hierdie afdeling uitgereik en voltooi is.

(2) 'n Minibustaxi-operateur mag by die Raad aansoek doen, vergesel van die voorgeskrewe fooi, om die uitreiking van 'n reeks ad hoc-magtigings.

(3) Die Raad moet ad hoc-magtigings wat deur hom uitgereik word in volgorde nommer, en 'n register aanhou van

sodanige magtigings, insluitende die name van die minibustaxi-operateurs aan wie dit uitgereik is.

(4) Voor aanvang van dienste wat in onderafdeling (1) voorsien word, moet die betrokke operateur 'n ad hoc-magtiging vir die betrokke rit(te) op die wyse wat per regulasie voorgeskryf word voltooii, en sodanige magtiging ten alle tye van verskaffing van die diens in die relevante motorvoertuig hou, en dit op versoek aan 'n gemagtigde amptenaar toon.

(5) So gou moontlik, maar nie langer nie as 72 uur na afloop van die betrokke vervoerdiens, moet die operateur 'n voltooide afskrif van die ad hoc-magtiging voorlê aan die Raad en die relevante geregistreerde vereniging(s) wat op die betrokke roete(s) werksaam.

(6) Die Raad mag 'n persoon van toekomstige ontvangs van ad hoc-magtigings, of van die lewering van tydelike vervoerdienste diskwalifiseer indien sodanige persoon gereeld tydelike vervoerdienste onderneem sonder om die nodige magtigings te voltooii, of gereeld ad hoc-magtigings misbruik, deur byvoorbeeld gewone dienste onder voorwendsel van tydelike dienste te onderneem.

## **27. Totstandbringing, funksie en samestelling van Provinciale Vervoerkommissie**

(1) 'n Provinciale Vervoerkommissie sal vir die Provincie tot stand gebring word.

(2) Die Kommissie sal die tussentydse funksie hê om appélsake aan te hoor wat met aansoeke om intraprovinciale vervoer ten opsigte van minibustaxi-tipe vervoer verband hou, en die LUR mag per proklamasie in die Provinciale Koerant ander funksies aan dit toeken.

(3) Die Kommissie sal bestaan uit departementele amptenare en nie meer nie as vier ander lede wat deur die LUR aangestel is, van wie een ten minste tien jaar ervaring in die praktyk as advokaat of prokureur moet hê, terwyl die ander wye ervaring moet hê, of bewys moes toon van vaardigheid in openbare passasiersvervoer-, kommersiële of finansiële sake, of die hantering van openbare aangeleenthede. Die LUR sal een van die lede as voorsitter aanwys.

(4) Kommissielede wat nie lede van die staatsdiens is nie moet vir 'n tydperk van nie langer nie as vyf jaar lank aangewys word, en sal, onderhewig aan die bepalings van hierdie Wet, hul amp beklee volgens die voorwaardes wat deur die LUR by aanstelling bepaal mag word.

(5) Kommissielede sal vir heraanstelling in aanmerking kan kom, en individuele lede mag vir wisselende tydperke en op verskillende voorwaardes aangestel word.

## **28. Diskwalifisering van Kommissielede**

- (1) Geen persoon sal as Kommissielid aangestel word-
  - (a) as hy of sy onherroeplik 'n bankrot persoon is nie;
  - (b) as hy of sy aan 'n oortreding skuldig bevind is wat

- oneerlikheid behels, of tronkstraf sonder die keuse van 'n boete opgelê is nie;
- (c) as hy of sy, in persoonlike hoedanigheid, of sy of haar egenoot, verhoudingsmaat, nabye familie, afhanklikes, sakevennoot of werkgewer--
- (i) finansiële belang het by 'n passasierspadvervoer-onderneming, of
  - (ii) deelneem aan 'n aktiwiteit wat, volgens die mening van die LUR, die onpartydige uitvoering van die funksies van sy of haar amp sal belemmer.
- (2) Neteenstaande onderafdeling (1), sal geen daad, voorskrif of beslissing van die Kommissie ongeldig wees slegs omdat 'n lid daarvan gediskwalifiseer is om in die Kommissie te dien nie.

#### **29. Ampsontruiming en -verwydering van Kommissielede**

- (1) 'n Lid van die Kommissie moet sy of haar amp ontruim--
- (a) as hy of sy in aanmerking kom vir enige van die redes vir diskwalifikasie wat in afdeling 28 genoem word;
  - (b) as hy of sy uit sy of haar amp verwyder word ingevolge onderafdeling (2).
- (2) Die LUR mag 'n Kommissielid uit sy of haar amp verwyder--
- (a) wat in gebreke gebly het om aan die voorwaardes van sy of haar aanstelling te voldoen;
  - (b) wat hom of haar, volgens die mening van die LUR, skuldig gemaak het aan onbehoorlike gedrag, of wat sy of haar pligte as Kommissielid gereeld afgeskeep het;
  - (c) wat volgens die mening van die LUR nie daartoe in staat is om sy of haar pligte as Kommissielid bekwaam te verrig nie;
  - (d) wat volgens die mening van die LUR sonder aanvaarbare gronde in gebreke gebly het om drie opeenvolgende vergaderings van die Kommissie by te woon.

#### **30. Vergoeding van Kommissielede**

- (1) Kommissielede sal sodanige vergoeding en toelae ontvang as wat deur die LUR, in oorleg met die LUR vir Finansies, bepaal word.
- (2) 'n Kommissielid wat 'n lid van die staatsdiens is sal nie vergoeding bykomend tot sy of haar salaris ontvang nie, behalwe vir reisonkostes en sakuitgawes.

#### **31. Vergaderings van die Kommissie**

- (1) Die eerste vergadering van die Kommissie moet op die tyd en plek plaasvind wat deur die LUR bepaal is, waarna daaropvolgende vergaderings sal plaasvind op die plek en tyd wat deur die voorsitter van die Kommissie bepaal word.
- (2) Die voorsitter, of in sy of haar afwesigheid, onder-voorsitter, mag te eniger tyd na goeddunke 'n

buitengewone vergadering van die Kommissie byeenroep, en moet sodanige vergadering byeenroep binne veertien dae na ontvangs van 'n versoek om 'n vergadering byeen te roep, onderteken deur nie minder nie as drie lede van die Kommissie.

(3) 'n Kworum vir 'n Kommissievergadering sal twee lede wees.

(4) Die prosedure by vergaderings van die Kommissie, insluitende die besluitnemingsprosedure, sal deur die Kommissie bepaal word, onderhewig aan die aanwysings van die LUR, indien enige.

(5) Die beslissing van die meerderheid Kommissielede teenwoordig by 'n vergadering sal die beslissing van die Kommissie ten opsigte van die tersaaklike aangeleentheid uitmaak, en in geval van 'n gelyke stemverdeling sal die persoon wat die vergadering waarneem 'n beslissende (deurslaggewende) stem hê, benewens sy of haar beraadslagende (normale) stem.

(6) 'n Kommissielid mag nie aan die bespreking van, of beslissings oor, 'n saak wat voor die Kommissie dien deelneem nie as hy of sy of sy of haar eggenoot, nabye familie, vennoot of werkgewer, benewens die Staat, of die vennoot of werkgewer van sy of haar eggenoot, direkte of indirekte finansiële belang daarby het nie.

(7) Die Kommissie moet appélsake binne 60 dae na ontvangs van die appélkennisgiving aanhoor, en beslissings daaroor aan alle relevante partye binne die tydperk soos per regulasie deur die LUR bepaal deurgee.

### **32. Appél by Kommissie teen handeling, voorskrif of beslissing van Raad**

(1) Benewens andersins in hierdie Wet voorsien, en onderhewig aan onderafdeling (2), mag 'n persoon wat--

- (a) by die Raad aansoek gedoen het om die toekening, wysiging of oordrag van 'n permit, of wie se permit deur die Raad teruggetrek, aangepas of opgeskort is;
  - (b) die houer is van 'n permit wat deur die Raad uitgereik is;
  - (c) op die wyse en binne die tydperk wat per regulasie voorgeskryf word, voorleggings aan die Raad gemaak het oor beware teen of steun aan 'n aansoek,
- en deur 'n handeling, voorskrif of beslissing van die Raad geraak word, op die wyse en binne die tydperk wat per regulasie voorgeskryf word, nadat sodanige handeling verrig is, of sodanige voorskrif of beslissing deur die Raad bepaal is, by die Kommissie teen die handeling, voorskrif of beslissing van die Raad appelleer.

(2) In geval die Raad 'n persoon by wyse van 'n geskrewe dokument van 'n voorskrif of beslissing wat in onderafdeling (1) voorsien word in kennis stel, sal die datum van sodanige dokument as datum waarop sodanige voorskrif of beslissing gemaak is beskou word.

(3) Die Kommissie moet 'n appél wat ingevolge onderafdeling (1) tot hom gerig word ontvang, en onderhewig aan die bepalings van hierdie afdeling en die regulasies, oorweging daarvan skenk, en mag na goeddunke--

- (a) die appéel van die hand wys en die handeling, voorskrif of beslissing waarteen geappeleer is bevestig; of
  - (b) die appéel gestand doen en die handeling, voorskrif of beslissing waarteen geappeleer is ter syde stel, en-
    - (i) die Raadsbesluit met 'n ander handeling, voorskrif of beslissing wat die Raad kon neem of maak vervang; of
    - (ii) die saak wat tot die appéel aanleiding gegee het opnuut vir oorweging na die Raad terugverwys; of
  - (c) die appéel gedeeltelik gestand doen en die handeling, voorskrif of beslissing waarteen geappeleer is aanpas.
- (4) Die voorsitter van die Kommissie, of 'n Kommissielid wat deur die voorsitter aangewys is, mag na goeddunke en sonder vooraf kennisgewing en aanhoor van enige belangstellende party-
- (a) 'n aansoek toestaan dat 'n kennisgewing of appéel wat laat ingedien is kwytgeskeld word, op voorwaarde dat die appéel gerig word op die wyse wat per regulasie voorgeskryf word binne 42 dae nadat die Raad die handeling verrig, of die voorskrif of beslissing waarteen geappeleer word gemaak het, of dit weier;
  - (b) 'n aansoek om die uitvoering van 'n handeling, voorskrif of beslissing van die Raad waarteen geappeleer word op te skort, toestaan of weier;
  - (c) 'n handeling, voorskrif of beslissing van die Raad waarteen geappeleer word tersyde stel en die saak opnuut na die Raad vir oorweging terugverwys.
- (5) 'n Handeling, voorskrif of beslissing van die Kommissie ingevolge onderafdeling (3)(b)(i) of (c) sal, behalwe die doeleindes van onderafdeling (1), as handeling, voorskrif of beslissing van die Raad beskou word.
- (6) Hierdie afdeling sal slegs ten opsigte van minibustaxi-tipe vervoer wat ten volle binne die amptgebied van Gauteng werksaam is geld.

### **33. Personeel van Kommissie**

Die Departementshoof moet die nodige personeel aan die Kommissie verskaf om met die uitvoering van sy funksies behulpsaam te wees, onderhewig aan die wette wat die provinsiale staatsdiens reguleer.

### **34. Publikasie van redes**

Die Kommissie en Raad moet op versoek 'n belangstellende party binne 14 dae van geskrewe redes vir beslissings wat ingevolge hierdie Wet deur hulle geneem is voorsien.

### **35. Bykomende magtiging deur permit meegegee**

'n Permit moet, benewens die vervoer wat uitdruklik daardeur gemagtig word, ook die vervoer van 'n persoon wat in verband met die vervoer benodig word, magtig.

### **36. Tydelike plaasvervanging van motorvoertuig waarop permit van toepassing is**

(1) In geval 'n voertuig wat ingevolge 'n permit gebruik word defektief raak of tydelik in ongebruik is weens 'n ongeluk, mag die Raad of 'n lid daarvan wat deur die voorsitter

aangewys is, geskrewe toestemming verleen dat 'n ander motorvoertuig in plaas daarvan gebruik word, onderhewig aan onderafdelings (2) en (3).

(2) Die passasiersvermoë van die plaasvervangende voertuig moet gelykstaande aan of kleiner wees as die voertuig waarop die permit betrekking het, of dit nie met meer as 20 persent oorskry nie.

(3) Die plaasvervangende voertuig mag vir 'n vasgestelde tydperk van nie langer nie as 21 dae gebruik word, na gelang van die Raad of lid se besluit.

(4) Die plaasvervangende voertuig sal tydens die plaasvervangende tydperk as die voertuig waarop die permit betrekking het beskou word.

### 37. Pligte van permithouer

(1) Die houer van 'n permit moet--

- (a) die permit (of geskrewe toestemming waarna in afdeling 35 verwys word) in die motorvoertuig waarvoor dit uitgereik is hou, en dit op aanvraag aan 'n gemagtigde amptenaar toon;
- (b) die permit beskerm en dit in 'n toestand bewaar waarin die letters en syfers daarop duidelik leesbaar is, en op die wyse wat per regulasie voorgeskryf word om 'n duplikaat aansoek doen indien die permit beskadig word of nie meer duidelik leesbaar is nie;
- (c) die naam, adres en aard van besigheid van die houer op die voertuig waarvoor die permit uitgereik is vertoon, op 'n opvallende plek, op die voorgeskrewe wyse of ander manier wat die Raad skriftelik in 'n besondere geval goedkeur;
- (d) die ander besonderhede soos na goeddunke deur die Raad voorgeskryf vertoon;
- (e) 'n onderskeidende merk op alle voertuie wat ingevolge die permit gebruik word op die wyse wat per regulasie voorgeskryf word aanbring en daarop hou;
- (f) verseker dat alle bestuurders van voertuie wat ingevolge die permit gebruik word oor die nodige bestuurderslisensies of professionele bestuurderspermitte beskik.

(2) 'n Permit wat ingevolge hierdie Wet uitgereik word--

- (a) sal die houer nie magtig nie om vervoer te onderneem op 'n openbare pad in die ampsgebied van 'n munisipaliteit as dit ingevolge 'n ordonnansie, regulasie of bywet in die gebied, of as gevolg van die handeling van die munisipaliteit ingevolge 'n ordonnansie, regulasie of bywet onwettig is om 'n motorvoertuig op sodanige pad te gebruik of om die soort vervoer op sodanige pad te onderneem waarvoor die permit uitgereik is;
- (b) sal die houer nie onthef van die verpligting om aan 'n vereistes van 'n wet, lisensie of permit wat deur 'n ander owerheid uitgereik is te voldoen nie.

(3) Elke houer van 'n permit moet die permit jaarliks op die wyse wat per regulasie voorgeskryf word, op of voor die verval datum van die registrasiesertifikaat ten opsigte van die motorvoertuig waarvoor die permit uitgereik is, aan die relevante VPAL voorlê vir registrasie, onderhewig aan die bestaan van 'n geldige sertifikaat van geskiktheid of padwaardigheidsertifikaat soos deur wetgewing vereis, by gebreke waarvan die permit sal verval en vervolgens by die

relevante VPAL vir kansellasie ingedien moet word: op voorwaarde dat die permit opgeskort kan word vir 'n tydperk wat nie een jaar oorskry nie, as die aansoeker aan die raad kan bewys dat daar goeie gronde bestaan vir so 'n stap, welke gronde kan insluit, maar nie beperk is nie tot--

- (a) siekte of onbekwaamheid;
- (b) die feit dat die motorvoertuig tydelik aan diens onttrek is weens die diefstal daarvan of 'n ongeluk;
- (c) reëlings om die permit oor te dra weens die afsterwe van die houer;
- (d) finansiële probleme weens omstandighede buite die houer se beheer, of
- (e) die feit dat die houer weens 'n konflik situasie nie sy of haar diens kan bedryf nie.

(4) Elke houer wat self, of wie se eggenoot, verhoudingsmaat, nabye familielid, afhanklike, sakevennoot of werkewer aangestel word as 'n gemagtigde amptenaar of as 'n amptenaar van die Staatsdiens of provinsiale administrasie of van 'n munisipale administrasie, moet die Raad vervolgens skriftelik van hierdie feit in kennis stel. 'n Persoon wat bewus raak van sodanige verhouding moet die Raad insgelyk in kennis stel.

(5) Die Raad mag 'n permit herroep as dit bewus raak van 'n verhouding soos voorsien in onderafdeling (4).

**38. Herroeping, opskorting en wysiging van 'n permit weens wangedrag, of wanneer 'n kontrak beëindig is, of in 'n noodgeval**

(1) Die Raad mag te eniger tyd, onderhewig aan die bepalings van onderafdeling (2), 'n permit herroep of opskort vir 'n tydperk wat as geskik beskou word--

- (a) as die permithouer of 'n werknemer van die houer wat by die vervoerdienste wat deur die permit gemagtig word betrokke is, skuldig bevind is aan 'n oortreding ingevolge hierdie Wet, of ingevolge 'n wet wat met motorvoertuie verband hou, of die regulering van verkeer soos per regulasie voorgeskryf; of
- (b) as die permithouer volgens die mening van die Raad nie getrou by die voorwaardes van die permit gehou het nie, of
- (c) as die houer nie by die Registrateur geregistreer is nie, of sodanige registrasie verval.

(2) Die Raad mag nie ingevolge onderafdeling (1) 'n permit herroep of opskort tensy--

- (a) ten minste een-en-twintig dae geskrewe kennis van die voorneme om dit te doen, vergesel van die redes daarvoor, per aangetekende of gesertifiseerde pos aan die permithouer verstrek is nie;
- (b) die houer 'n geleentheid gegun is om hetsy persoonlik of deur sy of haar gemagtigde verteenwoordiger voor die Raad te verskyn en getuenis te lewer of voorleggings te maak met betrekking tot die voorgestelde handeling, en
- (c) die geleentheid gebied is aan relevante munisipaliteit, forums, plaaslike taxi-skakelkomitees, en indien geen forums of skakelkomitees bestaan nie, aan relevante taxi-verenigings, om voorleggings te maak en alternatiewe reëlings te tref.

(3) In 'n noodgeval, of om onrus of konflik te bestry, mag die Raad 'n permit tydelik opskort vir 'n tydperk wat as geskik beskou word, wat nie langer as sewe dae sal wees

nie. In sodanige gevalle moet die Raad op voorgeskrewe wyse aan die betrokke houers kennis gee.

#### **39. Herroeping van onbenutte permitte**

(1) Onderhewig aan onderafdelings (2) en (3), moet die houer die permit by die relevante VPAL vir kansellasie indien as die minibustaxi-tipe vervoer wat deur sodanige permit gemagtig word vir 'n ononderbroke tydperk van dertig dae nie onderneem is nie.

(2) In geval 'n houer aan die relevante VPAL bewys dat die minibustaxi-tipe vervoer nie vir sodanige tydperk onderneem is nie weens--

- (a) siekte of onbekwaamheid;
  - (b) die feit dat die motorvoertuig tydelik aan diens onttrek is weens die diefstal daarvan of 'n ongeluk;
  - (c) reëlings om die permit oor te dra weens die afsterwe van die houer;
  - (d) finansiële probleme weens omstandighede buite die houer se beheer, of
  - (e) 'n onrus-situasie,
- moet die houer 'n tydperk toegestaan word van nie langer nie as een jaar waarin die diens hervat moet word, die besonderhede waarvan die permit mee geëndosseer moet word.

(3) In geval die eksekuteur of erfgename van 'n gestorwe houer aan die relevante VPAL bewys dat die houer oorlede is, sal die permit geldig bly vir 'n tydperk van nie langer nie as een jaar om die erfgename in staat te stel om die relevante dienste te hervat.

#### **40. Herroeping van surpluspermitte**

As die Raad tevrede is dat--

- (a) 'n munisipaliteit deur middel van behoorlike beplanning bepaal het dat daar 'n ooraanbod van minibustaxi-tipe vervoer op 'n gegewe roete, roetes of netwerk is;
  - (b) die munisipaliteit onderhandel het met 'n permithouer wat op sodanige roete, roetes of netwerke werksaam is, in konsultasie met die relevante forums, skakelkomitees en taxi-verenigings, met die oog op die verkryging van die kansellasie van oorskot-permitte deur die regte tot die permit te koop;
  - (c) 'n ooreenkoms op 'n billike en redelike wyse met die betrokke houer bereik is om hom of haar vir die verlies aan ekonomiese voordele wat met die permit verband hou te kompenseer, en dat die betaling van kompensasie voltrek of gewaarborg is,
- moet die Raad die permit herroep.

#### **41. Indiening van permitte wat verval het**

'n Permit wat verval het of herroep is of ongeldig geraak het, moet tesame met die onderskeidende merk wat met die permit verband hou, deur die houer daarvan aan die relevante VPAL teruggegee word binne sewe dae nadat die permit verval het, herroep is of ongeldig geraak het.

#### **42. Regulasies en riglyne**

- (1) Die LUR mag regulasies maak--

- (a) met verwysing na-
  - (i) die inligting wat saam met 'n aansoek om toekenning, hernuwing, wysiging of oordrag van 'n permit ingedien moet word;
  - (ii) die prosedure wat die VPAL of Raad moet volg by hantering van die aansoek;
  - (iii) die inligting wat saam met 'n appel tot die Kommissie teen 'n handeling, voorskrif of beslissing van die Raad ingedien moet word;
  - (iv) die inligting wat deur die Raad aan die Kommissie of die appellant verskaf moet word in verband met 'n appéel, asook die wyse waarop en tydperk waarin die inligting verskaf moet word;
  - (v) die prosedure wat deur die Kommissie gevolg moet word by die hantering van 'n appéel;
  - (vi) die misdrywe wat deur die Raad in ag geneem moet word by oorweging van permitaansoeke ingevolge afdeling 22;
  - (vii) die telling van roetes en die toekenning daarvan aan spesifieke verenigings of minibustaxi-operateurs, en die vorm en uitreiking van onderskeidende merke in sodanige verband;
  - (viii) regulering van die verskaffing van vervoer aan skoliere deur minibustaxi-operateurs;
  - (ix) regulering van die verskaffing van taxi-opleiding;
  - (x) konflikbeslegting en arbitrasie tussen verenigings of minibustaxi-operateurs;
  - (xi) voorsiening vir 'n stelsel van gradering van minibustaxi-operateurs.
- (b) wat die betaling van fooie vereis ten opsigte van--
  - (i) 'n aansoek vir die toestaan, wysiging of oordrag van 'n permit, of
  - (ii) 'n appéel tot die Kommissie teen 'n handeling, voorskrif of beslissing van die Raad;
  - (iii) uitreiking deur 'n VPAL van 'n permit, onderskeidende merk of ander dokument, of 'n duplikaat daarvan, en die bedrag van die fooi voorskryf, asook die omstandighede waaronder 'n bedrag wat by wyse van die fooi betaal word gedeeltelik of ten volle verbeur of terugbetaal sal word; die bedrag wat 'n gedeeltelike terugbetaling sal beloop, en die omstandighede waaronder 'n bedrag wat sodanig betaal is na goeddunke van die Raad of Kommissie ten volle verbeur of ten volle of gedeeltelik terugbetaal sal word;
- (c) enige ander aangeleentheid wat die doeleindes van hierdie Wet sal bevorder.
  - (2) Die LUR mag riglyne maak aangaande--
  - (a) die verskaffing van taxi-opleiding;
  - (b) die vervoer van skoliere deur minibustaxi-operateurs;
  - (c) enige ander aangeleentheid wat die doeleindes van hierdie Wet sal bevorder.

#### **43. Vereistes vir verskaffing van inligting en statistieke**

- (1) Die Departement en alle munisipaliteite in die Provinsie moet mekaar of die LUR voorsien van die vervoerinligting en statistieke wat die LUR per regulasie mag vereis.

(2) Die Departement mag munisipaliteit versoek om vervoerinligting of statistieke te verskaf wat hy vir beplanningsdoeleindes benodig, in welke geval die munisipaliteit binne die voorgeskrewe tydperk aan die versoek moet voldoen.

#### 44. Bywette

(1) 'n Metropolitaanse overheid mag in ooreenstemming met 'n toepaslike geïntegreerde vervoerplan--

- (a) die grootte of aantal minibustaxi's wat 'n bepaalde sektor in sy ampsgebied mag binnegaan reguleer, en die tyd of tye bepaal wanneer 'n minibustaxi sodanige sektor mag binnegaan;
- (b) die toegang van 'n minibustaxi tot 'n bepaalde sektor tydens 'n vaste tydperk reguleer of verbied;
- (c) die op- of aflaai van passasiers deur minibustaxi's in 'n bepaalde sektor tydens 'n vaste tydperk verbied, en die tyd of tye bepaal wanneer op- of aflaai van passasiers mag plaasvind.

(2) 'n Munisipaliteit mag bywette maak om die doeleindes van hierdie Wet te bevorder, wat nie in konflik met hierdie Wet of regulasies wat ingevolge daarvan gemaak word is nie, insluitende, maar nie beperk nie tot--

- (a) die telling van roetes en die toekenning daarvan aan spesifieke verenigings of minibustaxi-operateurs, en die vorm en uitreiking van onderskeidende merke in hierdie verband;
- (b) die totstandbringing en funksionering van forums, plaaslike taxi-skakelkomitees en soortgelyke liggame;
- (c) die toekenning van geriewe aan spesifieke minibustaxi-operateurs of verenigings, en die uitreiking van permitte of lisensies aan die operateurs of verenigings, en die hef van fooie in daardie verband;
- (d) die aanstelling en gedrag van staanplek-aanvoerders;
- (e) die gedrag van minibustaxi-bestuurders.

(3) 'n Munisipaliteit mag 'n ooreenkoms aangaan met privaat-persone of -instellings wat betrekking het op benutting van geriewe vir minibustaxi-tipe dienste wat op privaateiendom geleë is, in ooreenstemming met regulasies en riglyne wat deur die LUR uitgevaardig is, mits die toekenning of benutting ingevolge 'n relevante geïntegreerde vervoerplan geskied.

#### 45. Magte van die LUR

Benewens die magte wat elders in hierdie Wet genoem word, mag die LUR--

- (a) navorsing in verband met minibustaxi-tipe dienste befonds;
- (b) demonstrasie- ofloodsprojekte ten opsigte van minibustaxi-tipe dienste befonds;
- (c) inligting oor minibustaxi-tipe vervoer deur middel van die pers, radio, televisie of ander media versprei;
- (d) munisipaliteit wat nie oor die nodige personeel of vermoë beskik nie, bystaan in die uitvoering van die funksies wat ingevolge hierdie Wet aan hulle toegeken word;
- (e) help om opleiding te verskaf vir minibustaxi-operateurs, bestuurders en administrateurs;
- (f) leiding gee aan verenigings of liggame van persone wat in belang van die bevordering van openbare passasiersvervoer werk;

- (g) seminare en werkswinkels reël met betrekking tot minibustaxi-tipe dienste;
- (h) deur middel van regulasie 'n negatiewe beloningstelsel vir houers van permitte wat minibustaxi-tipe dienste magtig tot stand bring, welke stelsel op punte gebaseer sal wees wat ten opsigte van oortredings deur die houers of werknelmers of agente van die houers aangeteken sal word. Die regulasies mag voorsiening maak vir die herroeping of opskorting van permitte;
- (i) 'n kennisgewing wat ingevolge 'n voorafgaande paragraaf van hierdie afdeling gepubliseer is, wysig of herroep, en
- (j) ander stappe neem wat nodig mag wees om die doeleindes van hierdie Wet te verwesenlik.

#### **46. Oortredings en prohibisies**

- 'n Persoon--
- (a) wat minibustaxi-tipe vervoer onderneem behalwe onder die gesag van 'n permit wat sodanige vervoer magtig; of
  - (b) synde 'n permithouer, wat minibustaxi-tipe vervoer onderneem wat buite die omvang van die bepalings van die permit val, of wat in gebreke bly om sodanige bepalings na te kom; of
  - (c) synde 'n permithouer, wat sodanig permit aan 'n ander persoon beskikbaar stel om minibustaxi-tipe vervoer te onderneem wat nie deur die permit of hierdie Wet gemagtig word nie; of
  - (d) wat vervalsings maak van 'n permit of ander dokumente wat ingevolge hierdie Wet uitgereik word, met die doel om te mislei, of 'n permit of dokument verander of skend of beskadig of iets daarby voeg; of
  - (e) wat in die wete dat 'n dokument nie 'n permit of dokument is wat ingevolge hierdie Wet uitgereik is nie, of dat 'n permit of ander dokumente wat ingevolge hierdie Wet uitgereik is, instryd met paragraaf (d) verander of geskend of beskadig of iets daarby gevoeg is, sodanige skrywe, permit of ander dokument uitgee of gebruik vir die doeleindes van hierdie Wet; of
  - (f) wat, behoudens die vergunnings van hierdie Wet, 'n permit of onderskeidende merk sonder die geskrewe toestemming van die Raad aan 'n ander motorvoertuig of persoon oordra as waarna in die permit of onderskeidende merk verwys word of daarin genoem word; of
  - (g) synde nie 'n gemagtigde amptenaar nie, wat in woord of daad of handelswyse voorgee om 'n gemagtigde amptenaar te wees; of
  - (h) wat doelbewus 'n gemagtigde amptenaar verhinder of pla of inmeng met die uitvoering van sy of haar pligte of uitoefening van sy of haar magte; of
  - (i) wat sonder goeie rede (die bewyslas waarvan by hom of haar sal berus) in gebreke bly of weier om voor die Kommissie of Raad of lid daarvan te verskyn nadat hy of sy kragtens hierdie Wet vereis is om te verskyn, of in gebreke bly of weier om na die beste van sy of haar kennis 'n vraag wat wettiglik aan hom of haar gestel is te beantwoord, of om 'n vereiste boek, plan of ander dokument of artikel te toon; of
  - (j) wat doelbewus 'n valse verklaring maak met betrekking tot 'n aansoek, appél, navraag of ondersoek ingevolge hierdie Wet, hetself skriftelik of mondellings; of

- (k) 'n permit van die Raad verkry in die wete dat 'n permit reeds aan 'n ander persoon uitgereik is ten opsigte van die betrokke motorvoertuig; of
- (l) wat 'n onderskeidende merk op 'n motorvoertuig wat vir minibustaxi-tipe dienste gebruik word vertoon, welke merk nie wettiglik ingevolge hierdie Wet of enige ander wet uitgereik is nie, of wat in gebreke bly om 'n onderskeidende merk te vertoon as sodanige merk ingevolge hierdie Wet uitgereik is; of
- (m) wat in gebreke bly om 'n onderskeidende merk aan die raad terug te gee, of dit vernietig op versoek dat dit aan die Raad of Departement terugbesorg word;
- (n) wat ander bepalings van hierdie Wet verbreek, sal aan 'n oortreding skuldig wees.

**47. Daad of versuim van bestuurder, agent of werknemer van permithouer**

(1) Wanneer 'n bestuurder, agent of werknemer 'n daad verrig of versuim om dit te verrig, wat op 'n oortreding ingevolge hierdie Wet neerkom, dan, tensy die houer bewys dat--

- (a) hy of sy nie die daad of versuim oogluikend toegelaat of vergun het nie; en
- (b) hy of sy alle redelike stappe geneem het om 'n daad of versuim van die betrokke aard te verhoed; of
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die aard van die aantyging, onder geen omstandighede of voorwaarde binne die omvang van die gesag of gang van indiensneming van die bestuurder, agent of werknemer geval het nie,

sal die beskouing geld dat die houer self die daad verrig of versuim het om dit te doen, en sal die houer self aanspreeklik gehou word en in aanmerking kom om daaraan skuldig bevind en daarvoor veroordeel te word, en sal, vir die doeleinades van paragraaf (b), die feit dat hy of sy die betrokke daad of versuim verbied het, nie op sigself as voldoende bewys beskou word dat hy of sy alle redelike stappe geneem het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n houer 'n daad wat 'n oortreding van hierdie Wet sou behels verrig of versuim om dit te verrig, sal die bestuurder, agent of werknemer aanspreeklik gehou word en in aanmerking kom om daaraan skuldig bevind en daarvoor veroordeel te word, asof hy of sy sodanige houer was.

**48. Strawwe**

'n Persoon wat ingevolge hierdie Wet aan 'n oortreding skuldig bevind word, sal by veroordeling in aanmerking kom vir gevangenisstraf vir 'n tydperk wat nie drie jaar oorskry nie, of 'n boete wat nie R20 000 oorskry nie, of beide 'n boete en gevangenisstraf.

**49. Spesiale noodmaatreëls in sekere gebiede**

(1) Die LUR mag 'n gebied per kennisgewing in die Provinciale Koerant tot gebied verklaar waar die spesiale maatreëls waarvoor hierdie afdeling voorsiening maak sal geld, as dit sy of haar mening is dat sodanige stap nodig is om die situasie in die gebied weens geweld, onrus of onstabilitet in die taxi-bedryf te normaliseer.

(2) Die Departement mag 'n onderskeidende merk aan enige lid van 'n vereniging uitreik wat op die voorgeskrewe wyse ingevolge afdeling 5(3) voorwaardelik geregistreer is, en die lid moet sodanige merk op die voorgeskrewe wyse op alle betrokke voertuie aanbring en dit daarop hou. Sodanige onderskeidende merk sal die lid nie kwytskeld van die verpligting om die vereiste permit te verkry nie, en moet binne vier-en-twintig uur na versoek dat dit aan die Departement terugbesorg of vernietig moet word, aan die Departement teruggegee of vernietig word.

(3) In 'n gebied wat ingevolge onderafdeling (1) verklaar is, mag 'n gemagtigde amptenaar wat redelik tevrede is dat 'n motorvoertuig gebruik word vir ongemagtige minibustaxi-tipe vervoer, sodanige voertuig vir 'n tydperk van nie meer as veertien dae nie skut, tensy die betrokke operator tot bevrediging van die Departement bewys dat hy of sy of hulle nie ongemagtige padvervoer onderneem het nie, of dat hy of sy of hulle in aanmerking kom vir voorwaardelike registrasie ingevolge afdeling 5(3).

(4) 'n Voertuig waarop ingevolge onderafdeling (3) beslag gelê is, mag nie vrygelaat word totdat die Departement tevrede is dat die betrokke operator die nodige permit verkry het om op die betrokke roete werksaam te wees, of voorwaardelike registrasie ingevolge afdeling 5(3) verkry het, of dat die situasie in die betrokke gebied genormaliseer is met betrekking tot 'n beëindiging van geweld en wetteloosheid, en hierbenewens, dat 'n administrasie-fooi van R500 aan die Departement betaal is, welke fooi gebruik sal word om te vergoed vir die onkoste van die totstandbringing en onderhoud van die betrokke skut of skutte, en die balans, indien enige, sal aan die Provinciale Inkomstefonds oorbetaal word.

(5) As 'n voertuig waarop ingevolge onderafdeling (3) beslag gelê is, weer aangekeer word vir ongemagtige padvervoer in die betrokke gebied, mag dit weer geskut word, in welke geval bogenoemde onderafdelings (3) en (4) mutatis mutandis sal geld, behalwe dat die administrasie-fooi waarna in onderafdeling (4) verwys word, R1000 vir die tweede beslaglegging sal wees, en by elke daaropvolgende beslaglegging verdubbel sal word.

(6) Beslaglegging van 'n voertuig ingevolge hierdie afdeling sal die operator, eiennaar of bestuurder daarvan nie vrystel van vervolging vir 'n oortreding van hierdie Wet of 'n wet wat met die regulering en beheer van padverkeer verband hou nie.

(7) Die LUR mag regulasies maak om te voorsien dat een of meer roetes of staanplekke in 'n gebied wat ingevolge onderafdeling (1) verklaar is, vir die werksaamhede van minibustaxi-tipe dienste gesluit word vir 'n tydperk wat in die kennisgewing verklaar word, en dat geen persoon tydens hierdie tydperk dienste op die roete of roetes of in die staanplek of staanplekke mag onderneem nie. Die regulasies mag daarvoor voorsiening maak dat die skending daarvan 'n oortreding is, en mag die strawwe in hierdie verband bepaal.

(8) Regulasies ingevolge onderafdeling (7) mag voorsiening maak vir die uitreiking van tydelike permitte aan operators van motorvoertuie met 'n dravermoë van meer as sestien persone, insluitende die bestuurder, om die toe roetes tydens die tydperk wat hulle gesluit is te bedryf.

**50. Gevolg van veelvuldige skuldigbe vindings aan sekere oortredings**

(1) By 'n tweede of daaropvolgende skuldigbe vinding van 'n persoon aan 'n oortreding wat die lewering van ongemagtigde minibustaxi-tipe vervoer behels, mag die Raad-

(a) deur middel van 'n kennisgewing wat per aangetekende of gesertifiseerde gestuur is, 'n permit waarvan sodanige persoon die houer is, herroep, of enige permit waarvan sodanige persoon die houer is, opskort, vir die tydperk wat as geskik beskou word; en

(b) tydens die tydperk wat as geskik deur die Raad beskou word, en ongeag daarvan of 'n permit waarvan sodanige persoon die houer is, ingevolge paragraaf (a) herroep is, weier om 'n aansoek om toekenning of oordrag van 'n permit aan hom of haar of aan 'n maatskappy waarvan hy of sy 'n direkteur is, te oorweeg.

(2) Vir die doelein des van onderafdeling (1) sal die skuldigbe vinding van 'n maatskappy aan 'n oortreding waarna in daardie onderafdeling verwys word, ook as veroordeling beskou word van elke persoon wat 'n direkteur van sodanige maatskappy was ten tye van die pleeg van die betrokke oortreding.

**51. Aannames, en bewys van sekere feite**

(1) By 'n vervolging wat ingevolge hierdie Wet plaasvind-

(a) sal die aanname geld dat 'n persoon wat 'n persoon by wyse van 'n motorvoertuig vervoer het, of wat die vervoer van enige persoon benewens die bestuurder van die voertuig toegelaat het, minibustaxi-tipe vervoer bedryf het, tensy die teendeel bewys word;

(b) sal die aanname geld, as daar bewys word dat 'n persoon in skending van hierdie Wet by wyse van 'n sekere motorvoertuig vervoer is, dat die eienaar van die betrokke voertuig die persoon sodanig vervoer het, tensy daar bewys word dat hy of sy nie die bestuurder van die voertuig was ten tye van sodanige vervoer nie, en nie die gebruik van die voertuig vir sodanige vervoer gemagtig of toegelaat het nie;

(c) sal die aanname geld dat 'n persoon wat in besit is van 'n dokument wat valslik voorgee om 'n permit te wees wat ingevolge hierdie wet uitgereik is, of van 'n permit wat verander, geskend, beskadig of aan bygevoeg is, in skending van hierdie Wet, die skrif aangebring het of die permit verander, geskend, beskadig of daaraan bygevoeg het, tensy die teendeel bewys word.

(2) 'n Dokument wat voorgee om 'n permit te wees wat ingevolge hierdie Wet uitgereik is, of 'n afskrif van die permit wat as getroue afskrif gesertifiseer is deur 'n persoon wat voorgee om 'n amptenaar van die Raad te wees, sal by oplewering deur 'n persoon wat ingevolge hierdie Wet vervolg word, toelaatbaar as getuienis wees, en as prima facie bewys geld dat dit 'n permit is wat geldiglik ingevolge hierdie Wet uitgereik is, of dat dit 'n getroue afskrif is van die permit, soos die geval mag wees, en dat elke stelling wat dit bevat korrek is.

(3) 'n Dokument wat verklaar dat 'n motorvoertuig wettiglik geregistreer is in die naam van 'n persoon wat in die dokument genoem word, en wat voorgee om uitgereik te gewees het deur die owerheid met die taak om motorvoertuie te registreer in die plek waar die voertuig geregistreer is, sal by 'n vervolging vir 'n oortreding ingevolge hierdie Wet toelaatbaar as getuienis wees, en as prima facie bewys geld van die korrektheid van die stellings wat daarin vervat is.

## 52. Registrasie van goedgekeurde permitkonsultante

(1) Geeneen sal as permitkonsultant praktiseer tensy hy of sy ingevolge hierdie afdeling op die wyse wat per regulasie voorgeskryf word geregistreer is.

(2) Ten einde te kan registreer, moet 'n permitkonsultant oor die kwalifikasies en ervaring beskik wat per regulasie voorgeskryf word, en die Gedragskode wat insgelyk voorgeskryf is, aanvaar en onderteken.

(3) Praktiserende prokureurs en advokate sal van die vereistes van hierdie afdeling vrygestel word.

(4) 'n Persoon wat as permitkonsultant praktiseer sonder om ingevolge hierdie afdeling geregistreer te wees, sal skuldig aan 'n oortreding wees, en by veroordeling in aanmerking kom vir die strawwe wat per regulasie voorgeskryf word.

(5) Regulasies wat ingevolge hierdie afdeling gemaak word, mag voorsiening maak vir skorsing of deregistrasie van 'n permitkonsultant wat skuldig bevind is aan oortredings soos voorgeskryf.

## 53. Jurisdiksie

'n Landdroshof sal jurisdiksie hê om 'n straf waarvoor in hierdie Wet voorsiening gemaak word, op te lê.

## 54. Beperking van aanspreeklikheid

Geen siviele of kriminele saak sal in 'n gereghof ingebring of voortgesit word teen 'n gemagtigde amptenaar weens 'n daad wat in goeder trou ingevolge hierdie Wet deur enige gemagtigde amptenaar of die werkewer van 'n gemagtigde amptenaar verrig is nie.

## 55. Finansies

Alle gelde wat deur die Raad ingevolge hierdie Wet ontvang word, moet oorbetaal word aan die Provinciale Stedelike Vervoerfonds wat kragtens die Wet op Stedelike Vervoer, 1977 (Wet nr. 78 van 1977) tot stand gebring is, of aan die provinciale Grondvervoerfonds as opvolger daarvan, en alle uitgawes wat in die uitvoering van hierdie Wet aangegaan word, sal gedek word deur geld wat deur die LUR vir Finansies uit daardie Fondse toegewys word: op voorwaarde dat 'n uitgawe wat in verband met die uitvoering van die funksies van 'n gemagtigde amptenaar aangegaan is, gedek moet word deur die werkewer van die betrokke amptenaar.

**56. Verband tussen Wet en ander wette**

Die bepalings van hierdie Wet is aanvullend tot ander wette op motorvoertuie, en neem nie die plek daarvan in nie.

**57. Inspekteurs**

Inspekteurs wat kragtens die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977) aangestel word, sal die magte en funksies ten opsigte van minibustaxi-tipe dienste hê wat aan hulle deur daardie Wet toegesê word.

**58. Herroeping en oorgangsbeplings**

(1) Die bepalings van die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977) en alle regulasies wat ingevolge daarvan gemaak is, sal ná inwerkingtreding van hierdie Wet op minibustaxi-tipe dienste in die Provinse van toepassing wees, behalwe vir sover gewysig of herroep deur hierdie Wet of regulasies wat ingevolge daarvan gemaak word, het sy direk of indirek.

(2) Onderhewig aan die bepalings van hierdie Wet, sal 'n permit wat ingevolge die Wet op Padvervoer, 1977 (Wet nr. 74 van 1977) uitgereik is, as permit beskou word wat ingevolge die ooreenstemmende beplings van hierdie Wet uitgereik is, en sal geldig wees vir die tydperk waarvoor dit uitgereik is.

**59. Verkorte titel en inwerkingtreding**

(1) Hierdie Wet sal as die Gautengse Tussentydse Wet ter Regulering van Minibustaxi-tipe Dienste, 1997, bekend staan, en sal in werking tree op die datum wat deur die LUR bepaal word en by wyse van kennisgewing in die Proviniale Koerant.

(2) Verskillende beplings van hierdie Wet mag op verskillende datums in werking tree, of ten opsigte van verskillende gebiede geld.

(3) Hierdie Wet sal eindig op die aanvangsdatum van meer omvattende provinsiale openbare passasiersvervoerwetgewing.

**TUSSENTYDSE GAUTENGSE WET TER REGULERING VAN MINIBUSTAXI-TIPE DIENSTE, 1997**

Memorandum ingevolge Reël 134 van die Staande Reëls van die Gautengse Proviniale Wetgewer.

**1. REDES VIR DIE WETSONTWERP**

Die Gautengse Tussentydse Wetsontwerp ter Regulering van Minibustaxi-tipe Dienste is in navolging van die aanbevelings van die Gautengse Taxi-Inisiatief (GTI) en ander provinsiale beleidsdokumente voorberei. Die Provinie is tans besig - in navolging van die aanbevelings van die Gautengse Strategiese Bestuurspan (Sbs), en met inbegrepe van die Nasionale Wetsontwerp op Grondvervoer, 1997 - met 'n proses om 'n reeks wetgewing saam te stel wat voorsiening vir vervoeraangeleenthede sal maak. Een van die wetsontwerpe wat oorweeg word om voorsiening te maak vir alle aspekte en metodes van openbare passasiers- en padvervoer is 'n Wetsontwerp op Openbare Passasiers- (Pad-) vervoer. Hierdie Tussentydse Wetsontwerp ter Regulering van Minibustaxi-Tipe Dienste (die Wetsontwerp) is as dringende voorloper van die Wetsontwerp op Openbare Passasiers voorberei weens die dringende behoefte om die probleme van die minibustaxi-bedryf in Gauteng aan te spreek, ten einde orde en stabiliteit aan die bedryf te verleen en die vloed van taxi-geweld te stuit.

Die hoofdoel van die Wetsontwerp is om buitengewone voorsiening te maak vir die korttermyn regulering en beheer van minibustaxi-tipe dienste. Die Wet op Padvervoer, 1977, sal gedeeltelik gewysig moet word om saam met hierdie Wetsontwerp te geld ten einde voorsiening te maak vir ander openbare passasiersvervoermetodes per pad totdat beide deur die beoogde Wet op Openbare Passasiers- (Pad-) vervoer herroep word.

Dit is die Gautengse Departement van Vervoer en Openbare Werke se beleid om die minibustaxi-bedryf so gou moontlik deel van die openbare vervoerbedryf se hoofstroom te maak. Dit sal die formalisering van, en hulpverlening aan, die bedryf vereis. Daar word positiewe pogings aangewend, wat in die toekoms voortgesit sal word, om die integrasie van alle openbare vervoermetodes te bevorder. Dit sou op sigwaarde wou voorkom of 'n wet wat slegs op taxi's toegespits is, hoewel dit sleks 'n tussentydse maatreël is, strydig met sodanige beleid is. Daar sal egter sorg aan die dag gelê word om die taxi-bedryf en hierdie Wet so gou moontlik met die groter stelsel en Wet op Openbare Passasiers- (Pad-) vervoer te integreer.

Die Wetgewer het in Junie 1997 sekere dringende wysigings aan die Wet op Padvervoer, 1977, aangeneem om voorsiening te maak vir tussentydse noodmaatreëls om geweld te bestry en die merk van minibustaxi-voertuie in die Soshanguve/Mabopane-gebied moontlik te maak. Sodanige wysigings is in die Wetsontwerp opgeneem.

**2. OMGEWINGSIMPAK**

Geen.

### 3. FINANSIËLE IMPLIKASIES VAN DIE WETSONTWERP

Die daarstelling van 'n Provinciale Vervoerkommissie as appélliggaam, met nie meer nie as 5 lede, sal finansiële implikasies inhoud. Die LUR sal hul vergoeding in oorelog met die LUR vir Finansies bepaal. Kommissielede wat staatsamptenare is sal nie bykomende vergoeding ontvang nie, behalwe vir reisonkostes en sakuitgawes.

Gelde wat ingevolge die Wet ontvang word moet aan die Provinciale Stedelike Vervoerfonds oorbetaal word, en uitgawes moet deur daardie Fonds gedek word.

'n Administratiewe liggaam vir vervoerpermitte sal vir elke metropolitaanse owerheid tot stand gebring word as administratiewe liggaam van die Permitraad (plaaslike padvervoerraad). Dit sal egter neerkom op die herontplooiing van personeel wat tans in Johannesburg gesentreer is, en behoort geen finansiële implikasies in te hou nie.

### 4. KOMMENTAAR WAT ONTVANG EN VERSOEK WORD

'n Konsep-wetsontwerp is op 6 Januarie 1997 vir kommentaar in die Provinciale Koerant gepubliseer. Omvangryke kommentaar is van 'n verskeidenheid belanghebbers ontvang; dit is oorweeg en waar toepaslik geakkommodeer.

Die beginsels van die Wetsontwerp spruit uit die beraadslagings van die Gautengse Taxi-Inisiatief (GTI) voort, wat met die Nasionale Taxi-Taakgroep (NTTg) en die georganiseerde busbedryf (die Suid-Afrikaanse Busoperatorsevereniging) bespreek is. Ander rolspelers is op wye grondslag geraadpleeg, soos die provinsiale Permitraad (Plaaslike Padvervoerraad) en verenigings van vervoerpermitkonsultante.

Die bepalings van die Wetsontwerp stem ook ooreen met die aanbevelings van die provinsiale Regulerings- en Beheerkomitee, die provinsiale Komitee van (metropolitaanse) Amptenare vir Regulering, Beheer en Koördinasie, die Nasionale Taxi-Taakgroep (NTTg), die nasionale Regulerings- en Beheerwerksgroep, en die nasionale Formaliserings- en Opleidingswerksgroep.

### 5. VERDUIDELIKING: KLOUSULE PER KLOUSULE

- c 1: Sekere woorde wat in die Wetsontwerp voorkom word in hierdie krousule omskryf.
- c 2: Hierdie krousule maak daarvoor voorsiening dat metropolitaanse owerhede en munisipaliteite vir minibustaxi-tipe dienste op 'n roete- of netwerkgrondslag moet beplan.
- c 3: Elke metropolitaanse owerheid asook die Departement van Vervoer en Openbare Werke (die Departement) sal bestuurstelsels en databanke wat versoenbaar met

nasionale en provinsiale stelsels is, soos die Nasionale Verkeersinligtingstelsel (NaVis), tot stand moet bring en onderhou.

c 4: Hierdie klousule maak voorsiening vir die aanstelling van 'n provinsiale Registrateur om taxi-verenigings, hul lede en nie-lede te registreer. Dit is reeds ingevolge bogenoemde wysigings aan die Wet op Padvervoer vermag.

c 5: Hierdie klousule maak voorsiening vir die magte en pligte van die Registrateur, naamlik om:

- taxi-verenigings waarvan nie al die lede oor geldige permitte beskik nie, voorwaardelik te registreer;
- verenigings waarvan die lede oor permitte beskik, te registreer; en
- nie-lede van verenigings wat kwalifiseer te registreer.

Die pligte van die Registrateur sal ingevolge latere wetgewing uitgebrei word om ander vervoermetodes te dek.

c 6: Hierdie klousule magtig die LUR om 'n Standaard Minimum Grondwet vir taxi-verenigings en 'n Gedragskode vir Nie-Lede voor te skryf, asook ander aangeleenthede, soos die minimum aantal lede waaraan 'n vereniging moet beskik om te kan registreer.

c 7: Hierdie klousule sit die prosedure om vir registrasie aansoek te doen uiteen.

c 8: Die Registrateur mag dissiplinêre stappe neem teen verenigings en nie-lede wat nie aan die Wet of die Standaard Minimum Grondwet of Gedragskode vir Nie-Lede voldoen nie. Dit kan deregistrasie insluit.

c 9: Die LUR mag 'n Paneel van Assessore daarstel om die Registrateur te adviseer. Dit is reeds vermag ingevolge die onlangse wysigings aan die Wet op Padvervoer.

c 10: Elke metropolitaanse owerheid moet 'n taxi-forum tot stand bring, bestaande uit verteenwoordigers van die taxi-bedryf, die metropolitaanse owerheid en ander belanghebbers, soos bestuurdersvakbonde en passasiersverteewoerdigers.

c 11: Elke munisipaliteit moet 'n plaaslike taxiskakelingskomitee tot stand bring met 'n soortgelyke verteenwoordigende samestelling as die forum.

c 12: Die funksies van forums en skakelingskomitees sal wees om as skakel te dien tussen munisipaliteite, om

inligting te versprei, insette te lewer in vervoerbeplanning, ens.

c 13: Die Gautengse Vervoerpermitraad (Raad) wat kragtens die Wet op Padvervoer, 1977, as 'n plaaslike padvervoerraad tot stand gebring is, sal aansoeke vir permitte aangaande minibustaxi-tipe dienste aanhoor.

c 14: 'n Breeë verteenwoordigende adviespaneel van die Raad sal tot stand gebring word om die Raad van algemene advies te voorsien.

c 15: 'n Administratiewe liggaam vir vervoerpermitte sal vir elke metropolitaanse owerheid tot stand gebring word as administratiewe arm van die Raad. Dit sal neerkom op 'n herontplooiing van personeel wat tans in Johannesburg gesentreer is.

c 16: Hierdie klousule maak vir permitaansoekprosedures voorsiening.

c 17: Hierdie klousule maak voorsiening vir vrystelling van die verpligting om 'n permit te verkry, byvoorbeeld in die geval van skole en ander opvoedkundige instellings wat leerlinge en studente met hul eie voertuie vervoer.

c 18: Aansoekers vir interprovinsiale dienste sal vir permitte aansoek doen in die provinsie waar die vervoer in aanvang neem, met die instemming van die rade in die betrokke ander provinsies. 'n Appél aangaande interprovinsiale dienste sal aan die Nasionale Vervoerkommissie (NVk) gerig word, en aan die beoogde Padvervoer-Appéltribunaal wanneer dit tot stand kom.

c 19: Aansoekers vir internasionale dienste sal op nasionalevlak by die NVk aansoek doen, soos in die verlede, of by die voorgestelde Reguleringskomitee wat deur die beoogde Wetsontwerp op Transgrens Padvervoer tot stand gebring sal word. 'n Appél insake internasionale dienste sal aan die NVk gerig word, of aan die voorgestelde Tribunaal ná inwerkingtreding van die Wet op Transgrens Padvervoer.

c 20: Hierdie klousule maak voorsiening vir sekere belangrike voorwaardes wat sal geld wanneer daar beslis moet word oor die toekenning of weiering van permitaansoeke. Een voorbeeld is dat die aansoeker 'n lid van 'n geregistreerde vereniging moet wees, of moet kwalifiseer as 'n nie-lid.

c 21: Die Raad sal aansoeke om permitte in die Provinsiale Koerant publiseer om belangstellendes die geleentheid te bied om voorleggings ter ondersteuning of in opposisie tot aansoeke te maak.

- c 22:Hierdie klousule maak voorsiening vir aangeleenthede wat in ag geneem moet word ter oorweging van permitaansoeke.
- c 23:Permitte sal vir 'n onbepaalde tydperk uitgereik word, tensy sodanige permitte teruggetrek word.
- c 24:Hierdie klousule spesifiseer aangeleenthede wat in permitte vervat moet word.
- c 25:Alle houers van permitte wat op die datum waarop die Wet in werking tree bestaan, sal sodanige permitte vir heruitreiking moet indien, in gebreke waarvan sodanige permitte sal verval. Die doel is om sogenaamde "kabinet"-permitte wat nie gebruik word nie uit te skakel.
- c 26:Operateurs sal ad hoc-magtiging benodig vir tydelike dienste op 'n betrokke datum of vir 'n betrokke geleentheid.
- c 27:'n Proviniale Vervoerkommissie word tot stand gebring, bestaande uit nie meer nie as 5 lede, om alle appélsake aan te hoor insake intraprovinciale vervoer. Die LUR mag ander funksies aan die Kommissie toeken.
- c 28:Hierdie klousule maak voorsiening vir die diskwalifisering van Kommissielede.
- c 29:Hierdie klousule maak voorsiening vir ampsontruiming en - verwydering van Kommissielede.
- c 30:Hierdie klousule maak voorsiening vir die vergoeding van Kommissielede.
- c 31:Hierdie klousule reguleer vergaderings van die Kommissie.
- c 32:Enige persoon wat deur 'n beslissing van die Raad verontreg is, kan tot die Kommissie appelleer, behalwe in die geval van interprovinciale en internasionale vervoer. Hierdie klousule maak ook vir appélprosedures voorsiening.
- c 33:Die Departementshoof moet personeel vir die Kommissie verskaf.
- c 34:Die Kommissie en Raad moet redes aan belangstellendes verstrek vir hul beslissings.
- c 35:Permitte magtig ook die vervoer van personele wat benodig word vir die vervoer van personele soos gemagtig deur die permit, byvoorbeeld buskondukteurs.
- c 36:Waar 'n voertuig wat kragtens 'n permit gebruik word uit diens onttrek is, kan dit onder bepaalde omstandighede deur 'n ander voertuig vervang word.

- c 37:Hierdie klousule maak voorsiening vir die verpligtinge van permithouers, byvoorbeeld om die permit vir jaarlikse registrasie voor te lê.
- c 38:Permitte mag weens wangedrag herroep word, of in geval van konflikssituasies opgeskort word.
- c 39:Permitte in ongebruik mag herroep word, mits die permithouer billike vergoeding daarvoor ontvang. Sekere uitsonderings geld egter.
- c 40:Surpluspermitte mag herroep word, mits die permithouer billike vergoeding daarvoor ontvang. Munisipale beplanning moet 'n permitsurplus aantoon.
- c 41:Permitte wat verstryk het moet by die Raad vir kanselliasie ingedien word.
- c 42:Die LUR mag regulasies of riglyne daarstel insake verskeie aangeleenthede wat met minibustaxi-tipe dienste verband hou.
- c 43:Munisipaliteite en die Departement moet statistieke aan mekaar verskaf.
- c 44:Metropolitaanse owerhede en ander munisipaliteite mag bywette oor sekere aangeleenthede maak, soos die toewysing van roetes en geriewe.
- c 45:Die LUR mag navorsing finansier, munisipaliteite bystaan en ander funksies verrig.
- c 46:Hierdie klousule maak voorsiening vir oortredings en prohibisies.
- c 47:In gevalle waar 'n bestuurder, agent of werknemer van die permithouer sekere dade verrig, sal die permithouer daarvoor aanspreeklik gehou word.
- c 48:Hierdie klousule maak vir maksimum-strawwe voorsiening.
- c 49:Hierdie klousule maak daarvoor voorsiening dat die LUR sekere noodgebiede kan afkondig, waarin spesiale plakkers gebruik kan word deur lede van verenigings wat voorwaardelik geregistreer is, en waarin daar op voertuie beslag gelê kan word en staanplekke vir bepaalde tydperke gesluit kan word. Hierdie maatreëls word reeds vervat in die bogenoemde wysigings aan die Wet op Padvervoer.
- c 50:Permitte kan by geleentheid van 'n tweede of daaropvolgende oortreding teruggetrek word.
- c 51:Hierdie klousule omskryf sekere aannames.

- c 52:Niemand mag sonder registrasie en aanvaarding van die voorgeskrewe gedragskode as permitkonsultant praktiseer nie.
- c 53:Landdroshowe het kragtens die Wet strafjurisdiksie.
- c 54:Gemagtigde amptenare, soos inspekteurs, sal nie vir optrede in goeder trou aanspreeklik gehou word nie.
- c 55:Gelde wat ingevolge die Wet ontvang word moet aan die Provinsiale Stedelike Vervoerfonds oorbetaal word. Uitgawes moet deur daardie Fonds gedek word. Uitgawes wat met gemagtigde amptenare verband hou moet deur hul werkgewers gedek word.
- c 56:Die Wet is aanvullende tot ander wette op motorvoertuie, en neem nie die plek daarvan in nie.
- c 57:Inspekteurs wat kragtens die Wet op Padvervoer aangestel word, het die mag om die Wet toe te pas.
- c 58:Hierdie klousule herroep die Wet op Padvervoer, 1977.
- c 59:Hierdie klousule maak voorsiening vir die verkorte titel en aanvangsdatum van die Wetsontwerp.

## INOTHISI KAWONKE-WONKE

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### INOTHISI 3447 WA 1997

#### ISUNGULO LOMTHETHO WESIKHASHANA OLAWULA UKUSEBENZA

#### KWAMATHEKISI ANGAMABHASI AMANCANE E GAUTENG

Umbuso wephrovinsi lase Gauteng uphakamisa ukwethula isingulo lomthetho ongenhla kumbuso wase Gauteng ngomhla ka kuyela ku 2 Disemba 1997.

Injongo yesungulo lomthetho ukwethulela umthetho wesikhashana olawula ukusebenza kwamathekisi angamabhasi amancane ukusiza ekwakheni iKhomishani yephrovinsi yezokuthutha kanye nombhalisi wephrovinsi yezokuthutha kanye nombhalisi wephrovinsi wamaThekisi ukungafaki okunikelwe umthetho Wezokuthutha emigwaqeni ngo 1977 ekusebenzeni kumathekisi angamabhasi amancane kanye nokusiza kuzindaba ezihambelana nalokho.

Ukuhlangana komphakathi mayelana nesungulo lomthetho kuyoba kanje:

*Usuku:* 11, 13 Novemba 1997.

*Isikhathi:* 09:00–16:00.

*Indawo:* The Auditorium, Gauteng Provincial Legislature, corner of Loveday and President Streets, Johannesburg.

Isingulo lomthetho elingenhla lizoshicilelwa ngesiNgisi, ngesiBhunu, ngesiZulu kanye nangeSepedi ku Gazethi yephrovinsi ngomhla ka 6 ku Novemba 1997 kumibiko ejwayelekile.

abantu abafisa ukubeka amazwana ngaleli sungulo lomthetho bangathumela Lokho ku—

The Legislature Secretary

Private Bag X52

MARSHALLTOWN

2107.

Amakhophi eGazethi ye phrovinsi yase Gauteng angatholakala ku Hulumeni we phrovinsi e Fifth Floor, 30 Simmonds Street, Johannesburg.

# UMTHETHO WESIKHASHANA WOSUNGULO LOMTHETHO WASE GAUTENG OLAWULA UKUSE- BENZA KWAMATHEKISI AYINHLOBO YAMABHASI AMANCANE

Ukunika umthetho wesikhashana olawula ukusebenza kwamathekisi ayinhlobo yamabhasi amancane, ukunika ukwakhiwa kwekhomishani yezokuthutha yeProvince noMbhaliSi wamaThekisi weProvinsi, ukungafaki iminikelo yomthetho wezokuthutha wezindlela 1977, ekusebenzeni kumathekisi ayinhlobo yamabhasi amancane, nokunika okuphathelene nalokho

**M**AYENZIWE ibusiswe ibe semthethweni umkhandlu wezoMthetho weProvinsi ngendlela elandelayo:—

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### INCAZELO

“ Kulomthetho, ngaphandle kokuthi ichaza ngenye indlela

Imvume yalesi sizathu isho imvume yokuthatha amathekisi angamabhasi amancane njengoba kuchazwe kusiqephu 2 (b) “ Iqembu labaluleki “ noma “Iqembu “ lisho iPermit Board Advisory Panel yase Gauteng eyakhiwe ngesiqephu 14.

“ Inhlango “ zisho ukumisa ngamaqembu abashayeli bamathekisi angamabhasi ezimbili noma eziningi zalamaqembu zingeniswa khona emhlanganweni, okwakulu enku

ukuphumelelisa izidingo zamalungu azo, futhi izikelelwe ukusebenzisa imali engenayo ukufeza lezo zidingo.

“ Isikhulu esinemvume “ Lokhu kusho umhloli, oyilungu lamaphoyisa eSouth African Police Services noma umuntu osebenza kuPhrovinsi noma umaSipala omele ukusebenza ukuhlola izimoto noma amalayisense ezinqola noma ukulawula ukugeleza kwezimoto.

“ Ibhodi “ kusho iBhodi yePhomede yezokuthutha eGauteng eyakhiwe njengebhodi yesigodi yezokuthutha endleleni engaphansi kwesiqephu 4 kumithetho yezokuthutha endleleni 1977 ( Act no 74 cf 1977).

“ Abalingani kwezohwebo” kusho abalingani kusivumelwano sokuhlangana, umqondisi obambisene kunkampani noma ilungu elibambisene ekusenzisaneni.

“ Ikhomishani isho ikhombishani yePhrovinsi yezokuthutha eyakhiwe mayelana nesiqephu.

“ Umnyango “ usho uMnyango wezokuthutha noWemisebenzi Yomphakathi.

“ Umbuthano “ usho ukuhlela izikhulu, abamele imboni yamathekisi angamabhasi amancane nabanye abakhelwe indawo eyingxubevange mayelana nesiqephu 10.

“ Inhloko yoMnyango “ lokhu kusho inhloko yomnyango ebophekile kwezokuthutha eGauteng.

“ Obambil “ mayelana nephomede lokhu kusho umuntu okukhishwe ngaye iphomende.

“ Umhloli “ kusho umhloli ocubulingiwe kusiqephu 56.

“ Phakathi kwezwe” ukusebenza lapho amathekisi amabhasi amancane ethutha ingxeny phakathi kwezwe lethu nengxeny kwelinje ilizwe noma ashintshele kwelinje izwe adlule ezweni lethu aye kwelinje izwe.

“ Inhlango yaphakathi yamaPhrovinsi” kusho ukusebenza lapho amathekisi angamabhasi amancane ethutha kancane kuPhrovinsi nakancane kwelinje iPhrovinsi noma amaPhrovinsi, ngaphandle kokusebenza kwezwe lonke.

“ Ikomidi lokuxhumana” ikomidi lesigodi lokuxhumana kwamathekisi.

“ Ikomidi lokuxhumana kwamathekisi esigodi “ kusho ikomidi lezikhulu, abamele imboni yamathekisi angamabhasi amancane nabanye abakhelwe omasipala abange yona ingxubevange kamasipala noma isakhiwo esingaphansi kwesiqephu II.

“ MEC “ kusho amalungu omkhandlu wezikhulu okuyiwona athintana nezokutha eGauteng.

“Ukusebenza kwamathekisi angamamitha” kusho ezoMphakathi zokusebenzisa ezokuthutha ngemoto enendawo yokuhlala echaziwe komunye umthetho noma ngolawulo lapho inqola

- (a) ingabizelwa ukuqashwa
- (b) ingamela ukuqashwa kumarenki noku
- (c) faka imitha enamathisewa esebenzayo ukukhokhisa imali

“Isikhulu esingxubevange “lokhu kusho

- umkhandlu oxube zonke izinhlobo ezahlukile ngebala zabantu baseGoli namaphethelo,
- umkhandlu oxube abantu abahlukile ngebala ePitoli namaphethelo.
- Umkhandlu oxube abantu abahlukile ngebala eLekoa-Vaal namaphethelo ngebala - eKhayalami namaphethelo.
- Umkhandlu wokusebenza waseNtshonalanga Gauteng.
- Umkhandlu wase Mpumalanga Gauteng.

Noma abalndelayo ezikhundleni njengezikhulu ezingxubevange noma ezinye izkhulu ezenziwe phakathi eGauteng.

“Indawo engxubevange “indawo eyomthetho oxube amandla abantu abahlukile ngokwebala.

“Ithekisi eliyibhasi encane” kusho inqola esetshenziswa njengethekisi eliyibhasi encane.

“Uhlelo lokuphatha amathekisi angamabhasi amancane uhlelo olutholakala kusiqephu 3 olulungiselela ukusebenza kwamathekisi angamabhasi amancane.

“Umshayeli wethekisi eliyibhasi encane” okuvamile kokungahleliwe kubagibeli endleleni okuvunywe yiphomede enamandla emthethweni enika indlela eqondile lapho isitifiketi sokwamkelela endleleni sikhishwe umthetho ogunyaza ukuthwalwa kwabagibeli.

“Ezokuthutha eziyithekisi eliyibhasi encane” kusho ezokuthutha endleleni njengoba kuchaziwe kumthetho wezokuthutha endleleni 1977 (Act no 74 of 1977) njengoba uchaza mayelana nokusebenza kwethekisi eliyibhasi encane.

“Inqola “kusho imoto njengoba kuchaziwe kumthetho wendlela wezokuthutha 1989 (Act 29 of 1988).

“Umasipala” umkhandu kaHulumeni wesigodi njengoba uchaziwe kumthetho wenguquko kaHulumeni wesiGodi 1993 (Act 209 of 1993) ufake nesikhulu esingxubevange.

“ikhomishani yezwe yezokuthutha “kusho ikhomishani yezwe yezokuthutha echazwe kumthetho wendlela wezokuthutha (Act no 74 of 1977).

“ Abangewon amalungu “ abaphethe amaphomede angewona wenhlangano.

“ iphomede “ kusho iphomede egunyaza ukusebenza kwamathekisi angamabhasi amancane.

“ Uhlelo lokuphatha amaphomede” kusho uhlelo lokuphatha lwama phomede okugxivizwe ngekhompuyutha olenziwe umkhandlu wezwe wezothutha.

“ Ongathintwa mayelana namaPhomede” kusho umuntu ofanelekile ngokubhalisa mayelana nesiqephu 51 ukusiza izicelo zalabo abafuna amaphomede ngokkuletha amafomu nesiqu sabo.

“ Izinhlangano zokuqala izihlangano lalpho kungekho ezibhalisiwe”.

“ Ukushicilelw“ kusho ukushicilelw ngolawulo noma ngesaziso kuGazethi ye Phrovinsi.

“ Iphrovinsi “ kusho Iphrovinsi yase Gauteng ngaphandle kokuba incazelio isho okunye.

“ RAS” kusho uhlelo oluphethe lokubhakisa oluphethe umkhandlu.

“ Okubhalisiwe “ kusho okubhaliswe noma okubhaliswe ngombandela ngaphansi kwesiqephu 5 (3) or (4)

“ Umbhalisi” kusho umbhalisi wePhrovinsi oqashwe ngaphansi kwesiqephu 4.

“ Isikhulu esifanelekile esingxubevange” kusho isikhulu esingxubevange esisendaweni lapho ngokomthetho abagibeli bayathathwa behliswe.

“ Umasipala ofanelekile” kusho umasipala wendawo lapho ngokomthetho abagibeli bayathwalwa behliswe.

“Isikhulu sePhrovinsi esifanelekile” mayelana nesicelo sePhomede kusho inhlango yamathekisi esebezena endleleni noma endaweni echazwa isicelo.

“ Inhlango eyakhiwe ngenye “ kusho inhlango eyakhiwe ngezimbili noma eziningi izinhlangano ezingamagatsha.

“ TPAB” kusho umkhandlu wamaPhomede ezokuthutha.

“ Isikhulu sezokuthutha” kusho umkhandlu noma umasipala olungisa uhlelo iwezokuthutha oluhiangene noma uhlelo lokwakha mayelana nomthetho wePhrovinsi noma wezwe.

“ Umkhandla ophatha amaphomende ezokuthatha” kusho ukhandlu ophath amaphomende ezokuthutha kusiqephu 15.

“ Inkantolo yomthetho” kusho inkantolo yezikhalo zezokuthutha endleleni.

Ithekisi eliyibhasi encane kwezokuthutha elingenalo ilungelo” kusho ezokuthutha ezingenayo imvume kanye nalezo ezinama phomede angahambelani nemigaqo yephomede.

## **2. Ukuhlela ukusebenza kwamathekisi angamabhasi amancane.**

(1) Zonke izikhulu zezothutho kanye nabo bonke omasipala okufanele bahlele ukusebenza kwamathekisi angamabhasi amancane kundawo zabo ngendlela eshicilelw, loku makube inyathelo lokuqala elihlongoza isu lokuhlanganisa ezokuthutha eGauteng.

- (a) Ukuhlela ukutakelela uhlelo lwendlela yamathekisi ukuvumelanisa amathekisi angamabhasi amancane endleleni.
- (b) ukuxhumanisa nokukhuphula izinga lezo kuthutha ngaphakathi kwendawo mayelana nokuya kanye nokubuya.
- (c) ukubona ukuthi abagibeli banazo ezokuthutha kuyo yonke indawo naku lezo eziphansi kwexomnotho.

(2) Ekukheleni ukusebenza kwamathekisi isikhulu sezokuthutha kufanele sixhumane futh senze ingqubo yomphakathi njengoba kushicilelw.

(3) Kunqubo yokuhlela isikhulu sezokuthutha singahlola noma siphenyi okudingekayo ukuze lomthetho wensiwe ngempumelelo.

## **3. Ukwakhiwa kohlelo lokuphatha kanye neminingwane.**

(1) Umnyango kanye nazo zonke izikhulu ezingxubevange kufanele zakhe uhlelo lokuphatha amathekisi njengengxene yohlelo lokukuphatha ezokut umphakathi wePhrovinsi noma indawo njengoba kushicilelw.

- (2) Umnyango kanye nazo zonke izikhulu ezingxubevange kufanele zakhe imininingwane kukhkompiyutha ukufaka ulwazi olulandelayo;
- (a) amagama, amakheli, izikhulu namalungu azo zonke izinhlangano ezibhalisiwe.
- (b) amaphomede ngokupheleleyo nosuku akhishwa ngawo, nomnikazi nemoto leyo eneminingwane engenhla.
- (c) Amagama, izinombolo zika mazisi, amakheli abanikazi, nezinhlangano lapho bengamalungu khona.
- (d) lapho kumalungu abambisene, amagama, amakheli, omazisi bomuntu ngamunye.
- (e) kuzinkampani noma kubambisano, igama, ikheli, nenombolo yomazisi yalowo onegungu lokuyimela.
- (f) eminye imininingwane echachisiwe yiMEC kumithetho.

(3) Leminingwane okukhulunya ngayo kusiqeshana (2) kufanele ikwazi ukufinyelela ku Land Transport Permit System ( LTPS ) ku National Traffic Information

(NATIS) ku Registration Administration System yePhrovinsi (RAS).

(4) Ukuze kuvikeleke izimfihlo ezinikwe yikhomishani, umnyango, amaqembu kanye nezikhulu ezingxubevange kufanele zibe nokufinyelela kumininingwane egcinwe kuzindawo ezahlukile.

#### **4. UKUQASHWA KOMBHALISI**

(1) Mayelana nemithetho elawula ukusebenza komphakathi, iMEC kufanele iqashe umbhalisi wePhrovinsi oke waba noma ijaji noma umantsi noma ummeli osesebenze iminyaka okungenani emihlanu noma onolwazi olwanele lwemithetho azokwenza imisebenzi echazwe kulomthetho.

(2) Inhloko yomnyango kufanele ngomthetho ophethe ukusebenza komphathi ulethe abasebenzi abakhona ukuncedisa umbhalisi enze imisebenzi yakhe.

(3) Akuqashwa umuntu njengombhalisi uma umlingani wakhe, isihlobo esiseduze, izingane umqashi enosikisiki kubhizinisi lezokuThutha uMphakathi noma enesikhundla kunhlangano noma esemicimbini engakhubaza ukusebenza kwakhe.

(4) Uma isikhundla sombhalisi singenamuntu noma elovile noma ngesizathu esithize akakhoni ukusebenza, iMEC ingaqasha umbhalisi ongadlala lendima.

#### **5. Amandla nemisebenzi yombhalisi.**

##### **(1) Umbhalisi anga--**

- (a) cabanga anqume isicelo sokubhalisa mayelana nalomthetho.
- (b) nika umbandela ekubhaliseni kunhlangano yokuqala noma kunhlangano ehangene yePhrovinsi kanye namalungu ayo mayelana nalo mthetho.
- (c) nika ukubhalisa okugcwele kunhlangano yokuqala noma kunhlangano ehangene yePhrovinsi kanye namalungu ayo kanye nabangewona amalungu.
- (d) Nquma ngefomu lombhalisi kanye nezitifiketi ezingagcinwa, noma khishiwe ngaphansi kwalo mthetho.
- (e) thatha amanyathelo okugcina nokwamkela imininingwane ngenhloniphoyezinhlangano ezibhalisiwe ngokunikeza i-Standard Minimum Constitution efunkayo mayelana nalesisiqephu.
- (f) Ukweluleka iMEC nokunika iMEC imininingwane mayelana nezinkinga, nezindaba zamathekisi.

##### **(2). Umbhalisi kufanele--**

- (a) ancedise ukuphumelelisa isimilo somsebenzi kuzinhlangano namalungu azo, naku labo abangewona .
- (b) ukukhuthaza izinhlangano naba ngewona amalungu ukubhalisa mayelana nales siqephu.
- (c) ukunika izeluleko nemibono kanye nosizo kuzinhlangano nakulabo abangewona amalungu ukubhalisa ngempumelelo.
- (d) ukwamkela nokucabanga izicelo zokubhalisa kuzinhlangano nakulabo abangewona amalungu.

(3) Umbhalisi kufanele akhiphe izitifiketi nenombolo yokubhalisa kunhlangano yokuqala nenkulu kanti amalungu enze izicelo anelisa umbhalisi.

- (a) ukuthi ibikhona isikhathi esingesincane kuleso esishicilelw yi-MEC, futhi,
- (b) yonke imininingwane efunekayo ngumbhalisi inikiwe yahlolwa.
- (c) ukubhalisa okunombandela kungafa uma inhlango ingatholanga ukubhalisa ngesikhathi esishicilelw.

(4) umbhalisi kufanele anikeze isitifikethi sokubhalisa kunhlangano yokuqala nenkul kanti amalungu enze izicelo anelisa umbhalisi.

- (a) ukuthi ibikhona isikhathi esingesincane kuleso esishicilelw yi-MEC,
- (b) inani lamalungu lifinyelele kwelishicilelw yi-MEC,
- (c) ukuthi umthetho sisekelo nomthetho wesimilo o lethwe inhlango usayindiwe womkelwa ngamalungu njenge sibopho kulungu.
- (d) ukuthi umthetho sisekelo nomthetho wesimilo awuguquki ufake nokunikwe I- Standard Minimum Constitution eshicilelw yilesi siqephu.
- (e) ukuthi inhlango ijabuliswa ukusekelwa omasipala abafanelekile
- (f) ukuthi lonke ilungu line phomedes esemthethweni kumoto ngayinye ayisebenzisayo kanti nokusetshwenziswa kwayo kungaphakathi kwelungelo lephomedes.
- (g) ukuthi yonke imininingwane efunwa nguMbhali ihloliwe ngendlela eyanelisa ukushicilelw.

(5) umbhalisi kufanele anike isitifikethi sokubhalisa kulungu elisha lenhlangano ebhalisiwe elenzelwe isicelo yinhlangano lanelisa--.

- (a) ukuthi linephomedes esemthethweni kumoto ngayinye.
- (b) ukuthi lisayindile lavuma ukuthobela umthetho sisekelo wenhlangano lapho liyilunga khona
- (c) ukuthi yonke imininingwane efunwa nguMbhali inikiwe yahlolwa njengoba kushicilelw.

(6) umbhalisi kufanele anike izitifiketi zokubhalisa kunhlangano eyakhiwe ngezinye enelise.

- (a) ukuthi igatsha ngalinye layo libhalisiwe
- (b) ilungu ngalinye linephomedes esemthethweni kumoto ngayinye esebeza endaweni enemuva yayo.
- (c) ukuthi izikhulu, kanye nezikhulu zamagatsha enhlangano zisayindile zamkela umthethosisekelo ozibophayo.
- (d) ukuthi umthetho sisekelo awuguquki
- (e) imininingwane efunwa ngumbhalisi ihloliwe,

(7) umbhalisi anganika isitifiketi sokubhalisa kulowo ongelona ilungu onelisa ukuthi--

- (a) ayikho inhlango esebeza ezindleleni lapho yena esebeza khona.
- (b) noma inhlango isebeza ezindleleni lapho yena esebeza khona, imibandela eyenziwe yinhlangano ayinaqiniso mayelana nezidingo ezishicilelw ku Standard Minimum Constitution.
- (c) noma izinhlangano zisebeza ezindleleni aziphumelelanga ukubhalisa.
- (d) linephomedes kumoto ngayinye futhi uyisebenzisa endaweni agunyazwe khona yiphomedes;
- (e) asayinde avume ukuthobela umthetho wesimilo wamalungu.

- (f) yonke imininingwane efunwa umbhalisi ihloliwe.
- (8) Umbhalisi kufanele acabange anqume--
- (a) ukuyekiswa okwesikhashana okuku siquephu (8) wokubhalisa izinhlangano, amalungu, nabangewona amalungu
- (b) ukusulwa kokubhalisa kwenhlangano ebhalisiwe
- (9) Umbhalisi kufuneka ngonyaka athumele umbiko wonyaka walokho bekwenzeka eholisiwe lakhe, ukubhalisa kwaba ngewona amalungu.
- (10) Umbhalisi makagcine irejista yezinhlangano zamathekisi, amalungu, abangewona amalungu.
- (11) Umbhalisi kufanele uma ecelwa anike istatistiki.

## **6. Amandla e MEC mayelana nokubhalisa**

- (1) iMEC kufanele ishicilele i-Standard Minimum Constitution yezinhlangano nomthetho wokuphatha wabangewona amalunga, futhi ingangeza imithetho ezobusa.
- (a) inhlango ebhalisiwe namalungu ayo kufanele aqhube izinto zaho
- (b) Ongelulungu obhalisiwe makaqhube ibhizinisi lakhe.
- (2) i-MEC ingenza imithetho---
- (a) ukushicela--
  - (i) inani okufanele libekhona elenza amalungu enhlangano ukuze ibhaliswe
  - (ii) isikhathi esikhona selokhu yakhiwa inhlango ukuze ibhaliswe
  - (iii) ezinye izidingo inhlango ezozidinga kufanele zenze ibhaliswe
- (b) ukuthola indlela yokuphenya impikiswano yesimilo esingeihle kuzinhlangano ezibhalisiwe, kumalungu, nakubo abangewona amalungu.
- (c) ibone ukuthi usizo kufanele lugcinwe uHulumeni wase Gauteng, mayelana nabantu, izinhlangano ezibhalisiwe kulesisiquephu.
- (d) isishicilele indlela okufanele inhlango noma ongelona ilungu abhalise ngayo, imali ekhokhwa kumbhalisi mayelana nesicelo nemali yonyaka okufanele ikhokhwe inhlango noma abangewona amalungu.

Mhlawumbe imithetho eyahlukene ingasebenza kuzindawo ezahlukene nakuzinhlangano ezintsha kunezindala.

## **7. ISICELO SOKUBHALISA**

- (1) Inhlango noma ongelona ilungu ofisa ukubhalisa kufanele badlulise isicelo esibhala kumbhalisi njengoba kushicilelw, balethe nemali yesicelo, nemininingwane efunwa ngumbhalisi.
- (2) Emva kokuneliswa isicelo, umbhalisi wombhalisa leso sicelo akhiphe nesitifiketi sokubhalisa noma isitifiketi esinombandela nenombolo yokubhalisa.

(3) uma umbhalisi enganeliswa imininingwane yesicelo, umbhalisi kufanele azise lowo owenze isicelo ngezidingo ezenze isicelo sakhe singaphumeleli, anike izeluleko kanye nosizo ukuze isicelo siphumelele.

(4) uma kubhalisa inhlango ehlanganisa amaPhrovinsi, umbhalisi wonikeza isitifketi nemininingwane yenhlango kumbali noma kumnyango wezokuThutha kuPhrovinsi ngayinye lapho kuya noma kubuya amalungu asebenza kule nhlangano.

(5) uma kufika isicelo senhlango ehlanganisa amaPhrovinsi esibhalise kwelinje iPhrovinsi. Umbhalisi angayibhalis lenhlango uma iphumelele ukuhlangabeza izidingo zalomthetho,kodwa angaikhipha lenhlango ekukhokheni izindleko zezicelo nezonyak uma inhlango isikhokhile noma izokhokha kwelinje iPhrovinsi.

## 8. UKUFAKWA EMTHETHWENI.

(1) umbhalisi angenza uphenyo njengoba kushicilelwwe kulesi siqephuma ethola isikhalo, ukukhonona nempikiswano exhumana nemininingwane eyenze ukuba isicelo senhlango singaphumeleli noma labo abangewona amalungu bangaphumeleli ukuthelisa izidingo eziku Standard Minimum Constitution noma umthetho wokuziphatha kahle.

(2) umbhalisi angathumela isixwayiso esibhalise kunhlangano ebhalisiwe noma kulabo abangewona amalungu abatholwe bengenayo impumelelo yokunelisa izidingo zeStandard Minimum Constitution ngesikhathi sophenyo. Uzogcizelela ukuthi kulandelwe okushiwo yi-Standard Minimum Constitution.

(3) uma inhlango noma abangewona amalungu bengaphumeleli ukulandela isixwayiso esiku siqeshana sesi (2) umbhalisi anga;

(a) beka inhlawulo engadluli kumali ebekiwe.

(b) thumela umthetho obhalwe nguye oyekisa okwesikhashana ukusebenza kwestifiketi esibhalisiwe noma.

(c) bhala umthetho osayindwe nguye obulala ukusebenza kwestifikethi esibhalisiwe.

(4) ngemva kokukhipha umthetho wokuthi igama enhlangano noma ongelona ilungu lenhlango ubusiwe kuhlu lokubhalisa, umbhalisi kufanele athumele ikhophi elinesigxivizo somthetho kusikhulu esiphakeme kumnyango kahulumeni noma kunhlangano esiza lezo nhlangano noma amalungu ayo nalabo abangewona amalungu.

(5) umuntu onganelisiwe isinqumo sombhali angakhalaza ku- MEC ngesikhathi nangendlela ushicilelwwe ngayo umthetho ngaphambi kokuba aye kunkantolo yomthetho.

## 9. IQEMBU LABANQUNI

(1) I-MEC ingakha iqembu labanqumi lombhalisi yenze nomthetho sisekelo nokusebenza ngomthetho.

(2) iqembu kufanele liluleke umbhalisi ngomsebenzi wakhe

(3) akufanele aqashwe umuntu njengomnqumi uma ehlobana, eyinkampani nombhalisi. Uma enosinga lwemali khizinisi yezokuthutha umphakathi, noma

enesikhundla kunhlangano noma enza okuthile i-MEC ebona sengathi kuzophazamisa ukusebenza.

## **10. UKWAKHIWA KOMUBUTHANO WAMATHEKISI**

- (1) zonke izikhulu ezingxubevange kufanele zakhe umbuthano wamathekisi.
  - (2) imikhandlu elandelayo kufanele ibe khona kumbuthano njeba kushicilelwe ngumthetho noma imigqo;
- (a) isikhulu esingxubevange;
  - (b) ikomidi lesigodi lokuxhuman lamathekisi esigodini esingxubevange;
  - (c) izihlangano zamathekisi ezibhalisiwe ezisebenza kuzigodi ezingxubevange
  - (d) abamele izinyonyane zabashayeli ezifanelekile
  - (e) abamele izinhlangano zabagibeli.
  - (f) abanye abantu nemikhandlu eshicilelwe
- (3) iqembu kufanele likhethe omunye walungu njengosahlalo weqembu.
  - (4) amaqembu kufanele ahlangane ngezikathhi ngendlela mayelana nenqubo eshicilelwe.

## **11. UKWAKHIWA KWEKOMIDI LESIGODI LAMATHEKISI LOKUXHUMANA.**

- (1) Umasipala ngamunye ongeyona ingxubevange kufanele wakhe ikomidi lesigodi lamathekisi lokuxhumana.
  - (2) Imikhandlu elandelayo kufanele ibekhona kuleli komidi ngendlela eshicilelwe ngokomthetho angemgaqo.
- (a) Isikhulu esingxubevange
  - (b) Isikhulu saleso sigodi
  - (c) Amathekisi abhalisiwe akuzinhlangano ezisebenza kundawo zikaMasipala.
  - (d) Abamele izinyonyane zabashayeli ezifanelekile.
  - (e) Abamele izinhlangano noma amaqembu abagibeli afanelekile.
  - (f) abanye abantu nemikhandlu njengoba kushicilelwe.
- (3) Ikomidi kufanele likhethe omunye wamalungu njengosahlalo wekomidi.
  - (4) Ikomidi lesigodi lamathekisi lokuxhumana kufanele lihlangane ngezikathhi nangendlela mayelana nenqubo eshicilelwe ngumthetho.

## **12. IMISEBENZI YAMAQEMBU AMATHEKISI KANYE NEKOMIDI LOKUXHUMANA.**

Iqembu lamathekisi kanye nekomidi lokuxhumana kufanele;

- (a) isebenze njengemizamo yokuxhumana phakathi kuka masipala nezinhlangano zamathekisi.
- (b) isebenze njenge mizamo yokuxhumana kuzinhlangano zamathekisi.
- (c) isebenze njenge mizamo yokuxazulula izinkinga kuyimboni yamathekisi nokwenza amalungiselelo mayelana nezingxushungxushu.
- (d) ikhiphe ulwazi ngentuthuko nezinye izinto ezithinta imboni yamathekisi.
- (e) ukwenza inqubo ngomo ehangene kanye nezinhlalo njengalezi;
  - (i) ukuqequesha nokwakha amakhono
  - (ii) ukulawula nokwenza imithetho.
  - (iii) ingxabano nencozululo
  - (iv) izakhiwo zenkokhelo
  - (v) ubudelwane bomshayeli nezisebenzi
  - (vi) ukuhlanganisa
  - (vii) ulwazi nokugcina imininingwane
  - (viii) amarenki nezinye izinto nokuthuthukiso kwazo
  - (ix) izinto zokuphepha
- (f) Ukunika ulwazi kuzikhulu zokuhlela ezokuthutha kwabagibeli, iBhodi lamaPhomede nezinye izikhulu.
- (g) ukwenza eminye imisebenzi eshicilelwem kumithetho kamasipala noma okuphakamisiwe kumigwaqo.

**13. IBHODI ELISEBENZA NGEZICELO ZAMAPHOMEDE AMATHEKISI ANGAMABHASI AMANCANE;**

- (1) Leli Bhodi lizosebenza ngezicelo zamaphomende amathekisi anamabhasi amancane.
- (2) Mayelana nomthethosisekelo kanye nenqubo yebhodi imigomo yezokuthutha endleleni umthetho 1977 (Act No. 74, 1977) uzokusebenza.

**14. UKWAKHIWA KWEQEMBU LABALULEKI BEBHODI.**

- (1) Iqembu labaluleki bebhodi layakhiwa lizobizwa I-Gauteng Permit Board Advisory Panel.
- (2) Leliqembu labaluleki kufanele liluleke ibhodi ngenqubo mgomo, akufanele benze izinqumo bodwa ngaphandle kokucelwa yibhodi, uma liceliwe kufanele linike iziluleko.
- (3) Iqembu labaluleki linamalungu eBhodi namalungu alandelayo azokhethwa izinhlangano aqashwe yi-MEC.
- (a) oyedwa omele umanyano
- (b) oyedwa omele futhi obuya kundawo engxubevange
- (c) oyedwa omele imboni yamathekisi angamabhasi amancane

- (d) oyedwa omele imboni yamathekisi emitha.
- (e) oyedwa omele imboni amabhiasi ehleliwe
- (f) oyedwa omele imboni yamabhiasi amancane esungulwayo
- (g) oyedwa obuya kuloliwe waseNingizimu Afrika
- (h) oyedwa ofanelekile obonwe yi-MEC ukuba angamela izidingo zagibeli
- (I) oyedwa obuya kubasebenzi abaxhumana nemboni yamathekisi angamabhiasi amancane.
- (j) oyedwa obuya kubasebenzi abaxhumana nemboni yamabhiasi.
  - (4) I-MEC kufanele iqashe oyedwa egenjini abe ngusihlalo.
  - (5) usihlalo kufanele abeke elinye ilungu leqembu elizoba ngusihlalo uma yena engakhoni ukuya emhlanganweni
  - (6) ilungu leqembu eliyilungu lomphakathi lokusebenza lizobamba isikhundla, amanye amalungu azoqashwa iminyaka engandluli emibili.
  - (7) i-MEC yenza imithetho mayelana nemihlangano yeqembu nenqubo emihlanganweni.

## **15. UKWAKHIWA KWEMIKHANDLU YAMAPHOMEDE EZOKUTHUTHA EPHATHAYO.**

- (1) Inhloko yomnyango kufanele ibeke ilungu eliodwa noma amanangi emahovisi angxubevange ukwenza umsebenzi wemikhandlu wamaphomede ezokuthutha aphathwayo
- (2) iTPAB kufanele yamkele amafomu ezicelo zamaphomede mayelana nokuqala ezicelo zamaphomede mayelana nokuqala komsebenzi kuzindawo ezingxubevange kanye nemali yesicelo, nokubheka ukuthi amafomu agcwaliswe kahle, nokuthi futhi asemthethweni, bese ifaka imininingwane lapho igcinwa khona.
- (3) I-ITAB kufanele ilethe izicelo kusikhulu esingxubevange, komasipala abafanelekile kundawo engxubevange, umbuthano kanye namakomiti okuxhumana.
- (4) Ukwamkelwa kwezicelo koncedwa wukuthi izikhulu ezingxubevange zenze ukuthi izicelo zihambelane nohlelo lwezokuthutha.
- (5) Uma kungekho mbuthano mayelana nendlela ngesikhathi esifanele, iTPAB nendlela ngesikhathi esifanele, iT PAB kufanele ifake izicelo zemibono neziphakamiso kuzo zonke izihlangano, ngaphandle kokuthi inhlangano isivezile imibono kufomu lesicelo.
- (6) I-TPAB izolandela konke okukhona ikufake kanye nefomu kanye namanye amaphepha kuBhodi ezokwenza izinqumo.
- (7) Lapho ezokuthutha ezicelwayo zikundawo engxubevange kwenye iTPAB, iTPAB yokuqala izofaka isicelo kuTPAB enye ezothatha izinyawo mayelana nesiqeshana (3) kuya ku(6) bese ibuyisela isicelo neziphakamisa kuTPAB yokuqala.
- (8) Uma iBhodi yakwelinye iPhrovinsi iphe isicelo kuBhodi ukuzothola imibono ngesicelo esiqondene nelinye iPhrovinsi, iBhodi kufanele lithumele isicelo kuTPAB efanelekile ukuthola imibono neziphakamiso ezikusiqeshana (3).

(9) uqala imikhandlu yamaphomede ezokuthutha ephathayo izocubungula izindaba ezikulo mthetho, kodwa iMEC ingelula ekwenzayo ukufinyelela kuzinqubo ezidingekayo kuRoad Transportation Act 1977 (Act No.74 ka 1977) neminye imithetho.

## 16. IZICELO EZITHINTA AMAPHOMEDE.

(1) Umuntu ofuna ukuthatha ithekisi eliyibhasi encane kwezokuthutha ngaphandle kwezokuthutha ezinemvume ngokukhishwa kwemvme ngezizathu. Kufanele enze isicelo ngendlela eshicilelw yilomthetho nangomthetho weBhodi wephomede.

(2) Onephomede angenza isicelo kuBhodi sokuvuselela noma sokufaka umbandela wephomede njengoba kushicilelw emthethweni.

(3) Ofuna ukuya kwenye indawo nephomede kufanele enze isicelo ngendlela eshicilelw ngumthetho abhalele iBhodi ukuze liye kwenye indawo.

(4) Zonke izicelo ezikusiqeshana (1), (2) kanye no (3) kufanele zifake incazel ejulile yezindlela lapho onesicelo ezohamba khona nawo wonke amakhona lapho abagibeli bazolandwa noma bahliswe khona.

(5) Zonke izicelo kusiqeshana (1) (2) no(3) kufanele zidluliswe nephomede eliphatha ezokuthutha kundawo engxubevange efanelekile.

(6) Ifomu lesicelo kufanele lenze isikhalo sokufaka iziphakamiso nemibono evela kunhlangano yamathekisi lapho evela khona owenza isicelo kufanele ligcwaliye yinhlangano ngaphambi kokungeniswa kuze kube sengathi ayikho inhlango ekhona.

(7) Ocelayo kufanele aveze kufomu lesicelo ukuthi wake wabanjwa noma waba necala njengoba kushicilelw emthethweni, uma kunjalo abhale okwambambisa. Kufanele bachaze ukuthi izihlobo zabo, abaxhumene nabo kubhizimisi, abaqashi babo akubona izikhulu abaku Public Service noma kuProvincial Administration noma abaphethe komasipala.

(8) Kuzicelo zalabo abasekusebenzeni ngokuxhumana kwamaPhrovinsi, iBhodi kufanele lithumele izicelo zabo kuBhodi yamaPhomede efanelekile kuPhrovinsi ngayinye inike imibono.

(9) Uma kungatholwa lutho oluvela kubhodi yakwelinje iPhrovinsi njengokusho kwesiqeshana (8) kwaze kwaphela amalanga angu 21, iBhodi izondlulisa lendaba iye kuNational Transport Commission or Tribunal. Ovelayo uzoyekiswa ukukhokha imali mayelana nalesi sikhala.

(10) Lapho isicelo senziwe kuBhodi lamaPhomede lakwenye iPhrovinsi mayelana nokusebenzisa kwamaPhrovinsi kwezokuthutha lapho abagibeli bazothathwa bahliswe eGauteng, iBhodi kufanele lituse mayelana nalesi sicelo kuBhodi yePhomede. Emva kokuthola ukutusa komasipala abafanelekile imibuthano, amakomidi okuxhumana, noma lapho imibuthano, amakomidi okuxhumana engekho kuzinhlangano, amakomidi okuxhumana engekho kuzinhlanagano ezifanelekile.

(11) Ibhodi ingakhipha iphomede lesikhashana kungendluli izinsuku ezingu-  
60 lapho--

- (a) ocelayo umele amaphepha okubuyisela imoto noma
- (b) isicelo sokudlulisela iphomede kwenye indawo asikanqunywa.

## 17. UKUKHULULWA

Mayelana nesizathu salomthetho incazeloo yamathekisi angamabhasi amancane ezokuthutha izocubunga ukungafaki okulandelayo--

- (a) umlimi oxube ukusebenzisana noma inkampani ethwele umsebenzi wokulima osebenzisa inqola elungile okungeyena umniniyo ukuthwala izisebenzi zomlimo--
  - (i) kusuka endaweni lapho belandwa khona kuya lapho umlimi ebadinga khona ngokusebenza kusuka endaweni lapho umlimi abaqashele khona ngokusebenza.
  - (ii) kusuka indaweni lapho umlimi ukusebenza ukuya kwenye indawo lapho bangadingeka khona ekusebenzeni kwezolimo noma ukuya endaweni abalandwe khona.
  - (iii) Phakathi kwendawo lapho bebeqashwe khona noma bazaqashwa khona kanye nesiteshi sika loliwe noma sebhasi esiphephile kwenye indawo lapho bezothwalwa ngesitimela noma ngebhasi noma kundawo lapho bezoqashwa noma;
  - (iv) Phakathi kwendawo lapho bebeqashwe khona noma nenyne indawo naphakathi ne Rihabuliki lapho beyothenga noma beya esontweni noma emngcwabeni noma emidlalweni nakumihlangano ebakhanyo
  - (v) Phakathi kwendawo lapho umlimi ebalande khona nesiteshi sikaloliwe noma sebhasi esiphephile ukuya kwenye indawo lapho bazothwalwa ngololiwe noma ibhasi.

Mayelana nesizathu sale paragraph izisebenzi eziqashwe izihlangano eziqashwe izinhlangano ezinombiswano ezibhaliswe ngaphansi komthetho ohambelana nezinhlangano ezibambisene lapho umlimi uylungu noma iziboshwa njengoba kuchaziwe kusiqephu (1) somthetho we Correctional Services ka 1959 (Act 8 of 1959) ozoqashwa noma oke waqashwa ngumlimi ekusebenzi kwezolimo uzocatshangwa njenge sisebenzi somlimi.

- (b) ukuthwala ngumasipala (kunokuthwalwa) ngumuntu ofuna (umvuzo) ngemoto zakhe endaweni yakhe ngokomthetho futhi phakathi kwale ndawo nenyne elawulwa ngumasipala noma lapho enika umphakathi umsebenzi noma eqhueka nosizo.
- (c) umasipala othwala iziboshwa njengoba kuchaziwe kusiqephu (1) somthetho we Correctional Service ka 1959 (Act 8 of 1959) lowo oqasha noma oqashe noma uzoqasha imoto yakhe.
- (d) ukuthwala ngemoto yeziguli ukuya kunoma yiphi indawo lapho isiguli sizothola uncedo lokuhlolwa ngumuntu onelungelo lokuphatha ukuhlola kodokotela ngokomthetho womsebenzi wodokotela noma kuyiphi indawo lapho ethole ukuhlolwa.

- (e) ukuthwala ukufaka nokudonsa imoto ephukile genye imoto yenye imoto ephukile endaweni okulungiswa noma ukubekwa noma eyomuntu oye wathwalwa ngenye imoto ngesikhathi lapho iphuke khona kuleyo ndawo noma enye indawo uma ukuthwalwa kwabantu ngenye imoto ngesikhathi iphuka kumise ezokuthutha eziyithekisi eliyibhasi encane, ukuthwala bekunelungelo lwephomede futhi ukuthwalwa kwabo ngemoto ebalwe kuqala ngemgomgo yephomede kanti nephomede iyaqhube ka kumoto ebalwe kuqala ezovezwa uma ifunwa isikhulu esinelungelo.
- f) ukuthwala abantu nyenge nazelo yeto lift club kusigephu somthetho wesikhwama senyozi yendlela 1996 act 56 ka 1996
- g) ihotela elithwala Izivakashi zalo kuphela nezinto zalo phakathi kwehotelo nesiteshi esiseduze esiphephile sika loliwe isikhumulo sezindiza ithoku ngemoto etamswa naleyo echuzwa ngumthetho walo ihotela
- (h) uhwala ngohlelo lohwebo noma ibhizimusi labantu ngaphandle kokuthwalwa komqashwa phakathi kwekhaya lakhe nalapho esebeza khona ngemoto uma kungatholwa mvuzo ngulokho kuthwala umuntu onembomi uhwebo noma ibhizimisi othwala izisebenzi zakhe zisuka emsebenzi ziya kwenye indawo lapho ziyosebenza khona ngemoto yomnikazi wohwebo
- (j) isisebezi sombuso noma sase Gauteng noma somkhandla osizwa umbuso noma inkampani lapho umbuso noma iGauteng yilungu noma ungowabelwayo noma umasipala othwalayo mayelana nokusebenza kwakhe lowo mqashwa ufanele ukuthola umvuzo kumbuso noma ku Gauteng noma kumkhandlu osizwa umbuso noma ikampani noma umasipala
- (k) ukuthwala abafundi ngezinsuku zesikole kanye nothisha ukusuka noma ukuya esikoleni sabo nokuthwala abafundi nothisha ngesizathu sezomdlalo noma ukuzakha ngeholide, ukubona izindawo ngokwemfundo ngemoto okungeye sikole . Uma inqola ibekwe eceleni ukuze isetshenzise yisikole mayelana nesivumelwano, isikole kufanele sifune iphomede ehlukile njengoba kubekiwe ngumthetho.
- (l) Ukuthwala ngamaNyvesi, amakholishi olwazi lomsebenzi, amakholishi okufundisa noma ukugegesha okubizwa ngokuthi izihlangano zemfundo wabafundi bazo nothisha bezemfundo yezamasiko, noma bezomdlalo ngemoto yaleso sikole semfundo ephakeme. Uma inqola ibekwe eceleni ukuze isetshenziswe yilesi sikole sabafundi bemfundo ephakeme mayelana nesivumelwano kudingeka sifune iphomede ehlukile ngengoba kubekiwe ngumthetho. Ukuthwala ngokomvuzo umuntu obizwe yinkantolo endaweni lapho azonika ubufakazi ecaleni noma endaweni efanayo futhi noma ngosuku olufanayo kwenye kwenye indawo noma ngolunye usuku ukuya nokubuya endaweni lapho umuntu othwelwe ubuziwe ukuzovela ngemoto leyo umuntu wokuqala obaliwe ngumnikazi.

- (n) Ukuthwala umuntu obizwe enkantolo ukuzonika ubufakazi ngaphambi kukakhomishani mayelana, nama khomishani kumthetho ka 1947 (Act 8 ka 1947) lapho umkhandlu owakhiwa unamandla okubiza umuntu uzonika ubufakazi ukusuka nokuya lapho umuntu ebizwe khona noma omunye umuntu ebizwe khona noma omunye umuntu obiziwe ngalolo suku futhi kuleyo ndawo ehamba ngemoto leyo umuntu obalwe kuqala ngumnikazi.
- (o) Ukuthwalwa komuntu okudingekile ukuba athwalwe mayelana nokuthwala abantu kanti mayelana no nopharagrafu (a). Kuya ku(n) ayakhi ukusebenza kwamathekisi angamabhasi amancane.

**18.****EZOKUTHUTHA PHAKATHI KWAMAPHROVINSI.**

(1) Izicelo zezokuthutha phakathi kwama Phrovinsi maziye kuBhodi uma ukusebenza kwamathekisi angamabhasi amancane kuqala eGauteng noma eGauteng nakwelinye iPhrovinsi.

(2) Ngesizathu salesi siqephu ezokuthutha kuzocatshangwa ukuthi ziqale endaweni lapho abantu behamba ngemoto ngesizathu sokuthi ezokuthutha ziyafezeka, ekuthuleni abantu ukuya kwenye indawo bahlike lapho.

(3) Uma kunokungabaza ukuthi ezokuthutha ziqala kuphi, owenza isicelo makasifaka kuPhrovinsi lapho imoto esethenziswa ibhaliswe khona.

(4) Ibhodi linike imvume kocelo iphomede yezokuthutha endleleni eqala kweline iPhrovinsi noma ukuvuselela noma ukudlulisela iphomede noma ofuna umbandela wephomede othinta ukushaye ezokuthutha endleleni maphakathi nelinye iPhrovinsi ngaphandle kwesivumelwano sebhodi elakhiwe mayelana nelinye iPhrovinsi.

(5) Lapho iBhodi lingahoni ukuthola impendulo edingekile kuBhodi lakwe linye iPhrovinsi njengaku siqeshana (4) noma ingakhoni ukuthola ukuvumelana nebhodi elinye ngesikhathi esibekiwe, iBhodi kufanele limikise lendaba njengesikhala kuNational Transport Commission or Tribunal njenge zidingo zomthetho wezokuthutha endleleni 1977 (Act No. 74 ka 1977) noma umthetho wezokuthutha hleze, 1977 (National Land Transport Act 1977) leyo esemandleni njengoba kubekiwe yile mithetho.

(6) Izikhala mayelana nokusebenza phakathi kwama Phrovinsi kufanele phakathi kwama Phrovinsi kufanele kwensiwe kuNational Transport Commission or Tribunal njengoba kufunwa yiRoad Transport Act 1977 (Act No. 74 ka 1977) noma iNational Land Transport Act 1977, leyo esemandleni njengoba kubekiwe yile mthetho.

(7) Lapho ukusebenza phakathi kwama Phrovinsi kunenkinga, abagibeli bangethathwe noma bahliswe ngaphandle kumakhona ayisisusa noma lapho begcina khona, ngaphandle kokuthi azikho ezokuthutha phakathi kwalapho abagibeli besuka khona nalapho beyogcina khona, kanti nezinlangano zamatheskisi ezisebenzayo zivume okukuphikisana

19.

**EZOKUTHUTHA KUZWE LONKE**

Izicelo zezwe lonke zamathekisi angamabhasi amancane ezokuthutha kanye nezikhalazo kufanele zenziwe ku National Transport Commission mayelana nomthetho wendlela wezokuthutha 1977 (Act No. 74 ka 1977) noma ka Regulatory Committee or Tribunal mayelana ne Cross - Border Road Transport Act 1977 leyo esemandleni njengoba kubekiwe kumithetho.

**20. UKUSHICILELWA UKUBEKA NGOKUHLELA IZICELO ZAMAPHOMEDE.**

(1) Ibhodi indlule ku TPAB efanelekile kufanele ithole futhi icabange isicelo esizokwamukelwa, esizovuselwa, esizoba nombandela noma esizodluliswa sePhomede eyenziwe kuyo kanti inganika isicelo ngokugcwele.

- (2) Ibhodi angeke ikhiphe amaphomede ngerediyasi noma ngokuqabuke kwenzeka amaphomede endawo ezokhishwa kuphela uma;
- (a) ukunikeza ukusebenza kundawo ekaliwe kuzindawo zokwehla uma indawo inqunyiwe yachazwa.
  - (b) lokho ibhodi ngokucabanga kwayo ikubona njengokwamkelekile kodwa kungajwayelekile.

(3) Mayelana nesizathu esikusiqeshana (2) "Casual Basis" izosho iphomede egunyazo ukuthathwa kwezinkambo ngesizathu.

(4) Ibhodi ingenike ukudluliswa kwephomede egunyaza ukuthwala endaweni noma ngaphakathi kwerediyasi yephoyinti elichachisiwe ngaphandle kokuthi imvume iguqulelwe kundlela ebekwe kusikhulu.

(5) Lapho isicelo okukhulunya ngaso kusiqeshana (1) sisekelwe ukunconywa kuvela kumasipala ofanelekile, futhi lapho kungenzeka amabhodi wamaphomede wawo wonke amaphomede afanelekile, ibhodi kufanele lamkele izicelo ngokugcwele noma ingxenyne njengoba kungaphakanyiswa.

(6) Ibhodi ingenqa ukucabangela isicelo njenga leso esingamkelwa, sivuselelwe sibe nombandela noma kudluliswe iphomede uma isicabangile futhi yenqaba isicelo sakuqala leso ngombono wayo sinenjongo efanayo nalesi sokuqala kungedluli izinyanga eziyisithupha isicelo sokuqala esamkelwa ngayo.

(7) Ibhodi kufanele yenqabe ukucabanga ukwamkela isicelo, ukusivuselela, umbandela ukudlulisa iphomede uma okulandelayo kuphikisa isicelo.

- (a) Umasipala ofanelekile
- (b) imibutho namakomidi okuxhumana afanelekile
- (c) izinhlangano ezifanelekile

(8) Ibhodi kufanele licabangele izicelo zalabo abahlala ezindaweni ezingxubevange lapho imisebenzi iyoqhutshwa khona.

(9) Ibhodi kufanele linqume amarenki namanye amalungiseleleo angasetshenziswa ocelayo, lokhu kudinga kubhekiswe kuziphakamiso ezivela kumasipala ofanelekile nokucacisa lokhu kumaphomede.

(10) Ayikho iphomede ezonikwa ngaphandle kokuthi ocelayo uylungu lenhlangano ebhalisiwe kumbhalisi ngaphansi kwesiqephu (7) futhi nesicelo sisekelwe ngokubhalwa inhlangano, noma umbhalisi uvuma ngokubhala ukuthi lesicelo sinelungelo njengalowo ongelungu obhalisile ngaphansi kwaleso siqephu futhi ucele ukubhalisa ngoku njalo.

**21. Ukushicilelw kaewicelo nokuhambisa izikhalo maqondana nezimvume.**

(1)i- TPA uma ithola izicelo;-

- (a) kufanele, lapho isicelo sizovunya noma sishitshwa (ngaphandle kwalolo shintsho olushiwo kwindima (b) sezimvume.
- (b) kuthi maqondana nesicelo sokushintsha imvume egunyaza ukufakwa kwemoto echaziwe emvumeni yezmoto ezithwala abantu, isilinganiso sokuthwala silingane noma sibe ngaphansi noma singeqi ngamaphesenti angamashumi amabili 20% kuleso esibekiwe, uma kushintshwa imvume,

shishicilelw kumqulu wesifunda kanye futhi nakuphephandaba okungenani eliodwa elifundwayo, lapho abagibeli bezosibona khona leso sicelo njengoba sigunyaziwe ngumthetho, kubekwe futhi isaziso sesicelo emahhovisi lapho izicelo zikhishwa khona noma kuma TPAB afanele, ngendlela evumelekile.

(2) Lapho ofaka isicelo engahumeli izincomo ezivela enhlanganweni yakhe yamathekisi, i-TPAB kufanele yazise leyo nhlangano ngaloludaba ukuze nayo izolufaka ohlelweni lomhlangano olandelayo, bese leyo nhlangano idlulisa izincomo zayo ngaleso sicelo kwi-TPAB

(3) Ungqongqoshe kufanele ashicilele imigudu nezikathhi ezinqunyiwe zokubeka izincom kwiBhodi lezokuthutha, ezenziwa yizinhlaka ezivumelanayo mayelana nezicelo ezishicilelw ngaphansi kwesigatshana (1).

**22. Izinto okudingeka zinakeketwe uma kuzokhishwa izicelo zemvume.**

- (1) Ingqikithi yezichibiyelo zalomthetho, Ibhodi kufanele liqikelele lokhu uma lizocwaninga ukuthi lisivume noma lingasivumi isicelo, futhi libeke nemigomo yokuthi imvume iyotholakala uma kunjani; -
- (a) izichibiyelo ezhambisana nohlelo iwezokuthutha oluhlanganyelwe.
  - (b) ukumelwa okuvela komasipala
  - (c) ukumelwa okuvela kumakomiti okuxhumana kanye nezinhlangano zosomathekisi.
  - (d) nabo bonke abanye abamelwe aalethwe maqondana nezicelo indlela yokuthutha edingekayo ekufezeni izidingo zomphakathi

- (f) izidingo zomphakathi maqondana nokuthuthwa emizileni noma phakathi kwezizinda lezo umfaki sicelo afisa ukusebenza kuzo noma endaweni leyo isicelo esifakwe ukuba kuzosetshenzwa kuyo.
- (g) izidingo / izinsiza eziletha ezokuthutha ezikhona emizileni noma phakathi kwezizinda noma ezikhona endaweni leyo ezosetshenziswa ngofake isicelo.
- (h) ukuxhumana nokuzwana kwezokuthutha okuzolekelela kwezomnotho kuphinde kusize umphakathi nabagibeli.
- (i) ukulondolozwa nokuthuthukiswa kwemvelo
- (j) ikhono lofake isicelo lokwanelisa umphakathi kwezokuthutha okumaqondana nemvume yakhe
- (k) isigameko sokuboshwa esesedlula salowo ofake isicelo ngecalal alenza.
- (l) ubukhona bomtheshwana, umthetho kanye nokuvinjelwa okuvumelekile okumaqondana naleso sithuthi
- (m) noma, ofake isicelo, umshayeli wakhe kanye nalowo ozoqashwa ukuba ashaye imoto beeqeshiwe njengoba kushicilelwem thethweni noma kwizisekelo zomthetho.
- (n) ezinye izinto iBhodi elibona zifanele ukubhekisiswa ukuthi;-
  - (1) kufanele yini isicelo sivunywe noma ikhona yini imigomo okufanele ibekwe yaleyo mvume.
  - (2) igama ilithi "ikhono" kwisigatshana (i)(j) lifaka nokuwa nekhono kwezezimali kulowo ofake isicelo, ukunikeza isiqiniseko sokuzimisela.

### **23. *Isiqiniseko sesikhathi semvume***

- (1) Ibhodi kufanele linikeze imvume enganqunyelwe isikhathi uma kunesiqiniseko sesitifiketi semoto esisho ukuthi ikulungele ukuthwala abantu njengoba sidingeka, ukuphind kubhaliwe okungaphansi kwasigaba (25) kanye nokuhoxisa noma ukumisa okwesikhashana imvume okukusigaba (37) kuya ku (39).
- (2) uma isikhathi esivunyiwe nesinqunyiwe siphela, ofake isicelo kufanele asivuselele leso sicelo eBhodini, kodwa imvume leyo iyobe isesemthethweni kuze kufike isikhathi lapho "ihoxiswa" noma ivunya futhi

### **24. *Ukukhishwa kwemvume***

- (1) ngokwengqikithi eku-(2), ibhodi kufanele likhiphe imvume njengoba ligunyazwe ngumthetho, noma liyishintshe imvume, kodwa konke lokho kuhambisane nenqubo ye-TPAB.
- (2) Ibhodi angeke liyikhiphe imvume ngaphandle kokuba;-
  - (a) lizenelise ukuthi imoto leyo efuna imvume ilifunele uhlobo lozokuthutha oluzosetshenziswa;
  - (b) ofake isicelo alethe isiqiniseko sokuthi, imoto ikulungele ukuthwala umphakathi nokuba semgwaqeni, isitifiketi sokuqinisekisa kube

ngesikhishwe ngosuku noma ngemuva kosuku lolo olubekwe ngumthetho

(3) Uma, kuthi phakathi kokusebenza kwemvume, bese isitifiketi sesiqinisekiso semoto siphelelwa yisikhathi, naleyo mvume ivele iphelelwe yisikhathi, ngakho umnini moto kufanele leyo mvume ayibuyisele kwi-TPAB zingakapheli izinsku eziyishumi nane, ukuze leyo mvume izolungiswa noma ipheliswe, kuye ngokuthi yikuphi okufanele kwensiwe.

- (4) zonke izimvume ezikhishwe ngaphansi kwalesi sigaba kufanele ziukathe lokhu; -
- (a) igama nekheli lomnini mvume
  - (b) isikhathi imvume eyayisinququnyelwe
  - (c) inani labagibeli elinqunywe ngokwesitifiketi
  - (d) izinombolo zemoto ezibhaliswe ngokusemthethweni, isakhiwo sayo inombolo kashesi, unyaka eyakhiwa ngawo, uhlobo Iwayo, isilinganiso sokuthwala abagibeli esivunywe yiBhodi
  - (e) inombolo yesitifiketi sokulungela ukuba semgwaqeni nesikhathi sokuphela kwaso.
  - (f) uhlelo Iwemizila ezothathwa yileyo moto nezizinda ezoqala kuzo nalezo ezogcina kuzo kanye nezikhumulo (namarenke) ezowasebenzisa.
  - (g) kanye neminye imibandela iBhodi elingayibeka ngokubona kwalo.

## 25. *Ukubhalisw nokuphinda kunikezwe izimvume ezikhona.*

(1) *ngokwengqikithi ekwizindinya (2) no (3) wonke umuntu* onemvume, ngosuku lokuqala kwalomthetho, kufanele afake isicelo eBhodini ngeTPAB, lokho kuyokwenziwa mahala ngaleso sikhathi esinqunyiwe sokubhalisa nokuphinda kukhishwe izimvume, kuphinde kudingkeke isitifiketi sokubhalisa kanye nesokulungela ukuba imoto ibe semgwaqeni, ngaphandle kwalokho, imvume iyophelelwa yisikhathi bese kudingeka ukuba iyiswe kwiTPAB ukuze ipheliswe, ngaphandle uma leyo mvume imiswe okwesikhashana kodwa kungabi yisikhathi esingaphezu konyaka, uma ofaka isicelo engavezela iBhodi izizathu eziqinile zokungayiphelisi imvume yakhe, kufanele aveze lokhu;

- (a) isiqiniseko sokuthi ubegula
- (b) imoto yakhe ibingasebenzi ngoba yalimala noma yayitshontshiwe
- (c) ubenza amalungiselelo okuyishintsha imvume ngoba umniniyo eseshonile
- (d) ubhekene nobunzima kwezezimali okungaphezu kwamandla akhe
- (e) ukuthi ubevinjelwe ukusebenza nenxa yezingxabano

(2) Ibhodi lingeke laphinda likhiphe imvume ngaphandle uma umniniyo eyilungu lenhlangano yosamatekisi ebhalisiwe ngaphansi kwesigaba (7) noma ebhalise njengomuntu ongelon ilungu ngaphansi kwaleso sigaba.

- (3) zonke izimvume ezishishwa kabusha kufanele zichaze imizila okufanele onemvume ayisebenzise, ngaphandle;
- (a) kwamatekisi amancane
  - (b) izinqola ezipbekelwe ukuhamba endaweni ethile
  - (c) lokho okuobonwa yibhodi ukuthi kudinga ukucatshangelwa kangcono.
- (4) i-TPAB kufanele ihlole yonke imininingwane yemvume etholakala ngaphansi kwesigatshana (1) naleyo yabanini zimvume iqhathaniswe nemininingwane esohlweni lomnyango wezimvume, ukuze kulungiswe amaphutha uma ekhona

26. *Ukugunyazwa okuthile*

- (1) Akekho umuntu ovunyelwe ukusebenzisa itekisi elingekho emthethweni ukuthwala abantu abaya emicimbini efana, nezemidlalo, imishado noma imingcwabo, ngaphandle uma lowo egunyazwe ngumthetho.
- (2) Umnini tekisi elingekho emthethweni kufanele afake isicelo sokugunyazwa ukulisebenzisa okwesikhashana uma esekhokhe imali yokwenza lokho.
- (3) iBhodi kufanele ligcine izinombolo zamaphepha agunyaza low mnini tekisi kanye namagama alabo abathole lawo magunya okusebenza.
- (4) Ngaphambi kokuba asebenze lowo njengokusho kwsigatshana.
- (1) umnini tekisi lelo, kufanele agcwalise imininingwane ngalolo hambo futhi namaphepha amgunnyazayo ahlale esemotweni zikhathi zonke.
- (5) emva kokugcwalisa imininingwane leyo, kepha ngaphambi kokuba kokuba kuphele amahora angamashumi ayisikhombisa nambili (72), kufanele osebenzisa lelo tekisi ahambise isiqiniseko sokugunyazwa eBhodini kanye nakwizinhlangano zamatekisi ezisebenzisa leyo mizila azohamba ngayo.
- (6) Ibhodi liyovimbela noma ubana ohlala ehamba emizileni ngetekisi elingekho emthethweni uma engagcwalisanga imininingwane edingekayo, emaphepheni okugunyaza imvume yeskhashana.

27. *Ukuqalwa, ukusebenza kanye nomthetho sisekelo wekhomishani yezokuthutha yesifunda.*

- (1) Ikhomishana yokuthutha yesifunda iyoqalwa kuso isifunda.
- (2) Ikhomishana iyobhekana nemisebenzi yokulalela izikhalo ngezelalo zesifunda kulabo abanezimoto ezisamatekisi, kanti noNgqongqoshe angabanika eminye imisebenzi ngokomqulu wesifunda.
- (3) Ikhomishana iyakuba nesikhulu somnyango kahulumeni nabanye abangengaphezulu kwabane abayokhethwa nguNgqongqoshe, omunye wabo okufanele ukuba useke wasebenza iminyaka elishumi engummeli, abanye kufanele kube ngabantu abanolwazi olwanele mayelana nezokuthutha umphakathi, noma ukuphathwa kwezimali noma ukuphatha izindaba zomphakathi. Ungqongqoshe uyokhetha oyedwa ukuba abe ngusihlalo.

(4) Amalungu ekhomishana afanele akhethwe ukuba asebenze isikhathi esingeqi eminyakeni emihlanu, nokuthi bayoba sehhovisi ngembandela eyobekwa nguNgqongqoshe uma ebabeka.

(5) Amalungu ekhomishana avumelekile ukuba aphinde aqokelwe ukusebenza izikhathi ezahlukene nangemibandela eyahlukene.

28. *Ukuvinjelwa kwamalungu ekhomishana.*

(1) Akekho umuntu oyoqokelwa ukuba yilungu lekhomishani uma;

(a) esadliwa izimali zakhe ngokusemthethweni

(b) esake waboshelwa ukungathembeki futhi wagwetshwa ngaphandle kokuhlawuliswa.

(c) Uma lowo muntu ngandlela thize kulabo asondelene nabo okuyizihlobo, abangane noma asebenzisana nabo;

(I) ethola inzuzo kwibhizinisi yezokuthutha abagibeli

(ii) exhumene nezinto eziphaathelene nezokuthutha abagibeli lokho kuyogunyaza uNgqongqoshe ukuba amkhulule lowo emiseenzini yehhovisi.

(2) Ngaphandle kwasigatshana (1), awukho umthetho, noma izinqumo zekhomishani okuyothiwa azisebenzi ngezizathu zokuthi ilungu lihoxiswe ekusebenzeni ikhomishana.

29. *Ukushiya nokususwa kwamalungu ekhomishana emahhovisini.*

(1) Ilungu lekhomishana kufanele lishiye ihhovisi lelo uma; -

(a) liba sengqikithini yokuhoxiswa ekuqokweni kwakhe okusesigaben (28).

(b) esesusiwe ehhovisi ngaphansi kwasigatshana (2)

(2) Ungqongqoshe angasusa ilungu lekhomishani ehhovisi uma; -

(a) lihlulekile ukufeza izidingo elaqokelwa zona

(b) okuyothi ngokubona kukaNgqongqosh, litholakale lingaziphathi kahle futhi angenzi umsebenzi ngokwemfanelo njengelungu lekhomishani.

(c) okuyothi ngokukaNgqongqoshe, litholakale lingenzi umsebenzi ngokugculisayo njengelungu lekhomishana.

(d) okuyothi ngombono kaNgqongqoshe, lehlulekile ukuhlala emihlanganweni emithathu elandelanayo ngaphandle kwezizathu ezinohlonze.

30. *Ukukhokhelw kwamalungu ekhomishana*

(1) Amalungu ekhomishana eyokhokhelwa futhi aphinde anezezelwe ngezinto ezithile eziyonwa nguNgqongqoshe eambisene noNgqongqoshe wezimali.

(2) ilungu lekhomihama elibuye libe yisisebeuzi somphakathi ngeke likhokhelwe ngaphezu komholo walo ngaphandle kwezindleko zokuhamba kanye nginye izinto ezincane.

31. *Imihlangano yekhomishana*

(1) Umhlangano weKhomishana kufanele uhlanganele endaweni kanye nangesikhathi esiqokwe nguNgqongqoshe, emva kwalokho, eminye eyolandela, ihlelwe nguSihlalo weKhomishana.

(2) Uma uSihlalo engekho, isekela lakhe imgwawubiza umhlangano weKhomishana kepha kuphela uma amalungu angengaphansi kwamathathu ekusekela ukuqhubeka komhlangano.

(3) Umhlangano wekhomishana ungaqhebeka, kuphela nje uma kukhon amalungu amabili.

(4) Inqulo yomhlangano kanye neyokuthatha izinqumo iyobekwa yikhomishana ngaphandle uma kuneziyalu ezivalo kuNgqongqoshe.

(5) Izinqumo eziyovunya ngamalungu amanangi ekhomishana, yizona eziyolandelwa yikhomishana, kanti uma izinqumo zisekelwe nigokulingana, lowo oqhuba uhlelo, kuyofanele avote ukuze kuzotholakala izinqumo ezothathwa njengezekhomishana.

(6) Ilungu lekhomishana alivumelekile ukungena ezingxoxweni noma ezinqumweni ezimyelana neKhomishana, lapho abaxoxayo beyothola inzuso ngandlela thile.

(7) Ikhomishana kufanele lilalele izikhalo zamaqembu ngesikhathi esiphakathi kwezinsuku ezingamashumi ayisithupha, bese iwatshela lawo maqembu ngezinqumo ezithathiwe ngesikhathi esiyonqunywa nguNgqongqoshe.

32. *Izikhalo eziza kwiKhomishana mayelana nokuphikisa umthetho noma izinqumo ezishaywe yiBhodi.*

(1) Makuvinjelwe njengoma umthetho uyalela, ngaphansi kwasigatshana (2) umuntu:-

(a) oke wafaka isicelo eBhodini sokunikezwa, ukuguqulelwa noma ukudisela imvume noma imvume yakhe eyohoxiswa yiBhodi.

(b) ongumnini mvume ekhishw yibhodi

(c) okuthe ngesikhathi esibekiwe wathumela abazomela eBhodinin mayelana nokuvumelana noma ukuphikisa isicelo, bese kuthi othintwe ngumthetho noma izinqumo zebhodi, okungathi ngalendlela thize nangesikhathi esibekiwe ngumthetho, emva kwalowo mthetho nalezo zinquma zezithathiwe yiBhodi, bese efaka isikhalo ngomthetho noma ngesinqumo kwikhomishana.

(2) Lapho iBhodi lazisa umuntu ngezinqumo obekuboniswana ngazo kusigatshana (1), uyobhalelwu incwadi, usuku lwayo leyo ncwadi kuyothathwa njengosuku okwanikezwa ngalo izinqumo.

(3) Izikhomishana kufanele ithole futhi ngokomthetho walesi sigaba nangomthetho, kubhekelelwe ukufakwa kwezikhalo ngokwesigatshana (1) kanye futhi nkucabanga kwayo:-

(a) yale isikhalo lesu kepha ivume umthetho noma isinqumo obekukhalwa ngaso.  
(b) ithathe isikhalo, ibeke umthetho nesinqumo eceleni lezo I obekhalwa ngazo bese ;-

- (i) ichiiyela isinqumo seBhodi ngomunye umthetho leso ebethathwe yiBhodi, noma  
 (ii) ibuyisele lolu daba emuva eBhodini ukuba ilubukeze kabusha, noma  
 (c) ibambe isikhalo okwesikhashana bese ihlola kahle umthetho noma isinqumo okukhalwa ngaso.  
 (4) usihlalo noma lowo oqokwe ngusihlalo, kungathi ngokubona kwakhe ngaphandle kokwazisa amaqembu amankinga  
 (a) anikeze isicelo sokuvuma isikhalo noma isaziso kuphela nje uma isikhalo safakwa ngendlela yokomthetho nangesikhathi esiyizinsuku ezingamashumi amane nambili emva kokuba iBhodi lakhipha umthetho noma isinqumo, noma ale ukwamukela isikhalo,  
 (b) avume noma ale isicelo sokumisa ukusebenza komthetho noma isinqumo seBhodi okukhalwa ngaso,  
 (c) abakele eceleni umthetho noma isinqumo seBhodi okukhalwa ngaso, bese ethumela lolu daba kulo iBhodi ukuba lucutshungulwe kabusha.  
 (5) Umthetho noma isinqumo sekhomishana ngaphansi ngaphansi kwasigatshana (3) (b) (I) noma (c) ukubakhona ngaphandle kwemisebenzi engaphansi kwasigatshana (1), lowo mthetho nesinqumo, kuyothathwa njengezeBhodi,  
 (6) Lesi sigaba siyosebenza kuphela, kumatekisi okuthutha asebenza endaweni yaseGauteng namaphethelo.

### **33. Izisebenzi Zekhomishana**

Ihloko yomnyango kufanele ngokomthetho oqondene nemisebenzi yomphakathi wesifunda, iqashe izisebenzi ezifanele nezizosiza ikhomishana ekwenzeni imisebenzi yayo.

### **34. Ukushicilelwu kwezizathu**

ikhomishana nebhodi kufanele kunikeze lowo ofisa ukwazi izizathu ngesinqumo abasithathile sokwala umthetho, lokho kwensiwe ezinsukwini eziyishumi nane.

### **35. Igunya elinezelwe ngokwemvune**

Imvume kufanele igunyaze ukuhamba komuntu ofanele ngaleso sikhathi.

### **36. Ukusaka imoto okwesikhashana okuvumelana nemvume.**

- (1) Uma imoto esebezissa imvume iphuka, noma iphazamiseka okwesikhashana, iBhodi noma ilungu elikhethwe ngusihlalo linganikeza imvume kwenye imoto ezobambela ephukile, kodwa lokho kwenzeke ngaphansi kwezigatshana u(2) no (3).

(2) Umthamo wemoto efakiwe, kufanele ulingane noma ube mncane noma ungawedlula awemoto ephukile ngamaphesenti angamashumi amabili.

(3) Imoto esebezelala ephukile, ingasetshenziswa ngesikhathi esithile esinqunyelwe, kodwa singedluli ezinsukwini ezingamashumi amabili nanye, njengoba iBhodi noma ilungu lingayalela.

(4) Imoto efakelwe ephukile, kufanele ngaleso sikhathi sokusebenza kwayo, ihambelane nemvume eyisebenzisayo.

**37. *Imisebenzi yomnini mvume.***

(1) Umnini mvume kufanele;

- (a) ahiale eyiphethe imvume emotweni ( noma yimvume ebhaliwe njengokulayelwa kwisigaba 35), okufanele ayiveze lapho ifunwa ngabasemagunyeni.
- (b) avikele futhi agcine imvume yakhe isesimweni esihle lapho izinombolo nezinhlamu kufanele zihlale zibonakala, kuthi uma imvume yakhe imoseka noma iguga, bese efaka isicelo senye ngendlela emthethweni.
- (c) abhale igama nekheli lakhe emotweni, kube sendaweni lapho kuzobonakala khona kahle, njengoba iBhodi likufuna kubekwe kanjalo.
- (d) akhombe eminye imininingwana iBhodi elingayidinga ngokubona kwaloo.
- (e) afakele futhi azigcine izimpawu zokukhombisa wa imoto yakhe.
- (f) ahiale eqaphele ukuthi bonke abashayeli bemoto esebezenza ngaleyoo mvume, banezincwadi ezisemthethweni zokushayela.

(2) Imvume ekhishwe ngaphansi kwalomthetho; -

- (a) angeke igunyaze umnini mvume ukuba asebenze emizilene lapho umthetho ungavumeli ukuba asebenze khona ngokwemvume yakhe.
- (b) angeke umnini mvume abekwe ecaleni ngokwesibopho sokuhambisana nesidingo somthetho noma imvume eyakhishwa ngabanye abasemagunyeni.

(3) Bonke abanini zimvume kufanele base izimvume izimvume zabo kwiTPAB njalo ngonyaka ukuze ziyobhaliswa zingaze ziphelelw yisikhathi, kanti futhi nesitifiketi sokulungela ukuba semgwaqeni kwemoto siyodingeka, uma kungenzeki lokho, imvume iyothathwa njengephelelw yisikhathi bese kudingeka ukuba iphindiselw kwiTPAB ngaphandle uma imvume ibimisiwe okwesikhashana esingeqile onyakeni, uma nje ofaka isicelo engaveza izizathu ezinohloze, bese zifaka lokhu; -

- (a) isiqiniseko sokugula
- (b) imoto ibingasebenzi ngoba ibiphukile noma yetshiwe
- (c) bekwenziwa amalungiselelo okugishintsha imvume ngoba ummnikazi eseshonile.
- (d) ukuba senkingeni ngokwezimali okungaphezu kwamandla omnini mvume izizathu zokuvinjelwa ukusebenza ngenxa yezingxabano.

(4) wonke umini mvume onenkosikazi noma isihlobo noma umqashi oqokelwe ukuba yisikhulu kwezokugunyaza noma isikhulu sokusiza umphakathi noma osemahhovisi okuphatha isifunda, noma emahhovisi omasipala, kufanele azise iBhodi

ngalokho ngokuba alibhalele. Namunye umuntu olutholayo lolo lwazi kufanele abikele iBhodi.

(5) Ibhodi liyoyithatha leyo mvume uma likelabuthola ubuhlobo obunjalo obungabikiwe obuvezwe kwisigatshana (4).

**38. *Ukuhoxiswa, ukumiswa okwesikhashana nokushintshwa kwemvume ngokungaziphathi kahle noma isivumelwano siqedwe.***

(1) Ngokwengqikithi equkethwe ku (2) iBhodi lingayimisa imvume noma liyihoxise noma kungasiphi isikhathi uma; -

(a) umnini mvume noma isisebenzi sakhe sake sabanjwa ngaphansi kwalomthetho noma omunye omayelana nezemigwaqo njengoba kushicilwe emthethweni, noma

(b) uma, ngokombono weBhodi, umnini mvume engazange athembeke kwimigomo yemvume

(c) uma umnini mvume eseyekile ukubhaliswa emnyangweni ofanele

(2) Ibhodi angeke lihoxise noma limise okwesikhashana imvume, ngaphandle; -

(a) uma kwenziwe isaziso sokuhoxisa ezinsukwini ezingamashumi amabili nanye, kanye nezizathu zalokho zinikezwe umnini mvume.

(b) umnini mvume anikezwe ithuba lokuba yena noma ommele avezele iBhodi ubufakazi bezinyathelo ezhlongozwayo

(c) omasipala, amakomiti ezokuxhuana osomatekisi kanye nalapho amakomiti engekho khona, inhlango yosoma tekisi iyonikezwa ithuba lokuba ilethe abazoyimela noma yenze amanye amalungiselelo.

(3) Ibhodi kungathi ngesikhathi esiphuthumayo, lapho kubhoke udlame, izihoxise izimvume isikhathi okungafanele seqe ezinsukwini eziyisikhombisa. Ngaleso sikhathi, ibhodi kufanele likhiphe izaziso lazise abanini zimvume ngalokho.

**39. *Ukuhoxiswa kwezimvume ezingasetshenziswa***

(1) Ngokwngqikithi ekusigatshana (2) no (3) emayelana netekisi eligunyaziwe ukusebenza, bese umninilo angayisebenzisi leyo mvume, isikhathi esiyizinsuku ezingamashumi amathathu, umniniyo kufanele ayibuyisele kwiTPAB imvume leyo ukuze izocinywa.

(2) lapho kudingeka umnini tekisi aveze iTPA ukuthi itekisi belingasebenzi ngesikhathi esinqunyiwe ngenxa; -

(a) yokugula obekuhlasele

(b) yemoto ebiphukile noma ebintshontshiwe

(c) yamalungiselelo okuyishintsha imvume ebenziwa ngoba eseshonile umniniyo yobunzima kwezezimali obebungaphezu kwamandla akhe

- (e) yezixakaxaka ebezidlangile endaweni, umnini mvume kufanele anikezwe isikhathi esingengaphezulu konyaka ukuba abuyelete emsebenzini wakhe, nimininingwane yonke igxivizwe wimvume  
 (3) lapho abazodla ifa uma umnini mvume eseshonile, bebuveza ubufakazi bokuthi ushone ngempela, imvume leyo iyaqhube ka isebezenze isikhathi esingunyaka ukuze labo abadla ifa bazoqalela ukuguqula imininingwane ekwimvume kanye namaphepha emoto.

**40. *Ukuhoxiswa kwezimvume eziyinsada.***

- Lapho iBhodi lenelisekile ukuthi;-  
 (a) umasipala, ngokohlelo lwebhizinisi ubonile ukuthi amatekisi asemaningi ngokweqile kule mizila ahamba kuyo.  
 (b) umasipala angaxoxisana nabanini zimvume abasebenzisa imizila, kanye nezinhlangano zamatekisi ngodaba lokuvala ezinye izimvume ngokuba yena masipala azithenje kubo ukuze kunciphe amatekisi.  
 (c) isivumelwano senziwe nabanini zimvume ngendlela efanele nalapho abaninizo bezothola inkokhelo ngokulahlekelwa kwabo ngokwezomnotho ezimbandakanya izimvume zabo.

*Ibhodi ke kuyodingeka ukuba lihoxise lezo zimvume.*

**41. *Ukubuyiswa kwezimvume eseziphelelwe yisikhathi***

Imvume esiphelelwe yisikhathi noma eholisiwe noma engasavumelekile kufanele ibuyiselwe kwiTPAB, zingakapheli izinsuku eziyisikhombisa leyo imvume iphelelwe yisikhathi, noma yahoxiswa noma ingasavumelekile.

**42. *Imithetho nemigwaqo engalandelwa***

- (1) Ungqongqoshe angenza imithetho;-  
 (a) abhekise kulokhu;  
 (i) umbiko okufanele uhambisane nesicelo sokunikwa, ukuvuselela, ukuguqula noma ukudlulisa imvume.  
 (ii) imigudu okufanele ilandelwe yiTPAB neBhodi maqondana nezicelo ezifakwayo  
 (iii) umbiko okufanele uhambisane nesikhalo esiya kwikhomishana mayelana nomthetho noma isinqumo esithathwe iBhodi.  
 (iv) umbiko okufanele uthunyelwe yiBhodi kwiKhomishana mayelana nesikhalo kanye nendlela nesikhathi umbiko okufanele iKhomishane iyilandele uma ibhekene nesikhalo

- (v) amacala iBhodi okufanele libhekane nawo mayelana nezicelo zezimvume okungaphansi kwesigaba (22)
- (vii) ukwabelwa kwemizila kwizinhlangano zamatekisi nokumkezwa kwezimpawu zokuzehlukanisa ngokwemizila ezohanjwa.
- (viii) ukubekwa kwemithetho maqondana nokuthuthwa kwezingane zesikole ngamatekisi.
- (ix) ukushaywa komthetho wokuqeleshwa ngokwamatekisi.
- (x) ukubhekela ukuxezululwa kwezingqinamba phakathi kwezinhlangano zamatekisi ezahlukene.
- (xi) ukuhlela osomatekisi ngezigaba izidingo zokukhokwa kwemali ezimayelana; -
- (b) (I) nesicelo sokwamukelwa noma ukuguqulw noma ukudluliswa kwemvume, noma
- (ii) nesikhalo kwiKhomishani ngophikisa umthetho noma isinqumo seBhodi.
- (iii) nokukhishwa kwemvume kwiTPAB, izimpawu ezahlukahlukene kanye nokunye bese kubekwa imali yokukhokha, kuchazwe nesimo sokuthi uma lemaliekhokhwayo icwila, noma ibuya, noma ingxenye yayo ibuya, lokho sekuyoya ngokubona kweBhodi noma ikhomishani
- (c) nezinye izinto ezingathuthukisa izinjongo zaloMthetho.
- (2) uNgqongqoshe angashaya imigwaqo ezolandelwa maqondana; -
- (a) nokuqeleshwa kosomatekisi
- (b) nokuthuthwa kwabafundi ngamatekisi
- (c) nezinye izinto ezingathuthisa injongo yalomthetho

#### **43. *Izidingo zokunikeza imibiko kanye nezibalo***

- (1) umnyango kahulumeni kanye nomasipala kufanele esifundeni bazisane noma bazise uNgqongqoshe ngemibiko noma izibalo okuphathelene nezokuthutha uma uNgqongqoshe ekuding lokho
- (2) umnyango ucela umasipala ukuba awuthumelele umbiko oqondene nezokuthutha kanye nezibalo ezifane ukuze umnyango uzohlela kahle iminininingwane yayo, lokho kufanele kwenzeke ngesikhathi esinqunyiwe ngumyango.

#### **44. *Imithetho yedolobha***

- (1) umthetho wamadolobha kungathi ngokusebenzisa ngokuhlanganyela nezokuthutha uhlele-
- (a) ukubeka umthetho wenani lamatekisi okufanele lisebenze kwingxenye ethile yedolobha, leyo eshayelwa ngumkhandlu wamadolobha umthetho, usho

futhi lowo mthetho ukuthi lawo matekisi asebenze ngasiphi isikhathi kuleyo ngxenye.

- (b) ukushaya umthetho ozovimbela ukusebenza kwamatekisi kuleyo ngxenye yedolobha eshiwo, ngezikhathi ezithile.
- (c) ukuvinjelwa ukuba amatekisi agibelise noma ehlise abantu kuleyo ngxenye ngezikhathi ezithile, bese kubekwa isikhath esifanele sokugibelisa noma ukwehlsa abagibeli.  
 (2) umasipala angenza eminye imitheshwana yedolobha ukuqhuba injongo yalomthetho, kepha ingaphambani neyalomthetho obekiwe, futhi ingabuye ifake lokhu;-
- (a) ukwaziswa kwemizila nokunikezwa kwayo kwizinhlangano zamatekisi, kanye nokunikezwa kwezimpawu ezigqamisa imizila okufanele ihajwe yilelo nalelo tekisi,
- (b) ukuqalwa kanye nokusebenza kwezinhlangano zokuxhumana zosamatekisi bendawo, nezinye izinhlangano ezifana nalezi,
- (c) ukunikezwa kwezinhlangano zosamatekisi izidingo zokuzisebenzisa kanye nokuthola izimvume kanye nokukhokhiswa ngalezo zidingo ezinikeziwe;-
- (d) ukuqokwa kanye nendlela okufanele abalawuli bamarenke ( bezikhumulo) baziphathe ngayo
- (e) indlela abashayeli bamatekisi okufanele baziphathe ngayo.  
 (3) umasipala angenza isivumelwano nabantu abathile noma izinhlangano ezithile mayelana nodaba lokusebenzisa noma ukunikeza izidingo zamatekisi ezisendaweni okungezabo kuphela nje uma lokho kukhona ezinhlelweni ezihlanganisie zokthutha futhi ivunyiwe nguNgqongqoshe

#### **45. *Amandla kaNgqongqoshe***

Ngaphandle kwamandla anikezwe uNgqongqoshe achaziwe kwenye indawo kulomthetho, uNgqongqoshe angenza loku;-

- (a) uphenyo lwezimali maqondana nokusebenza kwamatekisi
- (b) angakhomisa ukuthi izimali kufanele zisebenze kanjani maqondana nemisebenzi yamatekisi
- (c) adlulise imibiko ephathelene nokusebenza kwamatekisi ngokuyifaka amaphephandaba, kwimisakazo, omabonakude, noma kwezinye izinto zokwazisa umphakathi
- (d) asizane omasipala abangenazo izisebenzi ezifanele ekwenzeni imisebenzi abanikwe yona engaphansi kwalomthetho,
- (e) asize ekuqequeseni kwabashayeli bamatekisi, abanini matekisi kanye nablawuli bamarenke.
- (f) anike usizo kule nhlangano zabantu ezsizayo ekuthuthukiseni isimo sokuthuthwa kwabantu.
- (g) ahlele izinhlelo zokufundisa eziphathelene namatekisi,

- (h) enze uhlelo lokuqaphela abashayeli noma abanini matekisi abenza amacala, lolo hlelo luhambe ngamaphu angagcina esemenze lowo onemvume aphucwe yona noma imiswe ngoba esenze amacala amaningi emgwaqeni.
- (I) aguqule noma ahoxise isaziso esishicilelwe esikwindima elandelayo kulesi sigaba, bese
- (j) elandela ezinyathelo abona zifanele ekusizeni ezinjongweni zalomthetho.

#### **46. AMACALA NOKUVIJELWA**

- Umuntu uyovinjelwa uma; -
- (a) esebeanza itekisi ngaphandle uma egunyazwe yimvume yezokuthutha.
  - (b) engumnini mvume, asebenzise itekisi ngokungavumelekile okuekwe yimvume, noma angaphumeleli ukuhambisana nemigomo yemvume,
  - (c) njengomnini mvume, anikeze omunye umuntu igunya lokusebenza ngaphandle kokugunyazwa ngemvume yalomthetho
  - (d) ukwedeleta ngamabomu, nokwenza imvume yomgunyathi nezinye izincwadi ezibalwe ngaphansi kwalo mthetho, noma ukushintsha nokuthasisela ezinye izinto ezingafanele kwimvume noma ezincwadini.
  - (e) azi ukuthi izincwadi akuzona imvume ekhishwe ngaphansi kwalomthetho, noma imvume leyo ikhishwe ngaphansi kwalomthetho isinezinto ezishintshiwe kuyo, lokho okuphikisana nokusendimeni (d) zisho okubhaliwe kulemvume nokusebenza kwayo kulomthetho.
  - (f) ngaphandle uma umthetho uvumile ukuba imvume yedluliselwe komunye ngaphandle kokwazisa iBhodi ngencwadi, lokho kwedluliswa kwemvume iye komunye umuntu ongabhaliwe kuyo
  - (g) ongeyena isikhulu esigunyaziwe ngokuziphatha noma azenze isikhulu esigunyaziwe.
  - (h) ovimbela noma agxambukela ekusebenzeni kahle kwesikhulu esigunyaziwe ekuqhubeni imisebenzi yaso
  - (i) ngaphandle kwesizathu angaphumeleli noma angavumi ukuvela ngaphambi kwekhomishana noma iBhodi noma ilungu leBhodi njengokuyalelwa ngumthetho noma angavumi ukuphendula ngolwazi oluthile oludingwa ngumthetho ukuze aveze izincwadi, uhlelo oluthile noma impahla ethile okudingeka ayiveze.
  - (j) okhuluma amanga mayelana nokufakwa kwesikhalo, noma uphenyo kwalomthetho, lawo manga ewakhuluma ngomlomo nona ewabhalile phansi. athole imvume kwiBhodi lokuthi leyomvume isike yakhishelwa omunye osebenzisa lolo hlobo lwemoto.
  - (l) okhombisa uphawu lokuseenza ngemoto emzilweni othile olungakhishwanga yilomthetho, noma ngomunye umthetho, noma hluleke ukukhombisa uphawu okukhishiwe yilomthetho

- (m) ahluleke ukubuyisela uphawu lolo eBhodini noma aludabula njengokuyalelwa yiBhodi noma ngumnyango ofanele
- (n) ephikisana nezinye izationelelo zalomthetho lowo uyobekwa icala ngokuphambana nomthetho.

**47. *Ukusebenza noma ukushiywa kwemenenja noma isisebenzi somnini mvume.***

- (1) uma kwenzeka imenenja noma isisebenzi senza noma siyeka ukwenza izinto eziyicala ngaphansi kwalomthetho, umnini mvume yena ebethi akanalwazi lalokho, kufanele ukuthi umnini mvume aveze lokhu; -
- (a) uyahambisana noma uyavuma ukwenza noma ukushiya okuthile.
  - (b) yena uzame ngakho konke ukuzama ukuvimbela leso senzeka
  - (c) isenzeko leso, ukuthi sivumekile noma kasivumelekile ngokwesimo somthetho, asiveli ngaphansi kwemigomo nenigudu yomsebenzi wemenenja noma leso sisebenzi umnini mvume uyotholakala enecala laleso senzeko mayelana nokushiwu kwisigaba (b) njengoba engakwazanga ukuvimbela isenzeko leso esishiwu angeke kuthiwe suwubufakazi bokuthi wazama ukusivimbela leso senzeko.
- (2) uma kwenzeka imenenja noma isisebenzi senze isenzo esiyicala ngaphansi kwalomthetho, imenenja noma isisebenzi siyobekwa icala futhi aphindwe agwetshwe.

**48. *Ukujeziswa***

Umuntu otholakale enecala ngaphansi kwalomthetho, uyoboshwa isikhathi esingengaphezulu kweminyaka emithathu, noma ahlawuliswe imali eyizinkulungwane ezingamashumi amabili amarandi (20 000.00) noma athweswe zozimbili lezo zigwebo.

**49. *Izilinganiso eziyisipesheli eziphuthumayo ezindaweni ezithile; -***

- (1) Ungqongqoshe uyokhipha isaziso kumqulu wesifunda wesifunda lapho izilinganiso eziyisipesheli zizofakwa khona uma ebona ukuthi kudingekile ukuze kwehle izingo esingalungile kuleyo ndawo ngenxa yodlame lwamatekisi.

(2) Umnyango uyokhipha izimpawu zamatekisi kunoma wubani oyilungu lenhlangano lelo elibhaliswe ngaphansi kwsigaba (5) (3), futhi lelo lunga kuyofuneka likhombise uphawu njengoba kudingekile. Lelo lungu nalo kuyofanele lilandele imigomo yokubuyisa noma ukudabula lolo phawu ngokuyalelwa umnyango, engakapheli amahora angamashumi amabili nane.

(3) kuleyo ndawo eshiwo ngaphansi kwsigatshana (1), isikhulu esigunyaziwe singavimbela ukusebenza kwetekisi uma kunezizathu zokwenza lokho ngesikhathi esingedluli ezinsukwini eziyishumi nane ngaphandle uma umnini tekisi eveza ubufakazi kumnyango bokuthi imoto ibingasebenzi ngokusemthethweni njengoba igunyaziwe kusigaba 5 (3).

(4) Imoto eboshiwe ngaphansi kwasigatshana (3) angeke ikhululwe ngumnyango kuze umnyango weneliseke ukuthi umnini moto usesifakile isicelo semvume sokusebenza kulowo mzila noma athole ukubhaliswa okwesikhashana ngaphansi kwesigaba 5(3), noma uma isimo kuleyo ndawo sesibuye le kwasijwayelekile, bese kudingeka ukuba kukhokhwe imali yezindleko engamarandi angamakhulu amahlau (R500.00), kuwo umnyango, leyo mali ekhokhiwe yosiza ekulungiseni nasekunakekeleni isikiti ( lapho izimoto ziboshwa zigcinwe khona), kuthi uma kunengxenye yemali esele, iyiswe esikhwameni sesifunda kwezokuthutha.

(5) uma imoto ibiboshiwe, iphindia itholakala isebeza endaweni engafanele, iyophinda iboshw njengoba kuchaziwe kwizigaba (4) no (5) kodwa imali yenhlawulo iyopindwa bese iba yinkulungwane yamarandi ( R1000.00), kuthi uma leyo moto ilokhu itholakala isebeza ngokungemthetho, inhawulo ibiloku iphindwa.

(6) ukuboshwa kwemoto ngaphansi kwalesi sigatshana, angeke kumishiye ngaphandle umshayeli noma umniniyo ukuba angabekwa icala ngaphansi komthetho olawula ezokusebenzia umgwaqo.

(7) Ungqongqoshe angakwenza kube ngumthetho ukwala nemizila noma amarenke assetshenzisa ngamatekisi okubonakala enodlame njengoba kushiwo kwisigatshana (1) lokho kuyokwazisa ngesikhathi esifanele, kanti akekho umuntu oyovunyelwa ukusebenzia leyo mizila noma amarenke avinjelwe ukusetshenzisa. Umthetho uyokuveza kucace ukuthi ukweqa lowo myalelo kuyoba yicala elinesijeziso.

(8) Imithetho engaphansi kwasigatshana (7), ingakkhipha izimvume zesikhashana kubanini zimoto ezithwala abantu abangaphezu kwabayishumi nesithupha kubalwa nomshayeli, ukuba zisebenze kuleyo mizila esavaliwe ngesikhathi esibekiwe.

#### **50. *Imiphumela yokutholakala komuntu owenza amacala amaningi.***

(1) uma umuntu etholakala okwesibili esebeza ngetekisi elingagunyaziwe, iBhodi lingenza lokhu; -

- (a) ukwazisa umnini mvume ngencwadi, ukuhoxisa *kwa* imvume noma ukuyimisa okwesikhashana, lapho liyonquma isikhathi sokuyimisa imvume leyo,
- (b) kuthi ngaleso sikhathi imvume esamiswe ngaso, njengokusho kwesigatshana
  - (1) iBhodi linqabe ukwamukela isicelo sokunikwa enye imvume noma ukuyidluliselka komunye umuntu
  - (2) nezezizathu eziphezwe kuisigatshama ukubekwa kwenkampani yieala kuyosho ukuthi nalabo abebengagabago ndisi balelo nkampani bayobekwa icala ngesikhathi sokwenzeka kwecala.

#### **51. *Ubufakazi ngezizathu ezithile okucatshangwa kuzo***

(1) Ekushushiseni ngaphansi kwalomthetho; -

- (a) umuntu ohambisa omunye ngetekisi noma avumele ukuhanjisa komuntu nomshayeli, kothathwa lokho njengokusebenzia izidingo zetekisi ngaphandle uma kakhona ophikisana nalokho.
  - (b) uma kutholakala ukuthi umuntu wahanjisa ngendlela ephikisana nalomthetho, ngohlobo lwemoto eyitekisi, umninilo kuyothathwa ngokuthi nguye owahambisa lowo muntu ngaphandle uma kunesiqiniseko sokuthi akuyena owayeshayela imoto futhi akazange agunyaze ukusetshenziswa kwemoto yakhe ngaleso sikhathi itholakala isecalenei.
  - (c) umuntu okuyotholakala kuye incwadi zomgunyathi zemvume ezikhishwa yilomthetho, noma okutholakala kuye imvume eshintshiwe ngaphandle okugunyazwa ngumthetho, lowo uyothathwa njengomuntu oguqule imininingwane yemvume, ngaphandle uma eveza ubufakazi bokuthi akusiye Owenze lokho.
- (2) izincwadi ezenziwe imvume ekhishwa yilomthetho, noma kwensiwe ikhophi layo imvume, lasayinwa ngomunye oseBhodini, lokho kuyoba ubufakazi obugcwele bokuthi lezo zincwadi zakhishwa yilomthetho, futhi zivumelekile ukuthi zisabenze.
- (3) izincwadi ezishoyo ukuthi imoto ibhaliswe egameni lalovo muntu, zikhombise futhi ukuthi zakhishwa ngokomthetho ngesikhathi sokubhaliswa kwezimoto, lokho kuyoba ngubufakazi obugcwele bokuthi ziqondile lezo zincwadi uma kuqulwa icala.

## *52. Ukuhaliswa kwabaxhumanisi bezimvume avumelekile.*

- (1) akekho ovunyelwe ukuba ngumxhumanisi wezimvume ngaphandle uma ebhalise ngokusemthethweni.
- (2) ukuze ubhaliswe ukuba ngumxhumanisi, kufanele ube nemfundo kanye nekhono elifunwa ngumthetho futhi asayne nohlelo lokuziphatha lolo olwensiwe ngumthetho.
- (3) Abammeli ngeke bafunwe lezizinto ezibalwe ku(2) ngenhla.
- (4) Umuntu osebenza engumxhumanisi wezimvume engabhalisiwe, uyobekwa icala aphinde ajejiswe ngokwenza kanjalo.
- (5) imithetho etholakala kulesi sigaba igunyaza ukumisa okwesikhashana noma ukungaphindi kubhaliswe lowo muntu njengomxhumanisi wezimvume uma etholakala enamacala athize ahlelwe kulomthetho.

## *53. Ukujeziswa / ukugwetshwa*

Imantshi yenkatolo iyokwethula isijeziso leso esinqunyiwe yilomthetho

**54. *Ukugcina okuyizikweletu***

*akukhocala lobugebengu eliyoqhubeka enkantolo eliyophikisana nesikhulu esigunyaziwe ukuba kuthiwe senze okufanele ngokwegunya lomthetho noma isisebenzi esigunyazwe ngumthetho.*

**55. *Ezezimali***

Yonke imali etholwa yiBhodi ngaphansi kwalomthetho, kufanele idluliselwe kwisikhwama sesifunda sezokuthutha esaqalwa ngumthetho wezokuthutha ka 1977 (Act No. 78 of 1977), kanti izindleko ezipalwe ukulawula kwalomthetho, ziyobuyiswa ngokuba ziphume emalini uNgqongqoshe ayabele lezo zikhwama; ngaphandle uma izindleko zenzeke ngokugunyazwa isikhulu, kufanele lezo zindleko zikhokhwe ngumqashi walelo hhoyisi ngemali yalelo hhovisi

**56. *Ubudlelwano bomthetho neminye imitheshwana***

Izichibiyelo zalomthetho ziyokwenzezela kweminye imithetho ephathelene nezimoto kepha hhayi ukuthi ikhiphe leyo mithetho bese kufakwa lezo zichibiyelo.

**57. *Abahloli***

Abahloli abaqokwe ngaphansi komthetho wezokuthutha ka 1977 (Act No. 74 of 1977), bayonikezwa amandla nemisenzi eqondene nokusebenza kwamatekisi.

**58. *Ukususwa nokuguqulwa kwezichibiyelo***

(1) Izichibiyelo zomthetho wezokuthutha ka 1977 (Act No. 74 of 1977), kanye nayo yonke eminye imithetho emayelana nokusebenza kwamatekisi kwisifunda emva kokuqala kokusebenza kwalomthetho, iyosebenza ngaphandle uma ishntshiwe noma isusiwe yilomthetho noma ngeminye imithetho.

(2) Ngokwengqikithi yezichibiyelo zalomthetho, imvume ekhishwe ngaphansi komthetho wezokuthutha ka 1977 (act No. 74 of 1977), iyonunwa ukuthi yimvume ekhishwe ngaphansi kwezichiyelo zalomthetho futhi ziyoohlala zisemthethweni isikhathi esivumelekile.

**59. *Isihloko esifushane nokuqala kwaso***

(1) Lomthetho uzobizwa ngokuthi umthetho wesikhashana waseGauteng obhekelele ukusebenza kwamatekisi ka 1997, futhi uyoqala ukusebenza ngosuku oluyoqokwa nguNgqongoshe ngokuhipha isaziso kumqulu wesifunda.

(2) Ukwehlukahlukana kwezichibiyelo zalomthetho, kuyoqala ukusebenza ngezinsuku ezahlukene nangokwehluka kwezindawo.

(3) Lomthetho uyomiswa ukusebenza uma sekusebenza lowo omkhulu obhekelele ukuthuthwa kwabantu.

**UMTHETHO WESIKHASHANA WESIFUNDA SASE GAUTENG OLAWULA  
UKUSEBENZA KWAMATHEKISI AYINHLOBO YAMABHASI AMANCANE 1997.**

*Imemo emayelana nomthetho 134 wemithetho emisiwe kumithetho yesifunda sase Gauteng.*

**1. ISIZATHU SOMTHETHO ONGAKASHICILEWA OYISUNGULO LOMTHETHO.**

Lomthetho wesikhashana wase Gauteng olawula usethenziswa kwamathekisi ayinhlobo yamabhasi amancane wenziwe wahambelana neziphakamiso zesifunda iGauteng Taxi Initiative (GTI) kanye neminye imiqulu yemibhalo yesifunda. Okwamanje isifunda simatasatasa ongenqubo yokwenza imithetho engalungiswa mayelana neziphakamiso ze Gauteng Strategic Management Team (SMT), kanye nekunaka umthetho wezwe wezokuthutha ongakashicilewa i-( National Land Transport Bill) 1977. Omunye umthetho ohlosiwe ongomezokuthutha abagibeli bomphakathi (endleleni) ozomela uhlangothi lwabo bonke abagibeli. Ngenxa yesidingo esikhulu sokucozulula izinkinga zemboni yamaThekisi angamabhasi amancane eGauteng, ukuletha umthetho kanye nokuzinza, nokuphelisa ifu lodlame, lomthetho wesikhashana oyisungulo lomthetho ubhaliwe ukwandulela umthetho wabagibeli bomphakathi ongakashicilewa.

Injongo yalomthetho ongakashicilewa ukwenza amalungiselelo abalulekile. Ukulawula amaThekisi angamabhasi amancane okwesikhashana. Eminye imibandela kumithetho yendlela yezokuthutha ka1977, kufanele yenziwe ibekwe eceleni kwalo mthetho ongakashicilewa bendlela bomphakathi kuze kuthi izihlangothi zombili zisuswe ngumthetho wabagibeli bendlela.

Imiqulu yemibhalo yoMnyango wezoKuthutha kanye maBasebenzi boMphakathi eGauteng izodonsa imboni yamthekisi angamabhasi amancane kuhlangothi lwemoni ngokumthetho kanye nokunika usizo. Imizamo eyakhayo iyenziwa futhi izokwenziwa ukuhlanganisa zonke izihlangothi zomphakathi zezokuThutha, ekubhekeni umthetho ozimisele weThekisi njengokwesikhashana uzophikisa lenqubo mgomo. nokho- ke kuzonakekelwa ukuxhumanisa lo mthetho nemboni yamathekisi kumthetho weNdlela wezokuthutha abagibeli bomphakathi ngokushesha.

Umkhandlu oshaya imithetho ukhiphe imibandela kumthetho wezokuThutha weNdlela, 1977 ngo June ukunikeza okwesikhashana, okuphuthumayo ukuqedu udlame, ukubeka uphawu kumathekisi angamabhasi amancane, endaweni yase- Soshanguve, Mabopane. Lenguuko ithathwe kumthetho ongakashicilewa.

**2. UMPHUMELA WENDAWO**

**Awukho**

### **3. ISUNGULO LOMTHETHO NOMPHUMELA WALO KWEZEZIMALI.**

Ukwakhiwa kwekhomishani yezokuThutha kusifunda ngamalunga angedluli kwamahlanu (5 ) njengomkhandlu wezikhalo koletha umphumela kwezezimali. I MEC izonquma iholo labo ixhumene neMEC yezeZimali. Amalunga ekhomishani ayizisebenzi zoMphakathi awanokhokhelwa iholo elingeziwe ngaphandle kwezindleko zohambo nezezidingo eziphuma ngaphandle kwasikhwama.

Imali etholakale ngaphansi kwalomthetho izokhokhwa kumali yesiFunda yezokuThutha yase madolobheni kanti izindleko zizothathwa kule mali. Izindleko ezimayelana nabaphethe abanelungelo zizokhishwa abaqashi babo.

Kuzo kwakhiwa uMkhandlu onemvume wezokuThutha ozophatha kundawo ngayinye, uphathe njenge sandla seBhodi. Lemvume nokho ke lokhu kuzochitha izisebenzi ezise Goli okwamanje, kanti angeke loku kulethe umphumela kwezimali.

### **4. IMIBONO EYAMKELWA NEYAMENYWA.**

Isungulo lomthetho lashicilelwu ukuze kuvezwe imibono kuGazethi yesiFunda ngezi 6 January 1997. Imibono eminigi yamkelwa ebuya kuzinhlobo zomphakathi ezahlukene yafakwa lapho kufanele.

Imigomo yosungulo lomthetho isuswa izimpikiswano ze Gauteng Taxi Initiative ( GTI) ezathathelwa phezulu kuNational Taxi Task Team ( NTTT) futhi kwaboniswa na ngazo nemboni yeBhasi ehleleke kahle i-Southern African Bus Operators Association ( SABQA) kuxhunyenwe nabanye abafake usizo njengeBhodi lemvume yesiFunda ( Province), Local Road Transportation Board kanye nezinhlangano zezokuthutha zemvume zababonisi.

Okuqukethwe isungulo lomthetho kuhambelana neziphakamiso zesiFunda zemibuthano elandelayo i-Regulation and Control Committee, the Provincial Committee of Metropolitan Officials on the Regulation, Control and Co-ordination, the National Taxi Task Team, ( NTTT) the National Regulation and Control Working Group kanye ne National Formalisation and Training Working Group.

### **5. UKUCHAZWA KOMSHWANA NGOMSHWANA.**

- C1. Amanye amagama asethenziswe kusungulo lomthetho achaziwe kulomshwana
- C2. Lomshwana ugunyaza abayingxubevange kanye nomasipala ukuba benze amalungiselelo wamathekisi angamabhasi amancane endleleni.
- C3. Ingxubevange ngayinye enegunya kanye nomnyango wezokuThutha nowemiSebenzi yoMphakathi kuzodingeka wakhe futhi ugcine izinhlelo zokuphatha neminingwane ehambelana nezindleko nelizwe kanye nezesiFunda, njenge National Traffic Information System ( NTIA).

- C4. Lomshwana unikeza ithuba lokuqashwa koMbhali wesiFunda ozobhala izinhlangano zamaThekisi, amalunga kanye nabangewona amalungu. Loku sekwenziwe mayelana nemibandela kuMthetho weNdlela wezokuThuta.
- C5. Lomshwana unikeza amandla nomsebenzi wombhalisi olandelayo;
- ukubhalisa ngombandela izinhlangano zamathekisi; ezinamalungu anamaphomede (izimvume) asemthethweni.
  - ukubhalisa amalungu anamaphomede
  - ukubhalisa abangewona amalungu ezihlangano kodwa abanelungelo.
- Mayelana nomthetho wamuva, imisebenzi yombhalisi izokwelulwa ukunelisa ezinye izidingo zezokuthuta.
- C6. Lomshwana unika iMEC amandla okwenza umgomo omncane wothethosisekelo wezinhlango zamathekisi kanye nomthetho wokuziphatha walabo abangewona amalungu nezinye izinkinga njenge nani elinqunyiwe okufanele inhlangano ibe nalo.
- C7. Lomshwana ukhipha inqubo yokucela ukubhalisa .
- C8. Umbhalisi angathatha amanyathelo asemthethweni kuzinhlangano nakulabo abangewona amalungu abangalandeli lomthetho noma umgomo omncane womthethosisekelo noma umthetho wokuziphatha waba ngewona amalungu. Loku kungafana nosuswa kokubhalisa.
- C9. iMEC ingakha iqembu labaNqumi elizoluleka umbhalisi. Loku kuhambelana nombhandela owenziwe kamuva kwezokuthutha endleleni.
- C10. Abangxubevange, abanegunya ngamunye kufanele bakhe umbuthano wamathekisi oqukethe abamele imibono yamathekisi, bomphakathi njengezinyonyane zabashayeli, nabamele abagibeli.
- C11. Umasipala ngamunye ngamunye kufanele akhe ikomidi lamathekisi lokuxhumana libe nabalimele njengamalungu ombuthano.
- C12. Imisebenzi yemibuthano kanye namakomidi okuxhumana asebenza njengomxhumanisi kuMasipala ohambisa imibiko, nokusiza ekuhleleni, ezokuthutha njalonjalo.
- C13. Ibhodi lezimvume yezokuthutha laseGauteng elakhiwe njengebhodi lesigodi lezokuthutha, elingaphansi komthetho wezendlela 1977, lizothola izicelo zezimvume mayelana nokusebenza kwamathekisi angamabhasi amancane.

- C14. Iqembu elizokwakhiwa elinabamele ukweluleka kuBhodi, linikeze izeluleko eziwayelekile.
- C15. Umkhandlu wamaphomede ezokuthutha azokwakhiwa kundawo ngayinye engxubevange njengesandla sebhodi. Loku kuzodala ukuchithwa kwabasebenzi abaseGoli okwamanje.
- C16. Lomshwana unika ithuba kunqubo yokwenza isicelo sezimvume.
- C17. Lomshwana ungabakhulula ekutholeni amaphomede abalandelayo, izikole nezinye izinhlangano zemfundo ezithwala abafundi ngezimoto zazo.
- C18. Izicelo zokusebenza phakathi kwezfunda zizokwenziwa lapho ezokuthutha zisuka khona ngesivumelwano sama bhodi ezinye izifunda. Izikhalo mayelana nokusebenza phakathi kwezfunda zizokwenziwa kuNational Transport Appeal Tribunal engakabikho ezokwakhiwa.
- C19. Izicelo zokusebenza phakathi kwamazwe zizokwenziwa ezweni ku-NTC njengakudala, noma kuRegulatory Committee elihloswe ukwakhiwa yiCross Board Road Transport Bill elingakabikhona.
- C20. Lomshwana unika imibandela ethile ezonquma ukunika noma ukwenqaba/ukunganiki imvume kuzicelo zeziyume. Isibonelo esisodwa wukuthi ocelayo makabe yilungu lenhlangano ebhalisiwe noma anelise izidingo zokungabi yilungu.
- C21. Ibhodi lizoshicelela izicelo zeziyume kuGazette yesiFunda ukuze abathandayo benze/base izikhalo ezisekela noma eziphikisa izicelo.
- C22. Lomshwana unika loko okungacatshangwa esingakaliwe, noma ukunganiki izimvume.
- C23. Izimvume ezizokhishwa okwesikhashana esingakaliwe, ngaphandle kokuba asuswe.
- C24. Izinto okufanelwe ziukethwe kuzimvume zichachiswe.
- C25. Zonke izimvume ezikhona ngomhla wokuqala komthetho kufanele zilethwe zizokhishwa kabusha, uma kungenjalo zizofa. Injongo ukukhipha izimvume "Zingamakhabethe" angasebenzi.
- C26. Abasebenzi bodinga imvume maqondana nokusebenza okwesikhashana kosuku oluthile mayelana nesigameko esithile.

- C27. Ikhomishani yezokuthutha yesifunda yakhiwe ngamalungu angeqi kwamahlanu, izolalela izikhala zo ezimayelana nokusebenza kwezoThutho ngaphakathi kwesifunda. iMEC inganika eminye imisebenzi kukhomishani.
- C28. Lomshwana ucima amalungelo kumalungu ekhomishani.
- C29. Lomshwana unika ikhefu nokukhishwa kwamalungu ekhomishani.
- C30. Lomshwana wenze amalungiselelo okukhokhela amalungu ekhomishani.
- C31. Lomshwana ulawula imihlangano yekhomishani
- C32. Umuntu onezikhalo ngesinqumo seBhodi angakhalaza kuKhomishani, ngaphandle kwalezo ezixhumanisa nezokuthutha phakathi kweziFunda naphakathi kwelizwe. Lomshwana futhi unika inqubo yokwenza izikhalo.
- C33. Inhloko yoMnyango kufanele yenze kube abasebenzi bekhomishani.
- C34. Ikhomishani neBhodi kufanele linike izizathu zalo zezinqumo kwabanothando.
- C35. Izimvume zinika igunya lokuthwalwa kwabantu okudingekile ekuthwale ni okunikwe imvume ngamaphomede. Isibonelo bashayeli bamabhasi.
- C36. Uma inqola ebisetshenziswa mayelana nephomede isiphukile, ingavuswa ngenye kumeko echachisiwe.
- C37. Lomshwana unika abanamaphomede ithuba lokuvuselela iphomede ibhalisiwe okonyaka.
- C38. Amaphomede angathathwa, ngenxa yesimilo esingagculisi, noma imiswe okwesikhashana uma kunesimo, sokungezwani/xabana.
- C39. Amaphomede angasetshenziswa angacinya ngaphandle kwathile.
- C40. Amaphomede ayisanda ayocinywa, uma kuneqiniso umnikazi anikwe isinxephezel. Ukuhlela kuka Masipala makubonise ukuthi kunesanda.
- C41. Amaphomede afile kufanele anikezwe iBhodi liwabulale.
- C42. iMEC ingenza ulawulo noma imigaqo kuhlangothi oluhambelana nokusebenza kwamathekisi angamabhasi amancane.
- C43. Omasipala kanye neminyango kufanele banikane imibiko ngemicikisho yemininingwane (statistics).

- C44. Abangxubevange abaphethe nabanye omasipala bangathatha imithetho yedolobha kwezinye izihloko njengo kwaba indlela nezinto zokusebenza.
- C45. iMEC ingakhokhela uphenyo, isize omasipala yenze neminye imisebenzi.
- C46. Lomshwana wenziwe mayelana nokungenzi okufanele nokungavumeleki.
- C47. Lapho imenenja, umsebenzi, noma umqashwa enza imithetho ethile izophawula kophethe.
- C48. Lomshwana unika ubuningi bezigwebo.
- C49. Lomshwana unika iMEC ilungelo lokumemezela izindawo ezibucayi lapho izingwembe ezibalulekile zonikwa amalungu ezinhlangano ezibhalisiwe okwesikhashana esibekwe lamanyathelo asekhone kumibandela yeRoad Transport Act.
- C50. Amaphomede angacinywa uma kwensiwa iphutha lesibili noma amaphutha alandelayo.
- C51. Lomshwana uqukethe lokho okungathathwa nengokunikiwe.
- C52. Akekho ofanele ukusebenza njengombonisi wamaphomede ngaaphandle kokuthi abhaliswe futhi amkele umthetho wesimilo obekiwe.
- C53. Izinkantolo zinelungelo lokubeka isigwebo ngaphansi komthetho.
- C54. Izikhulu ezinembune njengabahloli azinothathwa nengabaphoqeeli bemithetho eyenziwe ngesihle.
- C55. Imali etholwe ngaphansi kwalomthetho ezokhokhwa ku Provincial Urban Transport Fund. Izindleko zizokhishwa kulemali. Izindleko ezihambelana nezikhulu ezinemvume zizokhokhwa abaqashi bazo.
- C56. Umthetho wezizwe kweminye imithetho yezinqola, kawuthathi indawo yayo.
- C57. Abahloli abakhethwe ngaphansi kweRoad Transport Act banamandla okugcizelela lomthetho.
- C58. Lomshwana ususa umthetho wendlela wezokuthutha ka 1997.
- C59. Lomshwana unika isihloko sesikhashana nosuku okuyosebenza ngalo lolusungulomthetho.

## TSEBIŠO-KAKARETŠO

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### TSEBIŠO 3447 YA 1997

#### MOLAO WA SEBEKANYANA WA GAUTENG GO LAOLA DITIRELO TŠA DUTAXI

Mmušo wa profense ya Gauteng o akanya go tšweletša molao wa sebekanyana wa Gauteng go laola ditirelo tša ditaxi mo profenseng ya Gauteng ka la 2 Disemere 1997.

Go laola ditirelo tsa ditaxi mo nakong ya bjale, go beakanyetša tlhamo ya khomišere ya tša dinamelwa mo profenseng le mongwadiši wa ditaxi mo profenseng, Go tlogela melao ya thotho mebileng ya 1977 gore e se ame ditirelo tša ditaxi tša dikombi.

Ditaletšo tša setjhaba di tla ba gona ka letšatši la:

*Letšatši:* 11, 13 Nofemere 1997.

*Nako:* 09:00–16:00.

*Lefelo:* The Auditorium, Gauteng Legislature, corner of Loveday and President Streets, Johannesburg.

Motho goba mokgatlo o mongwe le o mongwe woo o na lego maikemišetšo a go ntšha maikutlo a gagwe mabapi le Molaokakanywa wo, a ka romela maikutlo a gagwe go—

The Legislature Secretary  
Gauteng Provincial Legislature  
Private Bag X52  
MARSHALLTOWN  
2107.

Molaokakanywa wo o phatlaladitšwa ka Sekga, seJahlaphi, seZulu, sePedi, le seAfrikaans mo kaseteng ya Profense ya Gauteng ya 408 ka 6 Nofemere 1997 gore go tsebagale.

Kgatišo ya kasete ya profense ya Gauteng e ka hwetšagala mmusong wa profense, Fifth Floor, 30 Simmonds Street, Johannesburg.

1 Setemere 1997

# MOLAO WA SEBAKANYANA WA GAUTENG GO LAOLA DITIRELO TŠA DITAXI

Go laola ditirelo tša ditaxi mo nakong ya bjale, go beakanyetša tlhamo ya khomišene ya tša dinamelwa mo profenseng le mongwadiši wa ditaxi mo profenseng, go tlogela melao ya thotho mebileng ya 1977 gore e se ame ditirelo tša ditaxi tša ditaxi tša dikhombi

L EKGOTLATHERAMELAO la profense ya Gauteng A LE BEE MOLAO KA TSELA YE:—

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## 1. **Ditlhalošo**

Mo molaong wo, ka ntle le ge go laeditšwe ka mokgwa wo mongwe..

"Ditumelelo tša motšwaoswere" di ra gore go dumelwa go šomiša taxi ya khombi go rwala batho nakonyana bjale ka ge go hlalošwa mo karolong 26;

"Seboka sa keletšo" goba "panele" e ka gore seholpha sa baeletši ba lekgotlataolo la ditumelelo Gauteng go ya ka karolo 14:

"Mokgatlo" le ra gore seholpha sa badiriši ba ditaxi tša dikhombi goba lekgotla leo dihlopha tše tša boraditaxi le itswalanyago le lona, lona le hlamilwe gore le dire tšelete, maikemisetšomagolo a lona e le go kgahliša maloko a lona le go diriša ditseno tša ditšelete tša ditshelete go thabiša maloko.

"Bahlankedi ba mmušo" re ra bahlahlobi, leloko la maphodisa a Afrika Borwa, mošomedi wa Profense goba mmasepala yo mošomo wa gagwe e lego go hlahluba dikoloi goba dilaesense tša dikoloi le go laola trafiki.

"Boto" re ra lekgotlataolo la ditumelelo tša thwalo la Gauteng leo le hlamilwego go laola tša thotho gae go ya ka karolo ya 4 ya molao wa thwalo wa 1977 (molao wa 74 wa 1977)

"Mogwebišani" e ra modirišani ka kwano, molaodikama mo khampaling goba leloko mmogo le nna mo koporasi ya rena.

"Khomisene" e ra komiti ya tša dinamelwa mo profenseng yeo e hlomilwego go ya ka molao wa 27;

"Kgoro" e ra lefapha la tša dinamelwa le tša mešomo mo mmušong.

"Foromo" e ra seholpha sa bahlankedi ba mmušo, baemedi ba intasteri ya ditaxi le ba bangwe bao ba kgethetšwego motseselegae woo go ya ka karolo 10.

"Hlogo ya kgoro ya mmušo" e ra molaodi wa lefapha leo le lebelelanego le tša dinamelwa mo mmušong wa Gauteng.

"Moswari" wa tumelelo e ra mong, yena a amogetšego/neetšwego lengwalo la tumelelo:

"Mohlahlobi" e ra mohlahlobi bjale ka ge a akantswe mo karolong ya 56;

"Ditirelo tša ditšhabatšaba" di ra diterelo moo khombi ya taxi e rwalago batho ka mo gare ga repablik le ka gare ga dinaga tše dingwe goba go tloga mo repablik go ya dinageng tše dingwe.

"Mokgatlo wa magareng ga diprofense" mo ba ra lekgotla leo maloko a lona a laišago banamedi mo diprofenseng tše pedi le go feta.

"Ditirelo magareng ga diprofense" mo taxi ya khombi e rwala batho ka gare ga profense le ka seleteng se itšego mo profense goba diprofense tše dingwe e le tirelo ya botšhabatšaba.

"Komiti ya kgokaganyo" e ra komiti ye e lego mmaditsela wa ditaxi tša mo motseng" go ra gore komiti ya bahlankedi ba mmušo, baemedi ba intasteri ya ditaxi le bangwe bao ba kgethetšwego go buša/laola mo motseng.

"MEC" e ra leloko la lekgotlakhuduthamaga la dinamelwa mo Gauteng.

"Ditirelo tša ditaxi tša go lefsa ka kelo/botelele bja leeto e ra mokgwa wa go thotha batho bohole ka koloi e nnyane, ye e laišago batho ba se ba kae bjale ka ge go hlalošitšwe mo melaong gore koloi ye:

- (a) e ka hirwa
- (b) e ka ema mo boemadditaxi (renke) gore e hirwe, le
- (c) e tlabaketšwe ka motšhene wa go kala botelele le tefo/tšhelete wo o šomago gabotse gore mootledi a kgone go bitša tefo.

"Mmuselegae" e ra

- lekgotla la pušoselegae la toropo ya Gauteng;
- lekgotla la pušoselegae la toropo ya Tshwane;
- lekgotla la pušoselegae la lekwe;
- lekgotla la pušoselegae la khayalamí
- lekgotla la pušoselegae la Gauteng Bodikela
- lekgotla la pušoselegae la Gauteng Botlhabelá  
goba bao ba tlago ka morago e le babuši ba metse ya Gauteng;

Selete" (motseselegae) e ra leefelo/selete mo mmušong wa motse.

"Taxi ya khombi" e ra koloi yeo e šomiswago bjalo ka khombi ya taxi.

"Taolo ya ditaxi tša dikhombi" e ra mokgwa wo o akantšwego karolong 3 go kgonagatša taolo ya ditirelo tša ditaxi tša dikhombi.

"Mosepediši wa taxi ya khombi" e ra motho yo a dumeletšwego semmušo go rwala batho ka taxi ya khombi.

"Dititelo tša ditaxi tša dikhombi" e ra go rwala batho ka dikhombi letšatši le letšatši, nako ye ngwee le ye nngwe, ge o na le lengwalo la tumelelo, le koloi ya gago e loketše gapetšwa tseleng, e na le bopaki bja gore e maemong a go rwala batho go tšwa kgorong ya dilaesense, go sa balwe ditaxi tša go bala tšhelete ge di sepela, ka ntle le ge MEC e ka iletša tirelo ye itšego goba mohuta wa koloi go ya ka molao wa mo kazeteng ya profense.

"Thwalo/Thotho ka ditaxi tša dikhombi" e ra go rwala gobe go thotha batho mo mebileng bjale ka ge go hlalošitšwe mo molaong wa thotho mebileng wa 1997 (Molao wa 74 wa 1977) fela go thothwa ka ditaxi tša dikhombi.

"Koloi/senamelwa" e ra motoro bjalo ka ge o hlalošitšwe mo molaong wa trafiki mo mebileng wa 1989 (molao 29 wa 1989)

"Mmasepala" e ra mmušo wa selegae bjalo ka ge go hlalošitšwe mo molaong wa diphetogo mebušong ya selegae wa 1993, (molao 209 wa 1993) e akaretša mmušo metsetoropong goba magaeng.

"Khomisene ya thotho dinageng diše" e ra gore khomisene ya thwala gare ga dinaga tše dingwe bjale ka ge e hlološwa molaong wa thotho mebileng wa 1977 (Molao wa 74 wa 1977):

"Yo e sego leloko" e ra moswari wa tumelelo yo e sego o mongwe wa lekgotla.

"Tumelelo" e ra gore tumelelo ye e go kgontšago go rwala batho ka taxi.

"Mokgwa wa taolo ya ditumelelo" e ra mokgwa wa go diriša dikhomphutha go laola kabo ya ditumelelo, wo o laolwago ke ba kgoro ya tša dinamelwa ya mmušo wa naga.

"Morerišani ka ditumelelo" e ra motho yo a ngwadišitšwego e le wa go lokela go thuša bakgopedi ba ditumelelo ka go tlatša difomo le go hlagat pele ga kantoro ya ditumelelo, go ya ka karolo 51.

"Se se kgethilwego, e ra seo se lokilego go ya ka molao le tsebišo ka kazeteng ya profense.

"Mokgatlomogolo (mokgatlo wa mathomo) e ra mokgatlo wo go wona go se nago mekgatlo ye mengwe go itswalanya le wona.

"Profense" e ra profense ya Gauteng ka ntle le ge diteng di ka ba di hlaloša ka tsela ye nngwe.

"RAS" e ra mokgwa wa taolo ya ngwadišo ye e okametswego ke kgoro ya mmušo.

"Ngwadišitšwe" e ra gore e ngwadiseditswe ruri goba e ngwadisitšwe ka lebaka, go ya ka karolo 5(3) goba(4).

"Mongwadisi" e ra gore mongwadiši wa profense yo a thwetšwego go ya ka karolo 4.

"Mmuso wa motseselegae" e ra mmušo wa selegae wa go wona batho ba nametšwego le go fološwa,

"Mmasepala" e ra mongtoropo yeo go yona batho ba ka nametšwago le go theošwa.

"Mmuso wa profense" e ra taolo ya profense yeo go yona banamedi ba nametšwago le go theolwa.

"Mokgatlo wa ditaxi" mabapi le kgopelo ya tumelelo e ra gore mokgatlo wa ditaxi, wo maloko a wona a dumetswego go šomiša ditaxi tša bona mebileng, goba mebileng ye mentši go ya ka motumelelo e ba hlahlago.

"Mokgatlo wa bobedi" e ra Mokgatlo woo go wona mekgatlo ye mebedi goba go feta e ingwadišitšego gona.

"TBAB" e ra lekgotla la go laola ditumelelo tša dinamelwa.

"Pušotaolo ya dinamelwa" e ra gore kgoro goba mmasepala boo ba hlokometšego peakanyo ya leano leo le ka tlišago tšhomisano go tša dinamelwa le tšwetšopele ya melao ya naga goba profense go tša dinamelwa.

"Lekgotlataolo la ditumelelo tša dinamelwa" e ra gore lekgotla la go laola bjale ka ge le akantswe mo karolo 15.

"Lekgotla la dingongorego" ke lekgotla leo dingongorego tša dinamelwa di ka lebišwago gona, leo le hlomilwego ke molao wa naga wa tša dinamelwa wa 1997.

"Ditaxi tša dikhombi tše di sa dumelwago go thotha batho" e ra gore dinamelwa tša go hloka lengwalo la tumelelo, go akaretša dinamelwa tša go hloka lengwalo la tumelelo, go akaretša dinamelwa tša mongtumelelo tše di sego mo kwanong ya lengwalo la tumelelo.

## **2. Peakanyo ya ditirelo tša ditaxi tša dikhombi.**

(1) Taolo ya dinamelwa le mmasepala yo a lebeletšwego ke pušoselegae gore a beakanyetše ditirelo tša ditaxi mo lefelong leo bjalo ka ge go hlalošitšwe, mo mmileng goba mebileng, e le kgato ya pele go hloma lenaneo la dinamelwa la go di kopanya mo Gauteng ba swanetše go..

- (a) akaretša mananeo a ditsela tša ditaxi go laola le go kopanya ditaxi tša dikhombi mo ditseleng.
- (b) kopanya le go phagamiša maemo a ditirelo tša ditaxi ka gare ga motse, ka ntše le go tšwela ka ntše.
- (c) Go kgonthiša gore dinamelwa tša gothotha banamedi di fihlelala setšhaba ka moka go ya ka moo ba ka kgonago ka gona.

(2) Ge pušotaolo ya ditirelo tša ditaxi e beakanya ditirelo tše e swanetše go ikopanya le bontši bja batho bohole pele, bjale ka ge go hlalošitšwe.

(3) Ge ba beakanya, pušotaolo ya dinamelwa e ka nyakiša pele gore na ge go dirišwa molao wo go na le tsebo ye e hlokegago naa.

## **3. Go tlhongwa ga mokgwa wa taolo le bobolokelo bja dintlha tše di filwego.**

(1) Kgono le pušoselegae ye nngwe le ye nngwe di swanetše go hloma mokgwa wa taolo ya ditaxi bjalo ka karolo ya taolo ya dinamelwa tša bohole mo profenseng goba tulong yeo ba bušago bjalo ka ge go hlalošitšwe.

(2) Kgoro le pušoselegae ye nngwe le ye nngwe di swanetše go hloma bobolokelo bja khomphutha bja dintlha tše di filwego go ageletša tsebo ye e latelago;

- (a) maina, diaterese, bahlonkedi ba kgoro le maloko a makgotla ohle ao a ngwadišitšwego.
- (b) dintlha ka botlalo tša ditumelelo, matšatši ao di abilwego ka wona, beng ba wona le dikoli tše di šomišago mangwalo ao.
- (c) Maina, dinomoro tša boitsebišo, le diateerese tša bengditumelelo, mekgatlo ya bona ge go kgonega.
- (d) ge modirišanimmogo e le yena a swerego tumelelo, maina, diaterese le dinomoro tša boitsebiso tša badirišanimmogo ka moko.

(e) ge e le khamphani goba koperasi, leina, aterese le nomoro ya boitshebišo ya motho yo a dumelletswego go ba legatong la yona, le

(f) tsebo ye nngwe ye e hlalošitswego ke MEC mo molaong.

(3) Bobolokelo bja dintilha tše di filwego bjo go boletswege ka bjona mo karolwaneng (2) bo swanetše go kgona go sekaseka lenaneo la naga la ditumelelo tša dinamelwa (LTPs), lenaneo la go humana tsebo ya ditaba ya naga ka sephethepheth (NATIS) le lenaneo la profense la taolo ya ngwadiso (RAS).

(4) Ka lebaka la go šireletša sephiri go ya ka molaotheo kgoro, lekgotlataolo la ditumelelo tša dinamelwa le mebušoselegae di swanetše go hwetša tsebo mo bobolokelong bja dintilha tše di filwego (data).

#### **4. Go thwalwa (kgethwa) ga mongwadiši**

(1) MEC go ya ka melao ya pušo ya setšaba, e swanetše go kgetha mongwadiši wa profense yo e lego goba nkilego ya ba moahlodi kgorong ya toka, moemedi goba ramolao yo a nago le boitemogelo bja mengwaga ye mehlano, bonyane, goba yo go ya ka MEC a nago le boitenogelo go ka phethagatša mošomo wo go ya ka molao wo.

(2) Hlogo ya kgoro yona e swanetse go kgetha basomedi go thusa mongwadisi ge a phetha mosomo wa gagwe, kgetho e tlangwe ke melao ya profense.

(3) Ga go motho yo a swanetšego go thwalwa bjale ka mongwadiši ge e le gore yena, mogatšagwe goba modirišanimmogo, ba leloko le yena, bana ba gagwe goba bathwadi ba gagwe (bengmošomo) ba na le kgahlego go kgwebo ya dinamelwaa goba ba kgethilwe go ba bašomedi ba lekgotla, goba ba dira modimo woo go ya ka MEC o tlogo ba šitiša go phethagatša mešomo mo dikantorong.

(4) Ge mongwadiši a sego mošomong, goba a palelwa go phethagatša mošomo ka mabaka a a itšego, MEC a ka thwala (kgetha) mongwadiši wa lebakanyana mo sebakeng sa yo a sego gona.

#### **5. Maatla le mešomo ya mongwadiši**

(1) Mongwadiši a ka..

- (a) ahlaahlia, a tšeа sepheetho ge a amogela kgopelo ya ngwadišo, a ya ka molao wo.
- (b) dumela ngwadišo ya lebakanyana ya mokgatlomogolo goba mekgatlo ya diprofense tše dingwe le maloko a wona go ya ka molao wo.
- (c) dumela ngwadišo ye e feleletšego ya mokgatlamogolo goba mekgatlo ya diprofense tše dingwe le maloko go ya ka molao wo.
- (d) tšeа sepheetho sa gore ngwadišo e be jwang, mangwalobohlatse (disetifikeiti) di bolokwe bjang le gore mešomo ye e sepetšwe bjang.
- (e) tšeа magato ka moka a go lekola le go amogela ditaba (tsebo) mabapi le go tlangwa ga mekgatlo le maloko a wona go ya ka mo molaotheo o hlathago ka gona. Ge e le bao e sego maloko, go tla ya le ka moo mokgwa wa boitsharo wa bona o laelago ka gona.
- (f) eletša MEC le go mo fa ditaba tše di amago ditaxi.

## (2) Mongwadiši o swanetše..

- (a) go thuša go hlohleletša maitshwaro a batho ba go hlabologa mo mekgatlong ye e ingwadišitšego le maloko a wona, le ge batho e se maloko a mekgatlo.
- (b) go tšea magato ka moka ao o kgonegago go hlohleletša mekgatlo le bao e sego maroko go ingwadiša go ya ka molao wo.
- (c) Go fa dikeletšo tše ntši go mekgatlo le maloko a wona, le bao e sego maloko ka mo a ka kgonago ka gona go ba dira gore ba tsenye mangwalo a dikgopelo go ingwadiša, le
- (d) go amogela le go lebedisisa dikgopelo tša boingwadišo tša makgotla le bao e sego maloko a mokgotla.

(3) Mongwadiši o swanetše go fa mokgatlomogolo goba mokgatlo wa bobedi le maloko a wona, setifikeiti sa boingwadišo sa lebakanyana le nomoro ya boingwadišo ge a kgotsofetše gore.....

- (a) mekgatlo yeo e bile gona nako ya go lekola le yeo e beilwego ke MEC;
- (b) palo ya maloko e lekana le yeo e beilwego ke MEC; le
- (c) dintlha tšohle tše mongwadiši a swanetšego go di tseba pele a ka ngwadiša batho o di humane, le gore ge di ahlaahlwa go humanwe e le tša maleba.

(4) Mongwadiši o swanetše go neela mokgatlolegolo le maloko a wona setifiketi sa ngwadišo le nomoro ya boingwadišo ge e le gore o kgotšofetše ge a sekaseka kgopelo ya bona gore .....

- (a) mekgatlo yeo e bile gona nako ya go lekana le yeo e beilwego ke MEC,
- (b) palo ya maloko e lekana le yeo e beilwego ke MEC
- (c) molaotheo le tsela ya maitshwaro mokgatlong, yeo e rometšwego ke lekgotla, le saennwe, e bile leloko le lengwe le le lengwe le e amogetše gore e a ba tlama.
- (d) molaotheo woo le tsela ya maitshwaro di sepelelana le ditsela tše di hlagišitšwego mo molaotheong wo o beilwego.
- (e) mokgatlo o thekgwa ke mmasepala wa kgauswi goba wa bona.
- (f) leloko le lengwe le le lengwe le swere lengwalo la tumelelo la koloi yeo le e dirišago, le gore le diriša koloi mo sebakeng seo se hhaloswago mo tumelelong.
- (g) dintlha tšohle tše mongwadiši a swanetšego go di tseba go ya ka karolo ye, o di amogetše/humane le gore dintlha tše di ahlaahlilwe gore ke tšona tša maleba, go ya ka mo go hhalošitšwego gore di ohlaahlwe.

(5) Mongwadiši o swanetše go fa leloko le leswa la lekgotla leo le ngwadišitšwego setifikeiti sa boingwadišo ge lengwalo la gagwe la kgopelo le amogetše go tšwa mokgatlong mme a kgotšofetše gore leloko le..

- (a) le na le lengwalo la tumelelo la nneta la koloi ye nngwe le ye nngwe ya gagwe le gore o diriša dilokoi tša gagwe mo nageng yeo a dumelitšwego ke tumelelo;
- (b) le saenne pebile le dumetše go tlangwa ke melaotheo ya mokgatlo woo e lego leloko la wona; le
- (c) dintlha tšohle tše mongwadiši a di hlokago go ya ka karolo ye ya molao di šetše di hlatsetšwe e le tša maleba.

(6) Mongwadiši o swanetše go fa lekgotla la bobedi ka morago ga kgopelo, setifikeiti sa boingwadišo ge a kgotšofetše gore.....

- (a) Mongwe le mongwe yo a ingwadišitšego (itswalanyago) le mokgatlo o ngwadišitšwe,
- (b) leloko le lengwe le le lengwe le šwere tumelelo ye e lego molaong, ya koloi ye nngwe le ye nngwe ya gagwe ye a e šomišago mo tulong yeo a dumelitšwego go šona. go yona;

- (c) baetapele ba mekgatlo ka moka ba saenne mme ba dumetše molaotheo wo o tlišitšwego ke lekgotla la bobedi gore o a ba tlama le bona.
- (d) molaotheo o akaretša ebole o kwana le dintlha tše di hlagišitšwego mo molaotheong bjale ka ge go hlalošitšwe mo karolong ye.
- (e) tsebo goba dintlha tše di nyakwago ke mongwadiši go ya ka karolo ge di tlišitšwe e bile di kgonthišitšwe go ya ka mo go hlalošitšwego.

(7) Mongwadiši o swanetše go fa yo e sego leloko setifikeiti sa boingwadišo ge a amogetše lengwalo la kgopelo ge a kgotšofetše gore..

- (a) ga go mokgatlomogolo wo o dirišago tsela goba ditsela tše a šomago go tšona, goba
- (b) le ge e le gore mokgatlomogolo o diriša/šoma tseleng tše a šomago gona, mabaka ao mokgatlo wo o a beileng go dumela batho go ba maloko, ga a kwagale ge go bapetšwa le molaotheo (molao) goba
- (c) le ge mokgatlomogolo o diriša ditsela tše a šomago gona, mokgatlo woo o paletšwe ke go ingwadiša; le
- (d) ge a swere lengwalo la tumelelo la dikoloi tša gagwe ka moka tše a di dirišago go thotho batho le gore o šoma mo a dumeletšwego;
- (e) a saenne le go dumela go tlangwa ke melao ya boitshwaro bja bao e sego maloko bjale ke ge go hlalošitšwe mo karolong ye; le
- (f) Dintho ka moka tše mongwadiši a di tsomago di filwe di kgonthišitšwe gore ke tšona.

(8) Mongwadiši a ka šetša le go tše sephetho go..

- (a) khaotsa ha nakwana ngwalo ya mkgatlo o leloko le bao e sego maloko bjale ka ge go adilwe karolong ya 8.
- (b) kgaotša ngwadišo ya mkgatlo, leloko le bao e sego maloko bjale ka ge go adilwe karolong ya 8.

(9) Mongwadiši o swanetše go romela MEC pego ye e nago le dintlha mabapi le ditiragalo tša mo kantorong ya gagwe, ngwadišo ya mekgatlo le maloko a yona, ya bao e sego maloko le ditaba tše di ka bago di nyakwa ke MEC, ngwaga ka ngwaga.

(10) Mongwadiši o swanetše go thoma rejistara ya mekgatlo ka moka ya ditaxi ye e ngwadišitšwego, maloko le bao e sego maloko mme a e kgokaganye le taolo ya ngwadišo ya diprofense le ya naga (RAS) ka dikhomphutha, le bobolokelo bja dintlha tše di filwego (data) bjale ka ge go hlalošitšwe.

(11) Mongwadiši ge a kgopelwa, a lefša tefo ye e beilwego, o swanetše go fa motho dipalopalo tše di lego mo rejisareng ye.

## 6. Maatla a MEC go tša boingwadišo

(1) MEC e swanetše go beela mekgatlo le bao e sego maloko melao le mekgwa ya boitshwaro bja bao e sego maloko, mme a ka bea melao ye mengwe ya go laola:

- (a) mokgatlo, wo o ingwadištšego le maloko a wona gore ba itshware bjang,
  - (b) yo e sego leloko la mkgatlo, a ingwadištše, gore yena a sepetše kgwebo ya gagwe bjang.
- (2) MEC e ka bea molao..
- (a) ye e laolago..
  - (i) gore mkgatlo o swanetše go ba le maloko a makae pele o ka ngwadišwa,
  - (ii) gore mkgatlo o swanetše go ba le nako e kaakang o hlamilwe pele ga ngwadišwo;
  - (iii) Dinyakwa tše dingwe tše mekgatlo e swanetšego go ba e di phethogaditše pele e ka ngwadišwa.
- (b) ya go bontša mekgwa ya go nyakiša mabarebare a maitshwarompe a mekgatlo ye e ngwadišitšwego mo karolong ye;

- (c) ga go laetša gore thušo go tšwa mmušong wa Gauteng e swanetše batho le mekgatlo bao ba ingwadišitšego tlase ga karolo ye.
- (d) go hlopha mekgwa yeo ka yona mokgatlo le bao sego maloko a mokgatlo ba ka tsenyago dikgopelo tša boingwadišo, tshelete tše di lefšago ge go ngwadišwa le seroto sa ngwaga ka ngwaga sa mekgatlo le bao e sego maloko a mokgatlo se se lefšago kantorong ya boingwadišo, ge e ba melao ye e fapanego e tlo ama ditikologo tše di fapanego mo Gauteng, le mekgatlo e meswa, ntle le mekgatlo ya kgale.

## 7 Dikgopelo go ngwadišwa

(1) Mokgatlo goba yo e sego leloko yo a kganyogago go ngwadišwa o swanetše go tliša lengwalo la kgopelo le na le tefo ye e beilwego kantorong ya mongwadiši bjale ka ge go hlalošitšwe, le dintilha tše di nyakegago kantorong ya go ngwadisa ge motho a ingwadiša.

(2) Ge kantoro e senkile dintilha ka moka, e kgontshišitše gore dintilha tše ke nnete ke tsona e bile di dumelana le ka moo kantoro e ššinyago, gona mongwadiši a ka ngwadiša mokgopedi woo a mo nea setifikeiti le nomoro ge go kgonega goba a mo fe sa motšwaoswere.

(3) Ge ka morago ga go sekaseka kgopelo, mongwadiši a sa kgotsofale, gona a ka tsebiša mokgopedi gore a tliše tše di hlokegago, a mo eletše le go mo thuša gore a phethe tšohle tše di swanetše gore a ngwadišwe.

(4) Ge mongwadiši a ngwadišitše mokgatlo wa go direla le diprofense tše dingwe, gona o swanetše go romela khophi ya setifikeiti sa ngwadišo le dintilha ka moka go mongwadiši wa kgoro ya dinamelwa wa diprofense tše mokgopedi a thomago gona go šoma.

(5) Ge mongwadiši a amogetše kgopelo go tšwa go bao ba šomago le ka diprofenseng tše dingwe empa ba setše ba ngwadišitšwe diprofenseng tša bona, gona a ka ba ngwadiša ge e le gore ba tliša dinyakwa ka moka go ya ka molao wo, empa a ka no ba lokolla gore ba se lefe seroto sa ngwadišo le sa ngwaga ka ngwaga ge e le gore ba a se lefa diprofenseng tše dingwe.

## 8. Dikotlo

(1) Ge ngongorego, tatofatšo le dikgonono di amogelwa ke mongwadiši, di laetša bofokodi le bašaedi bja mokgatlo goba bao e sego maroko go ya ka karolo ye, mongwadiši, a ka hloma dinyakišišo bjale ka ge go hlalošitšwe mo karolong ye.

(2) Mongwadiši a ka ngwalela mokgatlo lengwalo la temošo gore mokgatlo o paletšwe ke go sepetša ditaba go ya ka melao ya boitshwaro, le go ba lemoša magato ao ba swanetše go a tše mo nakong ye itšego.

(3) Ge mokgatlo, goba bao e sego maloko ba palelwa ke go kaonafatša maitshwaro a bona bjale ka ge ba seboditšwe mo (2) gona mongwadiši a ka..

(a) ba lefiša tshelete ya go se fete yeo e beilwego, goba

(b) a romela taelo ya go saenwa ke yena ke sebele, gore setifikeiti seo se thibelwa go somišwa lebakanyana; goba

(c) a romela taelo ye a saennego ya gore motho o tšeelwe setifikeiti.

(4) Leina la mokgatlo goba yo e sego leloko le swanetše go phumulwa ka pelapela mo rejistareng ka morago ga ge taelo e tswile, mongwadiši a romele khophi ye e sethifailwego

(kgonthišitšwego gore ke yonayona) go mohlankedimogolo mo kgorong ya mmušo goba lefapha mme ba ka thuša mokgatlo, le ge e ka ba maloko a wona goba bao esego maloko.

(5) Motho yo a sa kgotsofatšwego ke sephetho sa mongwadiši, a ka dira bopiiletšo ka mokgwa wo o hlalošitšwego go MEC ka ntle le go senya nako pele a ka ya kgorong ya tsheko.

## 9. Sehlopha sa baahlodiši (Panele)

(1) MEC a ka hllopha sehlopha sa baahlodiši (panela) go thuša mongwadiši, a laetše gore sehlopha seo se bopše ke maloko makae/bjang go ya ka melao.

(2) Panela ye e swanetše go eletša mongwadiši ge a phethagatša mešomo ya gagwe.

(3) Ga go motho yo a swanetšego go kgethwa go ba wo mongwe wa baahlodiši ge e le gore mogatšagwe, modirišanimmogo, mongwe wa leloko, bana goba mongmošomo wa gagwe o na le kgahlego mo kgwebong ye ya dinamelwa tša bohole, le ge e le gore o kgethilego go ba mohlankedi wa kantoro ya mokgatlo, goba o dira seo e lego gore go ya ka MEC se ka mo sitiša go phethagatša mešomo ya gagwe ka botlalo.

## 10. Go hlongwa ga diforomo tša ditaxi

(1) Pušoselegae ye nngwe le ye nngwe e swanetše go hloma foromo ya taxi.

(2) Ditho goba mekgatlo ye e latelago e swanetše go ba gona mo foramong ka tsela ye go hlalošitšwego ka gona mo melaong:

- (a) pušoselegae
- (b) komiti ya bokgokaganyi (bommaditsela) bja ditaxi mo motseng.
- (c) makgotla a ditaxi ao a ngwadišitšwego ao a šomelago motseng;
- (d) Baemedi ba diunione tša baotledi
- (e) Baemedi ba makgotla goba dihllopha tša banamedi
- (f) Batho ba bangwe le makgotla a mangwe.

(3) Komiti e šwanetše go fela e kopana ka tsela yeo go hlatholotšwego.

(4) Komiti ya bommaditsela bja ditaxi ya mo motseng e swanetse go fela e kopana ka tsela yeo go hlatholotswego.

## 11. Go hlongwa ga dikomiti tsa bommaditsela (bokgokaganyi)

(1) Masepala o mongwe le o mongwe o e sego wa pusosetoropokgolo o swanetse go hloma komiti kamaganyo foromo ya ditaxi mo seleteng se se leng ka fase ga wona.

(2) Mekgatlo ye e latelago e swanetse go emelwa komiting ka mokwa wo o beilwego goba o akantswego:-

- (a) Puso setoropo kgolo
- (b) puso setoropo ye amegego
- (c) makgotla a ditekisi a a ngwadisitswego go somela selete sa masepala o
- (d) Baemedi ba makgotla a baotledi
- (e) Baemedi ba makgotla goba dihllopha tsa banamedi
- (f) Batho le dihllopha go ya ko mo go beilwego

(3) Komiti e swanetse go kgetha motho o tee goba modulasetulo. (4) Komiti kamogonyo ya tekisi e swanetse go kopana ka nako le ka mokgwa wo o beilwego ke molawana.

**12. Mešomo ya foromo ya ditaxi le komiti ya ntshe ya bokgokoganyi (mmaditsela)**

Diforomo tša ditaxi le dikomoti tša bommaditsela di swanetše go ba..

- (a) tsela ya go kgokaganya/kopanya mmasepala le makgotla a ditaxi;
- (b) tsela ya go ikopanya le makgotla a ditaxi
- (c) mokgwa wa go rarolla mathata le go ahlaahla ditaba mo intastering ya ditaxi gore diphapano di fedišwe;
- (d) go phatlalatša ditaba le go tsebiša batho tšwelopele ye e hlagilego mo mererong ya ditaxi;
- (e) ba hlame tsela ya tshephedišo ya ditaba mo mererong ye, bjalo ka;
  - (i) tlhatlho le tlhabollo ya bokgoni;
  - (ii) taolo
  - (iii) phedišo ya diphapano;
  - (iv) lenaneo la ditefelo;
  - (v) kamano gare ga mootledi le mongmošomo;
  - (vi) mekgwa ya go hlakanya/kopanya
  - (vii) Tsebo/ditaba le bobolokelo bja dintlha tše di filwego.
  - (viii) boemadithekisi le mafelo a mangwe le tšwetšopele ya wona.
  - (ix) mekgwa ya polokego
- (f) Ba tše karolo ge mebušo, lekgotla la ditumelelo le mafapha a mangwe a mmušo a beakanyetša thotho ya banamedi.
- (g) Ba dire mešomo ye mengwe bjale ke ge mmasepala le melawana ye mengwe e laetše.

**13. Lekgotlataolo (boto) la dikgopelo tša mangwalo a ditumelelo go diriša dikhombi bjalo ka ditaxi**

(1) Boto e hlokometše dikgopelo tša mangwalo a dinyakisiso a ditaxi tša dikhombi bjale ka ge go hlalošitšwe mo molaong.

(2) Ge e le mabapi le molaotheo wa boto gona, dikakanyo tse di lego mo molaong wa dinamelwa wa 1977 (molao 74 wa 1977) di tla no tšwela pele go šoma ka ntle le ge go ka tlišwa diphetogo.

**14. Go hlongwa ga lekgotla la keletšo ya lekgotlataolo (boto)**

(1) Lekgotla la go eletša boto le hlamilwe, mme le bitšwa lekgotla la Gauteng la keletšo ya boto.

(2) Lekgotlakelatšo le le tlo eletša lekgotlataolo ka merero ya molao, e sego ge boto e swaragane le mešomo ya bona ka ntle le ge ba kgopelwa, le gona moo ba swanetše ba eletše boto ka merero ka kakaretšo ya go ama melao.

(3) Lekgotla le le tla hlongwa ka maloko a boto le a a latelago, ao a tla bego, a kgethilwe ke mekgatlo goba MEC:

- (a) moemedi wa kgoro ya mmušo
- (b) moemedi go tšwa pušoselegae
- (c) moemedi go tšwa intasstering ya ditaxi
- (d) moemedi go tšwa palo ya botelele bja leeto.
- (e) moemedi wa intasteri ya dibese ye e tiilego

- (f) moemedi wa intasteri ye e sa tšwago go hlongwa ya dibese
  - (g) moemedi wa rwala batho tša Afrika Borwa.
  - (h) Motho o tee yoo MEC e bonago gore a ka emela dikgahlego tša banamedi.
  - (i) moemedi wa lekgotla la bašomedi ba ditaxi
  - (j) moemedi wa lekgotla la basomisedi ba dibese
- (4) MEC e swanetše go kgetha mongwe wa maloko a panele go ba modulasetulo.
- (5) Modulasetulo a ka kgetha leloko le lengwe la panele go ba modulasetulo ge e le gore yena a ka se be gona kopanong.
- (6) Ge MEC a rata, leloko la panele le e lego mohlanked wa mmušo, le ba bangwe ba ka šoma paneleng lebaka la go se fete mengwaga ye mebedi go ya ka molao le lenaneo la meputso ya bona go fihla ge MEC le leloko la komitikhuduthamaga la matlotlo le mo thwala.
- (7) MEC e ka hlama melao ya gore dikopano tša panele di swarwe neng le gore di swarwe bjang.

## 15. Go hlongwa ga lekgotlataolo la ditumelelo tša dinamelwa

- (1) Hlogo ya kgoro ya mmušo a ka kgetha mongwe wa bašomi go ba mo diofising tša pušoselegae go phethagatša merero ya makgotla a mangwalo a ditumelelo a dinamelwa bjale ka ge molao o hloaloša.
- (2) TPAB e swanetše go amogela difomo tša dikgopelo tša ditumelelo go šoma mo seleteng sa bona, ditefo tša dikgopelo mme ba hlokomele gore difomo di tladitšwe ka tshwanelo, le gore dipampiri ka moka tše di nyakegago di gona ebile di kgonthišišitšwe, tše kamoka di tsenye mo bobolokelong bja dintlha tše di filwego.
- (3) TPAB e swanetše go romela dikgopelo tše go pušoselegae, masepala, foramo goba komiti ya kgokaganyo gore di sekasekwe gore di phasišwe.
- (4) Ge go romela dikakanyo, mebušoselegae e swanetše go šetša gore dikgopelo di sepelelana le mananeo a dinamelwa le tšhomiso ya naga, ba hlokomedis le gore ditsela tše go hlokwago dinamelwa ke dife, direnke di gona naa le trafiki gore e kaakang, mabaka a mangwe le ona a ka šetšwa.
- (5) Ge e le gore foramo goba komiti ya dikgokaganyo ga e gona, go beakanya ditsela le mafelo, gona TPAB e ka kgopela dikakanyo mo mekgatlong, ka ntle le ge e le gore mekgatlo e šetše e rometše dikakanyo.
- (6) TPAB e swanetše go kgoboketša dikakanyo ka moka tše di amogetšwego mme e di romele Botong le mangwalo a dikgopelo.
- (7) Ge go thothwa batho mo pušoselegae ya TPAB, gona e swanele go romela lengwalo la kgopelo go TPAB ye nngwe yeo e swanetšwego go tše magato bjale ka ge a hhalošitšwe mo karolong (3) go fihla go (6), mme e bušetše lengwalo la kgopelo go TPAB yela ya pele.
- (8) Ge boto ya profense ye nngwe e rometše dikgopelo botong ya moo dikgopelo di tšwago gona, gona Boto e swanetše go romela dikgopelo tsego TPAB ya moo go kwa dikakanyo go ya ka karolo (3).
- (9) Mathomong, lekgotlataolo la dikgopelo tša dinamelwa di tla hlokomela mabaka ohle ao a hhalošitšwego mo molaong wo, empa MEC e ka atološa mešomo ya bona gore e akaretše ditiragalo go ya ka molao wa thotho mebileng wa 1977 (molao wa 74 wa 1977) le ye mengwe.

## 16. Dikgopelo tša mangwalo a tumelelo

(1) Motho yo a ratago go diriša taxi o swanetše go kgopela tumelelelo go ya ka molao wo le wa lekgotlataolo tša ditumelelo.

(2) Mongtumelelo a ka kgopela Boto go tsošološa lengwalo la gagwe la tumelelo goba go le fetola mola le mola, empa go ya ka molao.

(3) Ge motho yena a rata go fiwa lengwalo la tumelelo la wo mongwe, o swanetše go romela lengwalo la kgopelo Botong le na le tumelelo go tšwa go mang lengwalo, gore le tle le fetišetswe go yena.

(4) Mangwalo ka moka a kgopelo mo (1), (2) le (3) a swanetše go ba le tlhalošo ye e feletšego ya ditsela tše di tlogo šomišwa, le mafelo ao ba yago nametša batho le mo ba tlo fološwa gona.

(5) Dikgopelo ka moka mo (1), (2) le (3) di romelwe go lekgotlataolo la ditumelelo tša thwalo ya batho mo metseng.

(6) Pele mangwalo a dikgopelo a ka romelwa, mekgatlo yeo e dirišago ditsela tše di kgopelwago, e swanetše go romela dikakanyo tša bona, ge e se gona, pego ya gore mokgatlo ga o gona e ka romelwa.

(7) Ge motho a romela lengwalo la kgopelo, a tlhaloše ge e ba o kile a bonwa molato kgorong ya tsheko, gona ke molato wa eng, gomme a hialose le gore yena, mogatšagwe, ba leloko, badirisanimmogo, bana ba gagwe goba beng mošomo ke bahlankedidi ba tirelo ya setshaba goba pušo ya profense le ge e ka ba mmušo wa mmasepala.

(8) Ge kgopelo e le ya go direla diprofense tše dingwe, Boto e ka lebiša dikgopelo diBotong tša diprofense tše.

(9) Ge diBoto tša diprofense tše dingwe di sa ba fetole go ya ka molawana (8) mo matšatšing a 21, dikgopelo tše di lebišwe khomiseneng ya naga ya dinamelwa e le boipiletšo/ngongorego.

(10) Ge kgopelo ya phemiti e rometšwe Botong ya profense ye nngwe go rwala batho ba moo, ba tlisiwa keno Gauteng, Boto, ka morago ga go amogela dikakanyo go tšwa go makgotla ge e le gore dikakanyo le bommasepala ga di gona.

(11) Lekgotlataolo le ka fana ka tumelelo ya motšwa o swere la matšatši a go se fete 60 ge..

- (a) mokgopedi a sa emetšwe mangwalo gore a bee koloi bakeng sa ya kgale.
- (b) mokgopedi a sa emetše go fetišetša tumelelo ya gagwe pele.

## 17. Ba ba kgethollwago

Mo molaong wo, tlhalošo ya dinamelwa tša ditaxi ga e akaretše tše di latelago.

(a) rapolase/molemi (go akaretša balemimmogo goba khampani ya bolemi) yo a dirišago koloi ya gagwe go rwala bašomi ba polase...

- (i) go tloga mo ba bego ba le gona ge ba thwalwa go fihla moo ba tlogo šoma;
- (ii) go tloga moo ba bego ba šomela rapolase go ya polaseng ye nngwe goba go rapolase mongwe go yo mo šomela
- (iii) gare ga polase yeo ba šomago go yona le boemasetimela/boemapese e le ge mohlomongwe ba yo nametšwa setimela goba pese go yo šoma lefelong le lengwe.
- (iv) go tloga mo polaseng go ya toropong, goba kerekeng le ge e ka ba lehung, dipapading goba mafelo a boitapoloso.

- (v) gare ga lefelo leo rapolase a ba thwetšwego gona le boemasetimela goba boemapase bja kgauswi moo ba tlo go namela gona go ya mafelong a mangwe le bašomi ba ngwadišitšwego mo lekgotleng la badirišani leo rapolase e lego leloko goba bagolegwa go ya ka karolo 1 ya molao wa ditirelo tša dikgolego wa 1959 (molao 8 wa 1959) bao ba išwago polaseng ya molemi go yo šoma, ba tšewa e le bašomedi ba rapolase.
- (b) Mmasepala a nameditše batho ka koloi ya gagwe (e sego ba go nametšwa ka go lefa) mo motseng wa pušo ya gagwe.
- (c) Mmasepala a rwele bagolegwa ba a ba thwetšego bagolegwa bjale kā ge go hlalošitšwe mo karolong 1 ya molao wa ditirelo tša ditoronko wa 1959 (molao 8 wa 1959).
- (d) Go sepediša molwetši go ya lefelong la kalafo moo go nago le baoki le dingaka go ya ka melao ya bongaka, goba go mmuša lefelong la kalafo.
- (e) Go rwala koloi ya go senyega (go akaretšwa le go goga koloi) go ya lefelong la go lokiša goba la go boloka dikoloi, goba go rwala beng ba dikoloi tše tša go senyega ge e le gore koloi tše e be e le ditaxi di sepetswa ka mangwalo a tumelelo.
- (f) Go rwala batho bjale ka ge go hlalošitšwe mo tlhalošong ya lekgotla la go nametšana mo karolong 1 ya molao wa matlotlo a dikotsi mebileng, 1996 (molao 56 wa 1996).
- (g) hotele e rwele baeng ba yona le dilo tša bona go ba iša boemasetimela, boemasefofane ka koloi ye e hlalošitšwego mo melaong ya hotele.
- (h) Go sepediša bašomi mo femeng (re sa bale go ba tloša gae go ba iša mošomong) ka koloi mme ba sa lefele maeto ao.
- (i) Monyefene, goba mongkwebo a rwele bašomi go tloga mo ba šomago go lefelong le lengwe la mošomo, ka koloi ya gagwe.
- (j) Mohlankedi wa mmušo, Gauteng, goba lekala leo le thušwago ke mmušo mmasepla a rwale batho ka koloi ya gagwe mabapi le mešomo ya gagwe, mo a lefelwagoke mmušo, Gauteng goba lekala la go thušwa ke mmušo, khamphani goba kgwebo.
- (k) Go rwala bana ba sekolo, barutiši go ya le go boyo sekolong sa bona, go ya meralokong, maikhutšong, maeto a dithuto ka koloi ya sekolo. Ge koloi ye e šomišetšwa mabaka a mangwe, gona lengwalo la tumelelo le a hlokega.
- (l) Diunibesithi, dikholetšhe tša mešomo ya matsogo le tša borutiši ge di rwala baithuti le bašomi go ya dithutong, dithalokong tša tsetšo le dipapading ka koloi ya tšona. Ge koloi ye e šomišetšwa mabaka a mangwe, gona tumelelo e a hlokega.
- (m) Go rwala motho go e lego paki kgorong ya tsheko, o mo lefiša, a eya lefelong le tee ka mehla goba mafelo a a fapanego, ka koloi ya gago.
- (n) Go rwala motho o mo lefiša, a swanetše go hlaga pele ga khomišene go ya ka molao wa khomišene wa 1947 (molao 8 wa 1947) go fa bopaki, goba a eya pele ga lekgotla leo le nago le molao wa go bitša motho go tlo fa bopaki.
- (o) Go sepediša motho yo a swanetšego go sepediša ba bangwe go ya ka temana ya (a) go fihla (n) mme koloi yeo e se taxi.

## 18. Thotho magareng ga diprofense

- (1) Dikgopelo go thotha batho go ralala le diprofense di swanetše go romelwa Botong ge e le gore ditaxi tšeuewe di thoma mo Gauteng, goba mo Gauteng le ka diprofenseng tše dingwe.
- (2) Mo mabakeng a, ke tla e tšeae gore dinamelwa di thoma go nametša mo motho a nametšego gona le gore di tlo felelela gona moo.
- (3) Ge go se na nnete ya gore senamelwa se thoma kae, mokgopedi a ka romela kgopelo go profense yeo koloi ya gagwe e ngwadišitšwego gona.

(4) Boto ga e kgone go fa motho tumelelo ya go šoma go tšwa profenseng ye nngwe, goba go e tsošološa, go e fetošaa le ge ka ba go e fetišetša go yo mongwe ka ntle le ge ba ka kwana pele le diprofense tše dingwe.

(5) Ge Boto e sa humane phetolo go tšwa profenseng ye nngwe bjale ka ge go bolewa mo go (4), e ka tsenya boipiletšo goba ngongorego go khomišene ya naga ya dinamelwa go ya ka molao wa dinamelwa mebileng wa 1997 (molao 74 wa 1977) goba molao wa naga wa dinamelwa wa 1977.

(6) Boipiletšo bja ditirelo tša go phatša diprofense bo romelwe khomišeneng ya dinamelwa mebileng wa 1977 (molao 74 wa 1977) goba molao wa dinamelwa wa naga wa 1997.

(7) Mo go rwaleng batho go ralala le diprofense, banamedi ga ba swanela go nametšwa le go fološwa mo lefeleleng, e be mo ba tšwago gona ka ntle le ge e le gore go na le dinamelwa tše dingwe tše di ka ba išago gae goba makgotla a e dumela taba yeo.

#### **19. Dinamelwa tša ditšhabatšaba**

Dikgopelo go rwala ditšhabatšaba le dingongorego tša gona, di lebišwe go khomišene ya dinamelwa ya naga go ya ka molao wo dinamelwa mebileng wa 1977 (molao 74 wa 1997) goba di išwe go komiti ya taolo mabapi le molao wa go tshela mollwane wa 1997.

#### **20. Tlhagišomolaleng ya dikgopelo tša ditumelelo**

(1) Boto e swanetše go amogela le go lebediša dikgopelo tša go fiwa, go tšosološa le go fetišetša pele lengwalo la tumelelo go ya ka mapheko ao a beilwego ke molao wo, ka tšhomisanommogo ya TPAB, mme Boto e ka dumela goba ya gana ka tumelelo.

(2) Boto e ka se ntšhe tumelelo go ya ka mabaka a sewelo goba ka lefelo feela tše bjalo ditumelelo di fiwa feela ge..

- (a) tirelo lefelong leo e le gona, le lefelo e le le nnyane.
- (b) ge Boto e humana mabaka e se a a tlwaelegilego.

(3) Mabaka a sewelo gore karolwana (2) e kwešišege a ra gore tumelelo yeo mong aa ka e dirišago lebakanyana.

(4) Boto e ka se fetišetše tumelelo go yo mongwe go mo dumela go thotha batho mo lefelong ka ntle le mmušo wa moo wo o laolago ditšela tseo.

(5) Ge kgopelo ye e hlaloštšwego mo go (1) e thekgwa le dikakanyo go tšwa go mmasepala goba diboto tša diprofense tše dingwe, gona Boto e ka fa ditumelelo ka botlalo tša go se felele go ya ka mabaka.

(6) Boto e ka gana go lebelediša kgopelo ya tumelelo, tsošološo goba phetošo le go fetišetša tumelelo pele ge e ganne dikgopelo tša mathomo, ge e le gore mabaka ga se a fetoge, le kgopelo yeo ga e na kgwedi tše khelela e amogetšwe.

(7) Boto e ka gana go lebeledisa kgopelo ya tumelelo, tsosolo\_o, phetošo goba phetišetšo pele ya lengwalo la tumelelo ge e le gore mabaka a a latelago a fapanie le mo kgopelong:

- (a) mmasepala yo a lebanego
- (b) diforomo le dikomiti tša kgokaganyo, tše di lebanego
- (c) mekgatlo ye e lebanego

(8) Dikgopelo tše di swanetše go lebelelwa go pele ke tša badudi ba lefelo goba pušoselegae yeo ditirelo di yago go fiwa gona.

(9) Boto e šwametše go kgetha mafelo a boemaditaxi (direnke) ao bakgopedi ba yago go a diriša ba diriša dikakanyo go tšwa go bommasepala, mme tše di ngwalwe mo lengwalong la tumelelo.

(10) Ga go tumelelo ye e tlogo fiwa motho ka ntle le ge e le leloko la mokgatlo wo o ngwadišitšwego semmušo go ya ka karolo ya 7 ya molao, mme mokgatlo wo o rometše lengwalo la go thekga kgopelo yeo goba mongwadiši a rometše bopaki bja go kgonthišiša gore mokgopedi o a khwalifayi gore a ka fiwa tumelelo go ya ka melao ya boingwadišo.

## 21. Phatlalatšo ya dikgopelo le boemedi mo mangwalong a ditumelelo.

(1) TPAB ge e amogela dikgopelo

- (a) e swanetse, ge kgopelo e le ya tumelelo goba diphetošo ka ntle le diphetošo tše go boletšwego ka tšona mo (b)
- (b) e bile e ka, gè kgopelo ya phetošo e le go dumelala koloi ye e hlalošitšwego go rwala batho bjale ka ya kgale, phatlalatša dintilha tše di hlalošitšwego mo kgopelong kuranteng ye e rekišwago lefelong leo taxi e yago šoma go rwala batho goba mo kazeteng ya profense, e ka phara tsebišo mo papatleng ka diofising tša lekgotlataolo (Boto) ya diphemiti, goba tša TPAB.

(2) Ge mokgopedi e se a romele dikakanyo go tšwa foramong ya ditaxi gona TPAB e swanetše go tsebiša foramo gore ge e tlo kopana, taba ye e be gona lenaneotherong la kopano gore e tle e kgone go fetola TPAB.

(3) MEC go ya ka melao, e ka bea magato a ao a swanetšego go tšewa le gore a tšeet mabapi le dikgopelo tše di phatlaladitšwego go ya ka karolwana ya 1.

## 22. Tseo di swanetšego go elwa hloko ge dikgopelo tša ditumelelo di bewa pepeneneng.

(1) Boto ge e lebeledišiša dikgopelo go bona ge tumelelo e ka fiwa goba gwa ganwa ko yona, e swanetše go hlokomba tše di latelago.

- (a) Lenaneo la mohlankanelwa la dinamelwa.
- (b) baemedi go tšwa bommasepala ba ba lebanego.
- (c) baemedi go tšwa diforamong tša ditaxi, dikomiti tša dikgokaganyo le mekgatlo ya ditaxi.
- (d) baemedi ka moka bao ba itlhagišitšego mabapi le dikgopelo.
- (e) Na dinamelwa tše di hlokega gakaakang mo bathong bohole.
- (f) Dinyakwa tša banamedi bao mokgopedi a ya go go ba nametša mo ditseleng goba motseng wo a tla bego a laiša gona.
- (g) Mafelo a go emela dinamelwa ao a šetšego a le gona mo ditseleng tše mokgopedi a ratago go yo šoma.
- (h) Taolo goba peakanyo ya mehuta ka moka ya dinamelwa e le go seketša le go šetša dikgahlego tša setšaba.
- (i) Pabalelo le kaonafatšo ya tikologo
- (j) bokgoni bja mokgopedi go direla setšaba ka koloi ye e kgotsofatšago go ya le ka lengwalo la tumelelo.
- (k) melato yeo e kilego ya dirwa ke mokgopedi ge e le gona.
- (l) Ge e ba go na le molawana, thibelo le tšitišo ye e lebanego le go diriša seramelwa go rwala batho.
- (m) gore na mokgopedi le baotledi ba gagwe ba hlahlilwe go ya ka melao naa.
- (n) Dintilha tše dingwe tše go ya ka Boto di ka ba di lebane ge go tšewa sephetho sa gore tumelelo e fiwe goba aowe.

(2) Lentšu le "bokgoni" mo karolwaneng (1)(j) e akaretša gore na mokgopedi o na le tšelete ya go lekana goba go kgona go fa setšhaba ditirelo tše a kgopelago tumelelo.

**(23) Paka yeo tumelelo e bago le mohola.**

(1) Boto e swanetše go fana ka ditumelelo lebaka le le sa tsebjwego ge koloi e na le setifikeiti sa gore e loketše go sepela ditseleng, go hlokometšwe mabaka a gore tumelelo e ka ngwadišwa gape go ya tšeelwa mong go ya ka karolo 37 go fihla 39.

(2) Ge nako ya tumelelo e fela e le gore lengwalo la kgopelo le šetše le fihlile Botong, gona tumelelo yeo e sa šoma go fihlala kgopelo šetswa.

**24. Tlhagišo ya diutmelelo bathong le melao ya gona.**

(1) Boto e swanetše go ya ka molawana (2) ka tšhomisano mmogo le TPAB ya maleba, e neele, e ntšhafatše, fetole goba e fetišetše tumelelo pele bjale ka ge go hlahošitšwe.

(2) Boto ga ya swanela go fana ka tumelelo ka ntle le ge

- (a) e ikgotšofaditše gore koloi yeo e tlogo dirišwa e tshwanetše mokgwa woo wa thotho goba thwalo.
- (b) mokgopedi a hlagišitše setifikeiti sa go laetša gore koloi e mo tseleng, seo a se amogetšego ka letšatši goba morago ga letšatši le le beilwego go ya ka molao.

(3) Ge motho a dumelitšwe, mme setifikeiti sa go laetša gore koloi e tseleng sa felelwa ke nako gona le tumelelo ya gagwe ga e sa dumelitšwe, le yona e felelwa ke nako.

(4) Ditumelelo ka moka mo, tše di neilwego batho di swanetše go laetša tše di latelago

- (a) leina le aterese ya monyelengwalo
- (b) lebaka leo tumelelo e tlogo šoma.
- (c) bonamedi e swanetše e be ba ba kae go ya ka setifikeiti sa go re koloi e tseleng, le gore palo ye e beilwego ke Boto e se fetwe.
- (d) dinomoro tša koloi, yeo Boto e e filego tumelelo tshesi, ngwaga wo e dirilwego, mohuta, palo ya ditulo gore e rwala batho ba bakae;
- (e) Nomoro ya setifikeiti sa gore koloi e tseleng le gore se felelwa ke nako neng.
- (f) Ditsela ka moka ka bottlalo mo koloi ye e yago go šoma gona, mafelo ka moka mo e tlogo nametša batho le go ba fološa le mafelo a mangwe ao a tla bego a dirišwa.
- (g) Lebaka le lengwe leo le ka bewego ke Boto ge e lebelediša dikgopelo.

**25. Ngwadišo le go neela ditumelelo ka boswa**

(1) Mongwe le mongwe yo a swerego lengwalo la tumelelo ge molao wo o thoma, o swanetše go kgopela Boto ka TPAB, gore lengwalo la gagwe le tsošološwe ka ntle ga go lefa seo, a latele molao mme a tšweletše lengwalobohlatse la gore koloi e tseleng, go sego bjalo tumelelo ya gagwe e tla emišwa, ya romelwa TPAB go kgaotšwa, ge e le gore e be e emišitšwe sebakanyana sa go se fete ngwaga ge monye a laetša Boto bopaki goba mabaka a go kwagala aa go e emiša a go swana le

- (a) bolwetši goba go se itekanele;
- (b) koloi e thutše, ga e sepele;
- (c) dipeakanyo tša go fetišetša lengwalo go yo mongwe ka ge monye a hlokofetše;

- (d) mathata a ditšhelete ao mong lengwalo a sa kgoneng go a lokiša.  
 (e) ge monglengwalo a sa kgone go diriša koloi ka lebaka la diphapano.
- (2) Boto e ka se fe motho tumelelo gape ge monye e se leloko la mokgatlo wo ongwadišitšwego mo molaong wa 7 goba e se leloko la mokgatlo go ya ka yona karolo ye.
- (3) Mongwalo ka moka ao a abilwego lešwa a swanetše go laetša ditsela tše di tlogo dirišwa ka ntle le ge
- (a) go dirišwa ditaxi tšela tša go bala tšelete ge di sepela.  
 (b) ditirelo tša tlaleletšo lefelong leo  
 (c) tše Boto e di bonago e le mabaka ao a sa tiwaelegago.
- (4) TPAB e swametše go lebelediša/senka dintilha tša ditumelelo go ya ka molawana wa (1) le beng ba tšona go ya ka lenaneo la taolo ya ditumelelo mme ba lokiše mo go hlokegago.

## 26. Ditumelelo tša motšwaoswere

- (1) Ga go motho yo a swanetsego go šomiša taxi nakonyana ge go hlagile sengwe bjale ka papadi e kgolo, poloko goba lenyalo ka ntle le ge o humane tumelelo ya motšwaoswere ye e abilwego mo karolong ye.
- (2) Mongtaxi a ka kgopela Boto gore e mo fe tumelelo ya motšwaoswere ge a lefa tefo ya maleba.
- (3) Boto e namore ditumelelo tša motšwaoswere, e sware rejistara ya ditumelelo le maina a beng ditaxi bao ba amogetšego ditumelelo.
- (4) Pele mongtaxi a thoma go e sepediša bjalo ka korolwana ya (1) e hlalošesa, o swanetše go tlatša maeto mo fomong ya tumelelo ya nakwana bjalo ka ge molao o hlaloša, mme a phele a swere tumelelo ye ka koloing ge a e diriša mme ge mohlanked wa mmušo a nyaka go e bona, e a hlagiše.

- (5) Ge mongtaxi o swanetše go hlagiša lengwalo la tumelelo ya nakwana Botong ka pela ka morago ga go le humana, go se fete diiri tše 72, le go mokgatlo wa ditaxi wo o šomago lefelong leo.
- (6) Boto e ka khansela motho yo a itlwaeditšego go diriša dinamelwa nakwana a sena tumelelo ya semmušo goba a diriša ditumelelo tša nakwana bošaedi mohlala o humane o thotha batho nke o na le mangwalo a nokwana mme a se nao.

## 27. Tlhamo, maikarabelo le molaotheo wa khomišene ya tša dinamelwa profenseng.

- (1) khomišene ya dinamelwa profenseng e tla hlangwa ke profense.
- (2) Mošomo wa nakwana/lebakanyana wa khomišene e tla ba go theeletša dingongorego mabapi le mangwalo a dikgopelo go rwala botho go tloga profenseng go ya go ye nngwe ka ditaxi, mme MEC e ka oketša maikarabelo a yona go yo ka kazete ya profense mohlanked wa mmušo le
- (3) Khomišene e tlo ba le mohlanked wa mmušo le maloko a go se fete nne ao a kgethilwego ke MEC bao e lego gore mongwe le mongwe o na le boitemogelo bja mengwaga ye lesome bonnyane e le boramelao, goba ba na le boitemogelo go tša dinamelwa tša batho bohle, tša matlotlo le tša borakgwebo goba maitshwaro a merero ya setšhaba MEC o tla kgetha yo mongwe e be modulasetulo.

(4) Maloko a khomišene ao e sego bahlankedi ba mmušo ba swanetše go kgethwa go šoma mengwaga ye e sa fetego mehlano, mme go ya ka molao wo, ba tla šoma ge MEC e ba thwala.

(5) Maloko a khomišene a tla lokela go kgethwa gape, batho fela le bona ba ka kgethwa nako ye e itšego le ka mabaka a itšego.

#### **28. Go thibela maloko a khomišene**

- (1) Ga go motho yo a ka thualuago mo khomišeneng
- (a) ge a tsereletše dikolotong
- (b) a bonwe molato wa go se tshepego le wa go mo iša kgolegong ka tle le tefo ya molato.
- (c) ge yena ka boyena, mogatšagwe, modirišanimmogo le yena, ba leloko, bana goba eng mešomo..
  - (i) ba na le mathata a tšelete mo kgwebong ya dinamelwa tša go rwala batho.
  - (ii) ba swarogane le kgwebo ye nngwe ya go thotha batho. ye e lego gore go ya ka MEC e tla šitišana le medumo ya bona.

(2) Go ya ka karolwana (1) sephetho seo se ka tšewago ke khomišene se ka se be le maatla fela ka lebaka la gore leloko le lengwe le thibetšwe go ba mo khomišeneng.

#### **29. Matšatši a boikhutšo le go kobiwa ga maloko a khomišene.**

- (1) Leloko la khomišene le swanetše go tlogela mošomo..
- (a) Ge a dirile tše dingwe tša dintilha tše di ka thibelago go thwalwa ga gagwe tše go boletšwego ka tšona mo karolong 28;
- (b) Ge a tlošitšwe mošomong go ya ka karolwana (2)
- (2) MEC e ka tloša leloko la khomišene mošomong
- (a) ge a paletšwe ke go šoma go ya ka mabaka a mošomo.
- (b) ge go ya ka MEC, a sa itshwara gabotse goba a sa phethagatše mešomo ya khomišene ka mehla.
- (c) ge go ya ka MEC, a sa kgone go phethagatša mešomo ka bokgoni.
- (d) ge go ya ka MEC a paletšwe ke go tsenela dikopano tše tharo tša go latelana ka ntle le lebaka la go kwagala.

#### **30. Meputšo ya maloko a khomišene**

(1) Maloko a khomišene a tla lefelwa go ya ka moo MEC, ka thušo ya MEC wa matlotlo, a laelago ka gona.

(2) Leloko la khomišene yo e lego mohlankedi wa mmušo, a ka se lefelwe gabedi, o tla lefelwa senamelwa le tšelete ya potla.

### **31. Dikopano tša khomišene**

(1) Kopano ya mathomo ya khomišene e swanetše go swarwa ka nako le lefelong le le beilwego ke MEC, morago ga moo di tla swarwa ka nako le lefelol le le kgethwago ke modulasetulo wa khomišene.

(2) Modulasetulo, goba motlatšamodulasetulo, ge a bona go hlokega, a ka bitša kopano ya tšhoganetšo ka morago ga matšatši a a sa fetego lesomenne morago ga ge a amogetše kgopelo yeo e saennwego ke maloko a mararo goba go feta, a khomišene gore kopano e swarwe.

(3) Khoramo ya kopano ya khomišene e tlo ba maloko a mabedi.

(4) Khomišene e tla bea tsela yeo kopano tša bona di sepelago ka gona ka thušo ya MEC ge go hlokega.

(5) Sephetho seo se ka tšewago ke maloko a khomišene ao a lego kopanong, se tlo tšewa e le sa khomišene ka moka, ge diboute di lekana, modulasetulo o tla phetha ngangišano.

(6) Leloko la khomišene le ka se tšee karolo mo ditherišanong tša khomišene ge mogatšagwe, leloko, modirišanimmogo, mongmošomo ka ntle le mmušo, mongmošomo ka ntle le mmušo, mongmošomo wa mogatšagwe ba na le kgahlego ya go itirela tšhelete.

(7) Khomišene e swanetše go theeletša dingongorego mo matšatšing a 60 di amogetše, sephetho se tsebišwe bohole bao ba nago le kgahlego mo nakong yeo e beilwego ke MEC.

### **32. Boipiletšo go khomišene ka lebaka la sephetho sa lekgotdataolo.**

(1) ka ntle le ge molao o laela ka tsela ye nngwe motho yo a-

- (a) kgopelago gore tumelelo e fiwe, fetišetšwe go yo mongwe goba e fetolwe, goba yo tumelelo ya gagwe e khantshetšwego ke Boto.
- (b) e le mong wa tumelelo ye e abilwego ke Boto,
- (c) ka nako le mokgwa wo o beilwego ke molao, go baemedi ba rometšwe Botong go thekga kgopelo goba go lwantšhana le yona, mme ba angwa ke molao le sephetho sa Boto, ba ka tsenya ngongorego (boipiletšo) mabapi le magato le sephetho sa khomišene Botong ka mokgwa le ka nako ye e beilwego ke molao, ka morago ga ge Boto e tšere sephetho go latela molao.

(2) Ge Boto e tsebiša motho ka sephetho sa bona go ya ka karolwana (i) ka lengwalo, letšatšikgwedi leo le tlogo ba le ngwadilwe lengwalong le tlo tšewa e le letšatši leo sephetho se tšerwego ka lona.

(3) Khomišene e swanetše go amogela le go lebediša boipiletšo, go ya ka molao le karolwana (1) mme e ka

- (a) gana boipiletšo, ya tiiša maemo a yona mo sephethong se ba tšerego; goba
- (b) amogela boipiletšo beela magato ka thoko le sephetho gomme ba;
  - (i) tlogele magato le sephetho ba tšee a mangwe sebakeng sa a mathomo goba
  - (ii) nyefiša ditaba tšeo di hlotšego boipiletšo Botong gore di lebelelwae ka boswa goba
- (c) bo tšwele pele ka boipiletšo ba mpe ba fetofetole magato le sephetho sa bona.

(4) Modulasetulo wa khomišene goba leloko le le kgethwago ke modulasetulo, ka ntle le go theeletša bangwe yena ka boyena a ka..

- (a) dumelela gore boipiletšo bjo bo tlilego morago ga nako bo dumelwel ge e le gore bo tlile ka morago ga matšatši a 42 Boto e laeditše magato le sephetho sa yona, goba a ka gana;
- (b) a ka dumela goba a gana go emišwa ka magato a Boto ao go ngongoregwago ka wona.
- (c) a ka beela ka thoko magato le sephetho sa Boto seo go llwago ka sona mme a nyefiša tsela ya go a lebelela boswa.

(5) Magato le sephetho sa khomišene go ya ka melawana (3) (b) (i) goba (c) e tlo tšeiwa e le magato goba sephetho sa Boto ka ntle le go ya ka karolwana (10).

(6) Karolo ye e tla ama dikhombi tše e lego ditaxi mo karolong ya Gauteng.

**33. Bašomedi ba khomišene**

Hlogo ya kgoro, go ya ka melao ya ditirelo tša Setšaba, e swanetše go fana ka bašomi go thuša khomišene gore e dire/phethagatše mešomo ya bona.

**34. Phatlalatšo ya mabaka**

Khomišene goba Boto ge e kgopelwa ka bao ba nago le kgahlego mererong ya bona, pele matšatši a 14 a feta, e abe mabaka ao a ngwadilwego fase a gore ke ka lebaka la eng ba tšere sephetho se itšeng go ya ka molao.

**35. Maatla a tlaleletšo mo lengwalong la tumelelo.**

Lengwalo la tumelelo (phemiti) godimo ga ge le dumelela go thotha batho, le swanetše le dumelele le go rwala bao ba hlokegago go tlo rwala batho.

**36. Tirišosebakanyana ya koloi ye nngwe ge yo e nago le phemiti e senyegile.**

(1) Ge koloi yeo e dirišwago ka phemiti e senyegile goba e sa dirišwa lebakanyana ka lebaka la go thula, gona Boto goba leloko le le kgethilwego ke modulasetulo a ka ngwala tumelelo ya gore koloi ye nngwe e šomišwe bakeng sa ye e senyegilego, go latelwa dikarolwana (2) le (3).

(2) Koloi yeo e nametše palo ya banamedi ya go swana le koloi ye e senyegilego goba ya ka fase, fela palo e se fete ya koloi ya kgale ka dipersente tša go feta 20.

(3) Koloi ye nngwe e ka dirišwa sebaka sa go se fete matšatši a 21 bjale ka ge Boto e beile.

(4) Koloi ye e tlo tšeiva e le yona koloi ya phemiti mo nakong yeo e tla beng e dirišwa.

**37. Maikarabelo a yo a filwego tumelelo (phemiti)**

(1) Yo a swerego tumelelo o swanetše

(a) go phela a swere lengwalo leo la tumelelo ka mo koloi, ge mohlanked wa mmušo a nyaka go le bona, a le hlagiše goba a mmontšhe lona;

(b) a šireletše lengwalo le la tumelelo ka go le boloka ka tsela yeo mangwalo le dinomoro tše di lego go lona, di phele di bonagalo ebile di balega, ge a bona le se sa balega, a kgopelo le lengwe go ya ka molao.

(c) a mometše maina, aterese le mokgwa wa kgwebo ye a e dirago ka koloi yeo e neetšwego phemiti, mo mang le mang a ka a bonago mo koloing ya gagwe bjale ka ge go hlalošitšwe goba Boto e laela.

(d) a bontše pepeneneng tše dingwe tša tše Boto e ka bago e di nyaka mo koloing.

(e) a mometše leswao mo dikoloing tša gagwe ka moka tše di dirišago diphemiti, bjale ka ge molao o laela.

(f) a kgonthišše gore baotledi ba dikoloi tše di dirišago diphemiti, ba na le mangwalo a go otleta.

(2) Lengwalotumelelo le le filwego go ya ka molao wo.....

(a) le ka se dumelele motho go diriša koloi mo pušong ya mmasepala wo momngwe ge a sa dumelawa ke molawana ya moo.

- (b) le ka se fe motho maatla a go itirela ka boithatelo, le sa mo tlama gore a ye ka melao ya pušo ya moo.

(3) Mongwe le mongwe yo a swerego phemiti o swanetše go e ngwadiša mo TPAB ngwaga ka ngwaga go ya ka tsela ye e hlalošitšwego pele setifikeiti sa ngwadišo se felelwa ke nako, ge eba koloi yeo e na le lengwalobotlatse la gore e tseleng, ge go se bjalo phemiti e tla kgaotšwa mme ya romelwa TPAB go khantshelwa, ka ntile le ge monye a ka kgopela gore e se emišwe, ka go hlagiša mabaka a go kwagala e sego a

- (a) bolwetši goba go palelwa
- (b) gore koloi e sa senyegile lebakanyana ka lebaka la go utsuetšwa le kotsi ya go thula.
- (c) dipeakanyo tše di dirwago go fetišetša phemiti pele ka ge monye a hlokofetše.
- (d) mathata a tšelete ka mabaka ao monye a sa kgonego go a laola.
- (e) gore monye o palelwa ke go šomiša koloi ka lebaka la dintwa goba diphapano.

(4) Ge motho a neilwe phemiti, mme mogatšagwe, modirišanimmogo, leloko, bana goba mongmošomo wa gagwe a kgethilwe go ba mohlankedti wa mmušo mo ditirelong tša setšaba, pušotaolong ya profense goba mmasepala gona o swanetše a tsebiše Boto ka lengwalo. Motho fela yo a lemogago se a ka tsebiše Boto le yena ka lengwalo.

(5) Boto ge e ka lemoga kamano ye e hlalošitšwego mo (4) e ka phemiti.

### **38. Go phumula, go kgaotša le pharologantšho ya phemiti ka lebeke la maitshwarompe, go emišwa ga kontraka le lebaka la tšhoganetšo.**

(1) Go ya ka melao ya karolwana (2) Boto e ka phumula, emiša phemiti lebakanyana ge e rata..

- (a) ge monglengwalo la tumelelo goba mošomedi wa gagwe a bonwe molato go ya ka melao ya go ama thotho goba dinamelwa.
- (b) ge go ya ka Boto, monye phemiti a se a e diriše ka botshephagi goba
- (c) ge monye a tlogetše go ngwadiše le mongwadiši

(2) Boto go ya ka karolwana (1) e ka phumula goba ya kgaotša phemiti ka ntile le ge..

- (a) notisi ya matšatši a 21 le mabaka a ntshe a filwe monye phemiti ka lengwalo la go setifaiwa kwa posong,

(b) monye a filwe sebaka sa go tšwelela pele ga Boto gore a fe bopaki goba a emelwe ke bangwe mabapi le kgato yeo a e tšeago.

- (c) bommasepala ba maleba, diforam, dikomiti tša dikgokaganyo tša ditaxi, goba makgotla a ditaxi ge tše di se gona, a filwe sebaka sa go hlagiša mabaka goba dipeakanyo tše dingwe.

(3) Boto, go lebaka e le la tšhoganetšo, goba go thibela dintwa le diphapano, e ka kgaotša tirišo ya phemiti sebakanyana, seo se sa fetego matšatši a 7, ge go se bjalo Boto e tla tsebiše mong.

### **39. Go phumułwa ga mangwalo ao a sa dirišwego**

(1) Go ya ka dikarolwana (2) le (3), ge khombi ye e nago le phemiti e sa twala batho lebaka la matšatši a 30 a go latelana, monye a iše phemiti TPAB gore e khantselwe.

(2) Ge monye a ka laetša TPAB gore koloi ga se e šome ka lebaka la

- (a) bolwetši goba go se itekanele
- (b) koloi e sa senyegile ka lebaka la bohodu goba kotsi ya thulano
- (c) go beakantšwe go fetišetša phemiti go yo mongwe ka ge monye a hlokofetše
- (d) mathata a dišhelete ao monye a se nago taolo ya wona.

(e) diphapano goba dintwa monye o swanetše go fiwa nako ya go se fete ngwaga gore a thomolotše gape, dintlha ka moka di tla ngwalwa mo phemiting.

(3) Bajalefa ba tehumo la mohu ge ba ka laetša TPAB gore monye o hlokofetše, gona phemiti e tla no šoma lebaka la go se fete ngwaga go fa mojalefa sebaka sa go ipeakanya.

#### 40. Go phumulwa ga mangwalo a go feta tekanyo

Ge Boto e kgotsofetše gore

- (a) mmasepala ge a beakanya o lemogile gore ditaxi ke tše dintshi go feta tekanyo mo tseleng ye itšego;
- (b) mmasepala ka tirišanommogo le diforamo, makgotla a ditaxi le a dikgokaganyo, ba rerisane le mongphemiti yo a dirišago ditšela tše itšego, gore ba reke diphemiti, maikemišetšo e le go khantshela diphemiti tše dingwe tše di fetago tekano.
- (c) Boto e kwane le mong phemiti yeo e tlogo rekišwa ka mokgwa wo o kgotsofatšago, gore o tla lefelwa ditshenyagalelo/tobo ka ge phemiti e tla be e sa šome gona Boto e ka phumula phemiti.

#### 41. Go fihliša mangwalo a go felelwa ke nako.

Phemiti ye e feletšwego ke nako, ye e phumutšwego le leswao la yona, e swanetše go bušetšwa TPAB ke monye mo matšatšing a šupa ka morago ga ge e feletšwe ke nako goba e phumutšwe.

#### 42. Melao le tlhatlho

- (1) MEC e tla dira melao..
- (a) mabapi le-
  - (i) kgopelo ya go fiwa, tsošološa, fetoša le go fetišetša phemiti pele e romelwe le eng;
  - (ii) Magato ao TPAB le Boto ba a tšeago ge ba lebedišša dikgopelo ke afe;
  - (iii) Boipiletšo go khomišene mabapi le sephetho sa Boto bo tlišwe le dintlha dife.
  - (iv) Dintlha tše di swanetšego go romelwa ke Boto khomišeneng mabapi le boipiletšo, le nako le mokgwa wo di swanetšego go romelwa ka gona.
  - (v) tsela yeo khomišene e swanetšego go šoma ka gona ge e sekaseka boipiletšo.
  - (vi) melato yeo Boto e swanetšego go e ela hloko ge e lebelediša dikgopelo tša diphemiti go ya ka karolo 22.
  - (vii) go nomorwa ga ditsela le kabø ya tšona go makgotla a ditaxi le kabø ya tšona go makgatlo a ditaxi le kabø ya maswao.
  - (viii) Laola thwalo ya bara ba sekolo ke ditaxi
  - (ix) laola kabø ya tlhatlho ya boraditaxi
  - (x) mabapi le mokgwa wa go lamola dintwa magareng ga mekgatlo ya ditaxi goba boraditaxi.
  - (xi) kabø ya leano/lenaneo la go hlopha boraditaxi  
go nyaka ditefo mabapi le
  - (i) kgopelo ya go fiwa, go fetoša le go fetiša phemiti, goba (ii) boipiletšo go khomišene ka ga magato a Boto.
- (b)

- (iii) Kabo ya phemiti go tšwa go TPAB, leswao le lengwalo goba duplikeiti ya lona;

le go bea seroto, le mekgwa yeo motho a ka lobago goba a bušetšwa setseka mo serotong se se beiwego le gore etlo ba bokae setseka seuwe.

- (c) dingwe tše di ka tšwetšago pele sephetho se
  - (2) MEC e ka hloma melao ya tlhatlho mabapi .....
- (a) kabo ya tlhatlho ya boraditaxi.
- (b) go rwalwa ga bana ba sekolo ke boraditaxi
- (c) tše dingwe di ka tšwetšago pele magato a.

#### 43. Dinyakwa pele dipalopalo le dintilha di ka neelwa.

(1) Kgoro le bommasepala ba profense ba swanetše go fana goba go fa MEC dintilha tše bohlokwa le dipalopalo ka ga dinamelwa ge MEC e nyaka go ya ka melao.

(2) Kgoro e ka kgopela mmasepala dintilha le dipalopalo tše di tsomegago ge kgoro e beakanya, gomme mmasepala o swanetše go phethagatša bjalo ka ge a kgopelwa ka nako ye e filwego.

#### 44. Melawana

- (1) Pušoselegae go ya ka peakanyo ya dinamelwa ye e lego gona e ka:
  - (a) laola bogolo goba palo ya ditaxi lefelong le itšego le gore ditaxi di ka sepela mouwe nakong efe;
  - (b) laola goba ya thibela ditaxi go tšena lefelong le itšego ka nako ye itšego.
  - (c) thibela go nametšwa le go fološwa ga banamedi mo mafelong a mangwe ka nako ye itšego, le gore ba ka nametšwa le go fološwa neng.
- (2) Mmasepala a ka dira melawana ye mengwe go tšwetša pele magato ao e a tšerego ao a sa thulanego le melao go swana le ye:
  - (a) a nomore ditsela le kabu ya tšona go boraditaxi le mekgwa yeo e fanago ka maswao.
  - (b) tlhamo le mešomo ya diforomo, komiti kgokaganyo ya ditaxi le makgotla a go swana le a:
  - (c) go fana ka sebaka sa go šomela, diphemiti goba dilaesense go boraditaxi goba mekgatlo ya bona e ba lefiša.
  - (d) go thwalwa ga dimašale tša direnke;
  - (e) maitshwaro a baotledi ba ditaxi
- (3) Mmasepala a ka kwana le mothofeela goba mokgatlo ka kabu ya mafelo a go diriša ditaxi mo nageng ye e rekilwego ke motho go ya ka melao go tšwa go MEC le lenaneo la tša dinamelwa.

#### 45. Maatla a MEC

Ka ntle le maatla ao go boletšwego ka wona mo molaong wo MEC e ka

- (a) lefela dinyakišo mabapi le ditirelo tša ditaxi
- (b) lefela diprojeke tša go leka mekgwa ye e itšego mo tirelong ya ditaxi.
- (c) a ka phatlalatša ditaba mabapi le intasteri ya ditaxi mo dipampiring, radiong goba ditelebišeneng.
- (d) a ka thuša bommasepala bao ba se nago bašomedi ba go lekanelo gore mešomo yeo e swanetše go phethwa go ya ka molao wo, e phethwe.
- (e) thuše ka tlhatlho ya boraditaxi, baotledi le balaodi ba ditirelo.

- (f) a hiahle mekgatlo yeo e ikemišeditšego go hlabolla ditirelo tša dinamelwa tša setšaba.
- (g) beakanye diseminara le dikopano tša boraditaxi
- (h) go ya ka molao a hlame tsela ya go tšeela batho diphemiti ka baka la melato yeo ba e dirago molao wo o ka akaretša le go phumulwa goba go fega sebakanyana ga tšona.
- (i) fetole goba a phumule nothisi ye e phatlaladitšwego mo tenaneng ye ya molao le
- (j) go tšeа magato a mangwe ao a ka bago bohlokwa go phethagatšeng molao wo.

#### **46. Melato le mellwane**

Motho yo..

- (a) dirišago taxi a se na tumelelo goba go.
- (b) a swere phemiti, empa a sa latele melao ye e beilwego mo phemiting, empa a sa latele melao ye e beilwego mo phemiting ge a šomiša taxi ya gagwe,
- (c) a swere phemiti, empa a e adima bangwe bao sa dumelwago mo phemiting.
- (d) a swere lengawlo la bafora la phemiti, maikemišetšo e le go fora balaodi gore ba humane nke koloi yeo a e dirišago ke ka go ya ka phemiti nnete.
- (e) a tseba botse gore lengwalo la tumelelo ke la bofora, empa a tšeletša mangwalo a nkego ke yona phemiti mme a e šomiše.
- (f) A fetišetša leswao goba phemiti go koloi ye nngwe goba motho yo mongwe yo e sego monye wa phemiti, ka ntle le tumelelo go tšwa Botong;
- (g) e se mohlankedi wa mmušo go dira mešomo ya gagwe
- (h) a ba kgahlanong goba a thibela mohlankedi wa mmušo go dira mešomo ya gagwe,
- (i) ka ntle le mabaka a go kwagala, a palelwa ke go hlaga khomiseneng goba Botong, le ge e ka ba leloko leo le kgethilwego go ya ka molao, goba a gana go araba dipotššo tšeо a di botššwago a gana go laetša puku, lenaneo, lengwalo goba sengwe seo a kgopelwago go se laetša;
- (j) a boelela maaka ge a kgopela phemiti, ge a ngongorega goba ge go nyakiššwa, e ka ba ka molomo goba ka go ngwala,
- (k) a ikuhanelo phemiti yeo e šetšego e humanwe ke mongwe Botong,
- (l) a laetša leswao mo taaxing ya gagwe le e sego lona, goba a sa bee leswao le a le filwego go ya ka molao mo taxing ya gagwe.
- (m) a sa bušetša leswao Botong ge a laelwa, goba, a le senya mola le swanetše go bušetšwa Botong goba kgorong ya mmušo.
- (n) a tshela melao ye.

O tlo humanwa a le molato

#### **47. Magato a molaodi, mmaditsela goba mošomedi wa mongtumelelo le go se setse ga bona**

(1) ka mehla ge molaodi, mmaditsela goba mosomedi wa mongtumelelo a dira goba a sa dire selo se e lego gore e ba molato, o tlo bonwa molato mme a fiwa kotlo ya wona ka ntle le ge a ka laetša gore.....

- (a) ga se a tšeе karolo go dumelela tiro yeo le go se e šetše.
- (b) o tšere magato ka moka ao a bego a hlokega go thibela tiro le go se šetše goo.
- (c) tiro goba go se šetše, ka molao goba e se ka molao, ga se go amana le mabaka a mošomo goba a pušo.

(2) Ge molaodi, mmaditsela goba mošomedi a dira selo goba a sa šetše dilo, se e ka ba molato, gona ba tlo bonwa molato ba ahlolwa tše nkego ke bona beng ba phemiti.

#### 48. Dikotlo

Motho yo a bonwego molato go ya ka molao wo o tla swarwa, a išwa kgolegong lebaka la go se fete mengwaga ye meraro goba a fa enwa tšelete ya go se fete R20 000 goba bobedi ba tšona dikotlo tse, kgolego le faene.

#### 49. Magato a tšhoganetšo mo nakong tše dingwe

(1) MEC ge e bona go lwewa lefelong le itšego, goba go se na khutšo mo intastering ya ditaxi e ka phatlalatša tsebišo mo kazeteng ya profense ya gore lefelo leo le tlase ga taolo ye itšego.

(2) Kgoro ya mmušo le yona e ka fa leloko la mokgatlo wo o ngwadisitšwego go ya ka karolo 5 (3) leswao, mme leloko le mometše leswao le mo taxing ka tsela ye itšego. Leswao le ga le dire gore motho a se laolwe ke melao ye e lego mo phemiting, le swanetše go bušetšwa kgorong ge kgoro e laela, le fedišwe mo nakong ya diiri tše 24 ge kgoro e laela bjalo.

(3) Ge lefelo le begilwe bjale ka mo (1), mohlanked wa mmušo ge a kgotsofetše gore koloi e dirišwa bjalo ka taxi ka ntle le tumelelo, a ka e swara matšatši a go se fete 14 ka ntle le ge rataxi a ka bontšha kgoro gore o na le tumelelo ya molao go diriša tselo yeo goba o na le ngwadišo ya nakwana go ya ka karolo 5 (3).

(4) Koloi ye e swerego ka karolo ya (3) ga e lokollwe go fihlela kgoro e ikgotsofaditše gore rataxi o humane mangwalo a semmušo, goba ngwadišo ya nakwana go ya ka karolo 5 (3) goba maemo a boetše sekeng (dintwa di fedile) ditshenyagalelo tša taolo, ge ye nngwe e šetše e tla lefwa ofising ya tax.

(5) Ge koloi e swerwe go ya ka (3), ya humanwa gape ee sepela lefelong leo e sa nyakegego, e tlo swarwa gape, karolo (3) le (4) di tlo šomišwa ge, ka ntle le gore tefo yona bjale e tlo ba R1000, ge ntše motho a tšwela pele le go dira melato ye, ee tlo pedifatšwa (doubled).

(6) Ge koloi ya motho e swerwe, mong goba mootledi o tlo sekiswa go ya molao wo.

(7) MEC e ka bea melao ya gore renke, goba ditšela tše dingwe di tswalelw, di se dirišwe ke boraditaxi ge lefelo leo le le hhaloswa go ya ka karolwana (1) nako ye itšego, mme nakong yeo ga go motho yo a swanetše go diriša ditsela tše goba direnke tše. Molao wa ntshe o tlo laetša le gore ge batho ba sa o latele, ba tlo swarwa ba lefišwa.

(8) Melao go ya ka (7) e tlo akaretša le kabu ya diphemiti go boraditaxi tša go rwala batho ba 16 go akaretšwa mootledi, go diriša ditsela tše nakong ye di tla bego di tswaletšwe.

#### 50. Khuetšano ya dikahlolo tsa melatolato

(1) Ge motho a ahlolwa la bobedi goba go feta moo, ka melato ya ditaxi Boto e ka..  
 (a) mo romela lengwalo la poso ye e rejistarilwego, la go mo tsebiša gore phemiti ya gawe e phumutšwe goba e emišitšwe lebakanyana.

(b) Go sa šetšwe gore motho yo o tšeetšwe pheniti go yaa ka temana ya 1(a) a ka ganelwa ka kabu goba phetišetšopele ya pheniti ya gagwe.

(2) Gore karolwana (1) e kwešišege, ge khamphani e bonwe molato, bohole baao ba nago le seabo go yona ba bonwa molato.

#### 51. Kgononelo le bopaki b/a ditiragalo

(1) Mo tshekong tlase ga molao wo...

- (a) motho yo rweleng motho ka koloi, goba motho yo a dumelitšwego thwalo ya motho ka ntle le mootledi wa koloi, o tlo tšewa a rwele motho ka taxi ka ntle le go bohlatse bongwe bo kafiwa.
- (b) Ge go hlatselwa gore motho o rwele ka koloi kgahlanong le molao, mongkoloi o tlo tšewa e le yena a tshetšego molao ka ntle le ge bohlatse bja gore ga se yena e bego e le mootledi ka nako yeo le gona ga se a dumelele gore koloi ya gagwe e dirišetšwe seo.
- (c) Motho yo a ka humanwago a swere lengwalo la bofora la tumelelo, o tlo tšewa e le gore ke yena a ngwadilego bofora bjoo goba a fetošitšego mengwalo mo phemiting, ka ntle le ge a ka fa bohlatse bja gore ga se modiri wa tše.

2) Motho ge a swerwe ka molao wo, a hlagiša lengwalo goba khophi ya phemiti ye e sethifailwego ke ba Boto gore ke yonayona, e tlo lokollwa e le ge a tšewa a na le bohlatse bja maleba go ya ka molao, bja gore phemiti ya gagwe ke yonayona ya molao.

(3) Lengwalo leo le laetšago gore koloi e rejistilwe (ngwadišitšwe) ka leina le le hlagago mo lengwalong leo le filwego semolao ke kgoro yona ye e solwago ka ngwadišo, le tlo amogelwa e le bohlatse bja mmakgonthe bja gore ke lona.

## **52. Boingwadišo bja bommaditsela ba diphemiti**

(1) Ga go motho yo a ka šomago bjalo ka mmaditsela wa diphemiti ka ntle le ge a ngwadišitšwe go ya ka karolo ye lo ka mo molao o hlalošago.

(2) Gore o ngwadišwe bjalo ka mmaditsela wa diphemiti, o swanetše go ba le mangwalo a dithuto le boitemogelo bjale ka ge molao o hlaloša mme o dumele maikarabelo a gona, o saene le mokgwa wa maitshwaro.

(3) Boramelao bao ba šomago ba ka se angwe ke molao ye.

(4) Motho a šomago bjale ka mmaditsela wa diphemiti a se a ngwadišwe go ya ka karolo ye o tlo bonwa molato mme a fiwa kotlo.

(5) Melao ye e tlogo hlangwa go ya ka karolo ye e tlo akaretša go fegwa goba go phumulwa ga ngwadišo ya mmaditsela wa diphemiti yo a bonwago molato.

## **53. Maatlataolotoka**

Kgoro ya tsheko e na le maatla a go fa motho kotlo bjalo ka ge molao wo o laela.

## **54. Kiletšo ya melato (dikoloto)**

Tshepedišo ya melato e ka se tšwetšwepele ka kgorong ya tsheko ge e le gore mohlankedwa mmušo o a sekišwa godimo ga ditiro tše a di dirilego ka botshephagi a phetha mošomo wa gagwe goba mongmošomo wa mohlankedwa yo.

## **55. Tša ditšhelete/matlotlo**

Ditšhelete ka moka tše di amogelwago ke Boto mo molaong wo di swanetše go lefswa ka matlotlong a profense a dinamelwa ao a hlomilwego ke molao wa dinamelwa ditoropong wa 1977 (molao 78 wa 1977) goba matlotlong a naga a dinamelwa, mme ditshenyagalelo ka moka ge molao wo o dirišwa, di tlo lefswa go tšwa matlotlong ao go ya ka taelo ya MEC, ka ntle le ge e le gore ditshenyagalelo di tlo lefswa ke mongmošomo.

**56. Kamano ya molao wo le e ngwee**

Dintlha tša molao wo e tlo ba tlaleletšo e sego phokotšo ya melao ye mengwe ya dikoloi.

**57. Bahlahlobi**

Molao wo o fa bohlahlobi bao ba tlogo thwalwa go ya ka molao wa dinamelwa mebileng wa 1977 (molao 74 wa 1977), maatla taolong ya ditirelo tša ditaxi.

**58. Mabaka a go khantshela le taolo ya lebakanyana**

(1) Dintlha tše di filwego mo molaong wa dinamelwa mebileng wa 1977 (molao 74 wa 1977) le melao ye mengwe ye e hlamilwego tlase ga wona, e tlo tlama ditirelo tša ditaxi mo profenseng morago ga ge molao wo o thomile go šoma, ka ntle le ge o fetotšwe goba o khantshetšwe.

(2) Phemiti ye e abilwego tlase ga molao wo wa dinamelwa ditseleng wa 1977 (molao 74 wa 1977).

**59. Hlogo le gore go thongwa neng**

(1) Molao wo o tla go bitswa molao wa sebakana wa Gauteng wa go laola ditirelo tsa ditaxi ka 1997, go mme o tla thoma ka letsatsi le le begilweng ke MEC go bukana ya Provincial Gazette.

(2) Ditaolo tse fapaneng ka Molao o di tla thoma go soma ka matsatsi a fapaneng, kapa go ya ka dibaka tse fapaneng.

(3) Molao wo o tla tsebisa letsatsi leo go tla thomiwang ka lona molawana wa bakalami.

## MOLAO WA SEBAKANYANA WA GAUTENG GO LAOLA DITIRELO TŠA DITAXI

Memorantamo go ya ka molao 134 wa melaotheo ya lekgotlatheramelao la profense ya Gauteng.

### 1. MABAKA A GO BA LE MOLAOKAKANYWA WO

Molaokakanywa wo wa Gauteng go laola ditirelo tša ditaxi o beakantswe go ya ka dikakanyo go tšwa go GTI (e lego lekgotla la Gauteng la ditaxi la go tsea matsapa) le mangwalo a profense a maikemišetšo a profense. Profense ye e gare e swaragane le go ngwala melao ya go laola tša dinamelwa go ntše go hlokometšwe melao ya naga ya 1997. E dira se go ya ka mo seholpha sa go loga maano mo Gauteng (SMT) se hlohleletšago ka gona. Molaokakanywa wo mongwe wo profense e ratago go go hlana ke wa badiriši ba dinamelwa tša bohole, go akaretša mehuta ka moka ya go thotha banamedi. Molao wa go laola ditirelo tša ditaxi o beakantshitšwe pele ga wa banamedi ba dinamelwa tša bohole ka lebaka la gore mathata mo intasteri ya ditaxi mo Gauteng a swanetše go rarollwa ka tshogonetšo go tuiša khutšo le go fedisa dintwa.

Maikemišetšomagolo a molaokakanywa wo ke go tuiša taolo ya ditirelo tša ditaxi mo nakong ya bjale. Diphetogo di se kae di tla swanelwa go tuišwa mo molaong wa thwalo goba thotho mo mebileng, wa 1977 gore o sepedišane le molaokakanywa wo, gore o akaretše mehuta ye mengwe ya dinamelwa tša go thotha bonamedi, go fihlela bobedi bo akaretšwa molaong o tee.

Maikemišetšomagolo a kgoro ya tša dinamelwa le la mešomo ya bohole la Gauteng ke go akaretša intasteri ya ditaxi mo intastering ye kgolo ya dinamelwa tša bohole ka ponyo ya leihlo. Intasteri ye e tlo swanelwa ke go bopša le go thekgwa. Go tšeia matsapa aa go nyalantšha mehuta ka moka ya thwalo goba thotho ya bohole. Motho ge a ekwa se a ka nagana gore molawana wo wa nakwana wa ditaxi, o ganetšana le maikemisetšo a. Go tlo tswalanywaa molao wo le intasteri ya ditaxi ka šedi e kgolo, go hloma molaomogolo wa thwalo ya bonamedi bohole le lenaneo la ona, ka panyo ya leihlo.

Lekgotlatheramelao ka June 1977, le dumelitše diphetogo tše dingwe mo molaong wo wa thwalo mo mebileng wa 1977, e le go beakanyetša magato a tshoganyetšo a go fedisa dikgaruru (dintwa) mo ditaxing tša Soshanguve le Mabopane, le mekgwa ya go di swaya. Diphetogo tše di ile tša amogelwa mo molaokakanywa.

### 2. KHUETŠO YA TIKOLOGO

Ga e gona.

### 3. DITSHENYAGALELO TŠA GO TLIŠWA KE MOLAOKAKANYWA

Go hloma khomišene ya profense ya dinamelwa, ya maloko a 5, e le lekgotla la boipiletšo, go tlo hlola ditshenyagalelo. MEC o tla beakanya ditefo tša maloko a ka thušo ya MEC wa tša ditšelete. Maloko a khomišene ao a šomelago mmušo, a ka se lefelwe moputso wa go ba maloko empa ba tla hlatswiwa diatla go akareetša ditshenyagalelo tša dinamelwa le tša go ena ena.

Ditšelete tše di kgoboketšwago ka lebaka la molao wo di tlo tsenywa matlotlong a profense a dinamelwa ditoropong, mme le ditshenyagalelo di tlo tšwa gona moo. Ditshenyagalelo tša badirelammušo tšona di tla tšwa go bengmešomo.

Lekgotla la go fana ka mangwalo a tumelelo le tlo hlongwa mo mmušongselegae bjalo ka letsogo la lekgotlataolo (boto) la ditumelelo. Feela se se tlo ra gore bašomi bao ba lego mo Gauteng ba phatlalatšwe le mafelo ao. Ka gona se se ka se hhole ditshenyagalelo.

#### **4. DITSHWAYOTSHWAYO TŠE DI AMOGETŠWEGO**

Molaokakanywa o ile wa phatlalatšwa ka di 6 Janawari 1997 mo profenseng gore batho ba o phare dipataka. (swayaswaye). Ditshwayotshwayo tše ntši di ile tša amogelwa le go lebeledišwa.

Dintlhakgolo mo molaokakanywa wo di tšweletše morago ga maiteko a GTI, dipoledišano le intasteri ya dibese (SABOA) e lego lekgotla la bengdipese ba Afrika Borwa, le bangwe go tšwa lekgotlataolo la profense la mangwalo a tumelelo, bao ba tšerego karolo mo. Go rerišanwe le batšeakarolo ba bantši bjalo ka ba go tšwa lekgotlataolo la tumelelo profenseng le bakgokaganyi ba makgotla a.

Dipeakanyetšo tša molaokakanywa wo di sepelelana le maele go tšwa go dikomoti tša profense tša taolo le tekanetšo, bahlankedi ba mmušo ba tekanetšo, taolo le kghohlaganyo, bahlabanelo ditirelo tša ditaxi, dihlopha tša naga tša tekanetšo le ba tlhatlho.

#### **5. TLHALOSO YE E FETELETŠEGO YA MAFOKWANA**

- c1: Mantšu a mangwe ao a dirišitšwego mo molaong wo a hlalošitšwe mo lefokwaneng le.
- c2: Lefokwana le, le fa mebušo ya selegae le bommasepala sebaka sa gore ba tsee maikarabelo a go beakanya ditirelo tša ditaxi mo mmileng wo o itšego goba mebileng ye mentši.
- c3: Mmušo wa selegae wo mongwe le wo mongwe, mmogo le kgoro ya tša dinamelwa le la mešomo ya bohle, di tla swanelwa ke go hlagiša tsela ya taolo le go e hlokomela, ba hlagiše bobolokelo bja dintliha tše di filwego bjo bo sepelelanago le bja naga, le bja profense bjalo ka lenaneo la go humana tsebo go tša dinamelwa (NATIS) go fa mohlala.
- c4: Lefokwana le, le thuša le ge go thwalwa mongwadisi wa profense wa go ngwadiša makgotla a ditaxi, maloko a gona le bao e sego maloko a makgotla ao. Se se šetše nkile sa dirwa.
- c5: Lefokwana le, le abela mongwadiši maatla le modiro e lego
  - go ngwadiša makgotla ao maloko a wona a nago le mangwal\*o a tumelelo.
  - go ngwadiša batho bao e sego maloko a lekgotla empa ba na le tokelo.

Go ya ka molawana wo, mošomo ya mongwadiši e ka atološwa go akaretša mehuta ye mengwe ya dinamelwa.

c6: Lefokwana le, le fa MEC maatla a go hlama molaotheo wa dihlopha tša ditaxi le ka moo maitshwaro a bao e sego maloko a swanetšego go ba ka gona, go swana le go re, bonnyane maloko ao a ka ngwadišwago ke lekgotla ke a.

c7: Lefokwana le, le adile tshepedišo ya go kgopela sebaka sa go gwadišwa.

c8: Mongwadiši a ka tše magato go fa makgotla le bao e sego maloko, molao, ge ba sa dire go ya ka maitshwaro ao a lego mo molaotheong. Go ingwadiša go a akaretšwa mo.

c9: MEC a ka hloma lekgotla la baeletši ba mongwadiši. Se se šetše nkile sa dirwa ge go tlišwa diphetogo molaong wa thwalo goba thotho mebileng.

c10: Mmušoselegae wo mongwe le wo mongwe o ka hloma feramo ya taxi yeo e nago le maloko go tšwa intastering ya ditaxi, mmušong wa selegae le batšea karolo ba bangwe bjalo ka ba dikopano (Unione) tša baotledi le baemedi ba banamedi.

c11: Mmasepala wo mongwe le wo mongwe o swanetše go hloma komiti ya mo gae ya kgokaganyo ya tša ditaxi, e be le baemedi bjalo ka mo foramong.

c12: Mešomo ya diforamo le dikomiti tše tša kgokaganyo e tlo ba go ba bakgokaganyi gare ga bommasepala, go phatlalatša tsebo, go tše karolo mo peakanyong ya dinamelwa bj.bj.

c13: Lekgotlataolo la mangwalo a tumelelo la dinamelwa mo Gauteng leo le hlomilwego gore e be boto ya mo gae go ya ka molao wa 1977, le tla amogela dikgopelo tša go ba le mangwalo a tumelelo a ditaxi.

c14: Lekgotlakeletši la go hlongwa ka maloko go tšwa dikarolong tša go fapanafapana, le tlo hlongwa go thuša ka maele ka kakaretšo.

c15: Lekgotla la taolo ya ditumelelo tša thwalo le tla hlongwa mo mmušong wa selegae wo mongwe le wo mongwe e le letsogo la pušo ya lekgotlataolo se se tlo raa gore bašomi bao mo mpeng ya Gauteng ba phatlalatšhe.

c16: Lefokwana le le beakanyetša mekgwa ya go kgopela mangwalo a ditumelelo.

c17: Lefokwana le le beakanyetša dikarogo mo go humaneng ga tumelelo go swana le ge dikolo le mekgatlo ya tša thuto di thotha bana ba sekolo goba baithuti ka dikolo tša bona.

c18: Dikgopelo go ya diprofenseng tša go fapana, di tla lebišwa go humaneng tumelelo go tšwa go profense yeo leeto le thomago gona ka kwano ga makgotlataolo a diprofense tše dingwe. Dingongorego di ka lebišwa go khomišene ya tša dinamelwa (NTC) gomme ge komiti ya dingongorego ka dinamelwa e šetše e hlomilwe, gona di ka lebišwa fao.

- c19: Dikgopelo go direla ditshabatšaba, (nageng tše dingwe) di tlo lebišwa go NTC bjale ka kgale, goba komiti yeo e akantšwego go lekanetša. Boipiletšo go hwetša ditirelo tša ditshabatšhaba bo tla lebišwa go NTC goba go lekgotla la dingongorego ge molao wa go thothela mošola o šetše o hlomilwe.
- c20: Lefokwana le, le beakanyetša mabaka a bohlokwa a go ama kgetho ya go dumela goba go gana ka tumelelo. Mohlala wa se ke gore yo a kgopelago e be leloko la mokgatlo wo o dumeletšwego goba e be yo e sego leloko fela a ka tšeiwa.
- c21: Lekgotlataolo le tlo phatlalatša dikgopelo tša tumelelo mo kaseteng ya profense gore bao ba nago le kgahlego moo, ba ipege ge ba thekga le ge ba ganetšana le kgopelo.
- c22: Lefokwana le, le direla gore go be bonolo ge go tlo tšewa sephetho sa gore tumelelo e fiwe goba go ganwe ka yona.
- c23: Ditumelelo di tlo fiwa go ya go ile ka ntle le ge di ka tšeelwa motho.
- c24: Dintlha tšeо go hlokegago gore di be mo tumelelong di akreditšwe mo lefokwaneng le.
- c25: Ditumelelo ka moka tšeо di šetšego di abilwe pele ga ge molao wo o thoma, di tlo swanelwa di bušwe gore di abiwe lefsa, go sego bjalo di tlo felelwa ke nako. Maikemišetšo a se ke go fedisa ditumelelo tšeо di sa šomego.
- c26: Badiriši ba ditumelelo ba swanetše go humana tumelelo ya nakwana mo letšatsing leo ba e hlakago, goba ge go hlokega.
- c27: Khomišene ya dinamelwa mo profenseng e hlomilwe, ka maloko a go se fete 5, go theeletša dingongorego goba boipiletšo mabapi le thotho gare ga diprofense. MEC e ka abela khomišene mešomo ye mengwe.
- c28: Lefokwana le, le hlaloša go se dumelwe ga maloko a khomišene
- c29: Lefokwana le, le hlaloša ka mo maloko a khomišene a ka tlošwago mo ofising.
- c30: Lefokwana le, le hlagiša ditefelo tša maloko a khomišene.
- c31: Lefokwana le, le lekanetša dikopano tša khomišene.
- c32: Motho yo mongwe le yo mongwe yo lekgotlataolo le sa mo swarago gabotse a ka hlagiša ngongorego mo khomišeneng kantle le ge e amathotho diprofenseng tše dingwe goba dinageng tša mošola. Lefokwana le le akreditše le mekgwa ya boipiletšo.
- c33: Hlogo ya kgoro ya mmušo e swanetše go fa khomišene badiredi.
- c34: Khomišene le lekgotlataolo di swanetše go hlaloša mabaka ao a sephetho, go bao ba nago le kgahlego mererong yeo. dirilego gore ba tsee

c35: Ditumelelo di dumelela thwalo ya batho bao ba nyakegago go tla rwala bangwe go ya ka tumelelo. mohlala baotledi ba dibese.

c36: Koloi goba senamelwa seo se lego mo lengoalang la tumelelo ge se ka robega, go ka šomišwa se sengwe ge go hlolositšwe mabaka.

c37: Lefokwana le, le hlaloša mošomo wa beng mangwalo a ditumelelo, go swana le gore ba swanetše go ngwadiša mangwalo a bona ngwaga le ngwaga.

c38. Ge mong tumelelo a se na maitshwaro, goba go lewa (fapanwa) a ka loba lengwalo la tumelelo.

c39: Ge lengwalo le sa šome, le ka tšeelwa mong ka ntle le ge mabaka a mangwe a ka hlolega.

c40: Ge mangwalo e le a mantši le wona a ka fedišwa, beng ba lefša a Mmasepala a ka beakanya go laetša gore mangwalo ke a mantši.

c41: Ge mangwalo a feletšwe ke nako, a swanetše go tlišwa go lekgotlataolo gore a fedišwe.

c42: MEC a ka bea melao ya go tlhatlha ditirelo tša ditaxi.

c43: Mmasepala le kgoro mo mmušong ba fane dipalopalo gore ka moka ba be le tsebo ya tše di diragalago.

c44: Mebušoselegae le bommasepala ba ka hloma melawana ye mengwe mo go hlokegago bjalo ka go neelana ka mebila yeo e ka šomišwago goba mafelo a go emiša dinamelwa/dikoloi.

c45: MEC a ka lefela dinyakišišo, a thuša bommasepala le go šoma mediri ye mengwe.

c46: Lefokwana le, le hlaloša melato le ditefo tša wona.

c47: Ge mošomedi, goba molaodi wa ditirelo a ka dira diphošo goba a roba molao, go tlo lebelelwa mong lengwalo la tumelelo.

c48: Lefokwana le, le re aletše seroto sa go lefa melato.

c49: Lona lefokwana le, le hlaloša gore MEC a ka bega gore mafelo a mangwe a se dirišwe, mme bao ba a dirišago ba ka fiwa dimamatletšo, dinamelwa/dikoloi di ka swarwa mme direnke le mebila ya tswalelwa lebaka le itšego. Magato a hlalošitšwe mola diphetogong tša mo molaong wa thotho mebileng, mo godimo.

c50: Ge motho a dira phošo labobedi goba gantši a ka tšeelwa lengwalo la tumelelo.

c51: Lefokwana le, le hlaloša le dikgononelo tše di ka bago gona.

c52: Ga se mang le mang yo a ka šomišwago go neela batho ditumelelo a se a ngwadišwe, a se a amogela tlhatlho ya maitshwaro ao a nyekagago.

c53: Dikgoro tša tsheko di na le maatla a go lefiša goba go bea seroto go ya ka molao wo.

c54: Bahlankedi ba mmušo go swana le bahlahlobi ga ba bonwe molato ge ba šoma ka maikarabelo ga ba bonwe molato ge ba šoma ka maikarabelo.

c55: Tšhelete yeo e kgoboketšwago ge go dirišwa molao wo, e kgobeketšwa ka sekhwameng sa tša dinamelwa mo profenseng. Ditshenyagalelo le tšona di lefša go tšwa sekhwameng sona se. Ditshenyagalelo ka bašomi tšona di lefša ke beng mešomo.

c56: Molao wo ke tlaleletšo go melao ye mengwe ya dikoloi goba mebotono, ga ee phumule melao yeo.

c57: Bahlahlobi ba go thwalwa go ya ka molao wa thotho mo mebileng, ba na le maatla a go gapeletša tirišo ya wona.

c58: Lefokwana le, le fediša molao wa thotho mebileng wa 1977.

c59: Lefokwana le, le hlagiša hlogo le letšatši leo molaokakanywa o tlo thoma go dirišwa.

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