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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 15 JUNIE 1977

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1048.

15 June 1977.

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

No. 73 of 1977: Transport (Co-ordination) Amendment Act,
1977.

Hierarchy

15 Junie 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inlistig gepubliseer word:—

No. 73 van 1977: Wysigingswet op die Koördinering van Vervoer, 1977.

Act No. 73, 1977

TRANSPORT (CO-ORDINATION) AMENDMENT ACT, 1977.



GOVERNMENT GAZETTE ACT

To amend the Transport (Co-ordination) Act, 1948, so as to alter the constitution of the National Transport Commission; to further regulate the disqualifications for appointment of the members of the Commission; to further regulate the meetings of the Commission; to extend the functions of the Commission; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 27 May 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 44 of 1948, as amended by section 1 of Act 59 of 1971.

1. Section 2 of the Transport (Co-ordination) Act, 1948 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A reference in any law to the National Transport Commission shall be construed as a reference to the Commission, and anything done or deemed to have been done by virtue of any such law, by or on behalf of the body which was established under section 3 before the amendment of that section by the Transport (Co-ordination) Amendment Act, 1977, shall be deemed to have been done by or on behalf of the Commission.”.

Amendment of section 3 of Act 44 of 1948, as amended by section 2 of Act 59 of 1971.

2. Section 3 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The Commission shall consist of the Secretary for Transport, who shall be the chairman, and not more than ten other members appointed by the State President, of whom not more than four may be persons who are members of the public service.”;

(b) by the addition to subsection (3) of the following paragraph:

“(d) one as Commissioner for Urban Transport.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) The other members referred to in subsection (2), shall be persons who possess wide experience of and have shewn ability in transport or aviation, or industrial, commercial or financial matters or in the conduct of public affairs.”;

(d) by the substitution for subsection (5) of the following subsection:

“(5) (a) From among the other members referred to in subsection (4)—

(i) one member shall be a person appointed after consultation with the Civil Aviation Advisory Committee referred to in section 5 of the Aviation Act, 1962 (Act No. 74 of 1962), and

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Wet No. 73, 1977

WET

Tot wysiging van die Wet op die Koördinering van Vervoer, 1948, ten einde die samestelling van die Nasionale Vervoerkommissie te verander; om die diskwalifikasies vir aanstelling van die lede van die Kommissie verder te reël; om die vergaderings van die Kommissie verder te reël; om die werksaamhede van die Kommissie uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Mei 1977.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:

1. Artikel 2 van die Wet op die Koördinering van Vervoer, 1948 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
,,(2) 'n Verwysing in enige wetsbepaling na die Nasionale Vervoerkommissie word uitgelê as 'n verwysing na die Kommissie, en enigets wat uit hoofde van so 'n wetsbepaling gedoen is of geag word gedoen te gewees het deur of namens die liggaam wat ingevolge artikel 3 ingestel was voor die wysiging van daardie artikel deur die Wysigingswet op die Koördinering van Vervoer, 1977, word geag deur of namens die Kommissie gedoen te gewees het.''

Wysiging van artikel 2 van Wet 44 van 1948, soos gewysig deur artikel 1 van Wet 59 van 1971.

- 2.** Artikel 3 van die Hoofwet word hierby gewysig—
(a) deur subartikel (2) deur die volgende subartikel te vervang:
,,(2) Die Kommissie bestaan uit die Sekretaris van Vervoer, wat die voorsitter is, en hoogstens tien ander lede deur die Staatspresident aangestel, van wie hoogstens vier lede van die staatsdiens is.'';
(b) deur by subartikel (3) die volgende paragraaf te voeg:
,,(d) een aan as Kommissaris van Stedelike Vervoer.'';
(c) deur subartikel (4) deur die volgende subartikel te vervang:
,,(4) Die ander lede bedoel in subartikel (2), moet persone wees wat breete ondervinding het van, en bekwaamheid aan die dag gelê het in, die vervoerwese, of lugvaart, of nywerheids-, handels- of finansiële aangeleenthede of in die leiding van openbare sake.'';
(d) deur subartikel (5) deur die volgende subartikel te vervang:
,,(5) (a) Uit die ander lede in subartikel (4) bedoel—
(i) moet een lid 'n persoon wees wat aangestel word na oorlegpleging met die Adviserende Komitee vir Burgerlike Lugvaart in artikel 5 van die Lugvaartwet, 1962 (Wet

Wysiging van artikel 3 van Wet 44 van 1948, soos gewysig deur artikel 2 van Wet 59 van 1971.

Act No. 73, 1977

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who, in the opinion of the State President, possesses a thorough knowledge of aviation matters; and

(ii) another member shall be a person appointed after consultation with the General Manager of the Railways Administration and who, in the opinion of the State President, possesses a thorough knowledge of railway matters.

(b) If the member referred to in paragraph (a) (ii) is a servant as contemplated in the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), such member shall not be present at a meeting of the Commission or vote, or take part in the discussions, or endeavour to influence the opinion or vote of any other member in connection with a matter in regard to the provisions of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), or the Aviation Act, 1962 (Act No. 74 of 1962), which are being dealt with by the Commission.''; and

(e) by the substitution in subsection (6) for the words preceding the proviso, of the following words:

"(6) The members of the Commission other than those who are members of the public service or servants of the Railways Administration shall be appointed for a period not exceeding five years and, subject to the succeeding provisions of this Act, shall hold office upon such conditions as the State President may determine when making the appointments.''

Amendment of
section 4 of
Act 44 of 1948,
as amended by
section 3 of
Act 59 of 1971.

3. Section 4 of the principal Act is hereby amended—

(a) by the deletion of paragraph (c) of subsection (1);

(b) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraph:

"(d) if in the case of any person other than a person referred to in subparagraph (ii) of section 3 (5) (a), such person, and, in the case of any person referred to in the said subparagraph, that person in his personal capacity, or any of their near relations—

(i) is financially interested in any business of motor carrier transportation or business of manufacturing or selling aircraft or in the operation of an air service; or

(ii) is engaged in any activity connected with motor carrier transportation, or any activity connected with a business or air service referred to in subparagraph (i), which, in the opinion of the State President, is calculated to interfere with the impartial discharge by the member of the duties of his office.''; and

(c) by the substitution for subsection (7) of the following subsection:

"(7) If the chairman of the Commission cannot attend any meeting of the Commission, he may designate any other member of the Commission as acting chairman for the purposes of such meeting, or more than one member as acting chairmen for the purposes of additional meetings as contemplated in section 6 (6).''

Amendment of
section 5 of
Act 44 of 1948,
as amended by
section 4 of
Act 59 of 1971.

4. Section 5 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) A member of the Commission who is a member of the public service or a servant of the Railways Administration shall not, in respect of the services rendered by him as a member or as chairman or acting chairman of the

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No. 74 van 1962), bedoel, en wat na die oordeel van die Staatspresident grondige kennis van lugvaartaangeleenthede besit; en

(ii) moet 'n ander lid 'n persoon wees wat aangestel word na oorlegpleging met die Hoofbestuurder van die Spoorwegadministrasie en wat na die oordeel van die Staatspresident grondige kennis van spoorwegaangeleenthede besit.

(b) Indien die lid bedoel in paragraaf (a) (ii) 'n dienaar is soos bedoel in die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), mag so 'n lid nie op 'n vergadering van die Kommissie aanwesig wees of stem, of aan die besprekings deelneem, of die sienswyse of stem van 'n ander lid probeer beïnvloed nie in verband met 'n aangeleenthed met betrekking tot die bepalings van die Motortransportwet, 1930 (Wet No. 39 van 1930), of die Lugvaartwet, 1962 (Wet No. 74 van 1962), wat deur die Kommissie behandel word.''; en

(e) deur in subartikel (6) die woorde wat die voorbehoudsbepaling voorafgaan, deur die volgende woorde te vervang:

„(6) Die lede van die Kommissie wat nie lede van die staatsdiens of dienare van die Spoorwegadministrasie is nie, word vir 'n termyn van hoogstens vyf jaar aangestel en beklee hul amp, behoudens die hieropvolgende bepalings van hierdie Wet, op die voorwaardes wat die Staatspresident bepaal wanneer hy die aanstellings doen.”.

3. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (1) te skrap;

(b) deur paragrawe (d) en (e) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) indien, in die geval van 'n ander persoon as iemand in subparagraaf (ii) van artikel 3 (5) (a) bedoel, so 'n persoon, en, in die geval van iemand in genoemde subparagraaf bedoel, daardie persoon in sy persoonlike hoedanigheid, of enigeen van hul naverwante familiebetrekings—

(i) geldelike belang het by een of ander motortransportbesigheid, of besigheid waarin vliegtuie vervaardig of verkoop word of by die eksplotasie van 'n lugdiens; of

(ii) hom besighou met een of ander aan motortransport verbonde bedrywigheid, of met een of ander bedrywigheid verbonde aan 'n besigheid of lugdiens in subparagraaf (i) bedoel, wat, volgens oordeel van die Staatspresident, daarop bereken is om die lid met die onpartydige uitvoering van sy amspsigte te belemmer.”; en

(c) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Indien die voorsitter van die Kommissie nie 'n vergadering van die Kommissie kan bywoon nie, kan hy 'n ander lid van die Kommissie as waarnemende voorsitter vir die doeleindes van bedoelde vergadering, of meer as een lid as waarnemende voorsitters vir die doeleindes van meerdere vergaderings soos beoog in artikel 6 (6), aanwys.”.

4. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Aan 'n lid van die Kommissie wat 'n lid van die staatsdiens of 'n dienaar van die Spoorwegadministrasie is, mag daar nie, ten opsigte van die dienste deur hom verrig as 'n lid of as voorsitter of waarnemende voorsitter van die

Wysiging van artikel 4 van Wet 44 van 1948, soos gewysig deur artikel 3 van Wet 59 van 1971.

Wysiging van artikel 5 van Wet 44 van 1948, soos gewysig deur artikel 4 van Wet 59 van 1971.

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Amendment of section 6 of Act 44 of 1948, as amended by section 7 of Act 51 of 1957 and section 5 of Act 59 of 1971.

Commission, be paid any remuneration in addition to his salary as a member of the public service or as a servant of the Railways Administration, nor shall such member or such servant be paid any allowance in respect of subsistence and transport at a rate higher than that applicable to him as a member of the public service or as a servant of the Railways Administration.”.

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

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Commission shall hold meetings at such times and places as may from time to time be determined by the chairman, or, in his absence, by the acting chairman concerned who has been designated in terms of section 4 (7).”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The chairman or any acting chairman designated in terms of section 4 (7) shall preside at every meeting of the Commission which he is required to attend, and if neither the chairman nor the acting chairman concerned attends a meeting, he shall designate one of the other members of the Commission to preside at that meeting.”; and

(c) by the substitution for subsection (6) of the following subsection:

“(6) Subject to the provisions of subsection (4), more than one meeting of the Commission may be held simultaneously at different places.”.

6. Section 9 of the principal Act is hereby amended by the insertion after paragraph (iii) of the following paragraph:

“(iiiA) to take existing and contemplated transport facilities into consideration in the performance of its functions in terms of the Urban Transport Act, 1977;”.

Short title
and commencement.

7. This Act shall be called the Transport (Co-ordination) Amendment Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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Kommissie, besoldiging betaal word bo en behalwe sy salaris as lid van die staatsdiens of as dienaar van die Spoerwegadministrasie nie, en daar mag ook nie aan so 'n lid of so 'n dienaar 'n toelae ten opsigte van onderhouds- en reiskoste betaal word teen 'n hoër skaal as dié wat as lid van die staatsdiens of as dienaar van die Spoerwegadministrasie op hom van toepassing is nie.'".

5. Artikel 6 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Kommissie hou vergaderings op die tye en plekke wat van tyd tot tyd bepaal word deur die voorsitter of, in sy afwesigheid, deur die betrokke waarnemende voorsitter wat ingevolge artikel 4 (7) aangewys is.'";

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die voorsitter of 'n waarnemende voorsitter ooreenkomsdig artikel 4 (7) aangewys, sit voor by elke vergadering van die Kommissie waarop hy aanwesig moet wees, en indien nog die voorsitter nog die betrokke waarnemende voorsitter 'n vergadering bywoon, moet hy een van die ander lede van die Kommissie aanwys om by daardie vergadering voor te sit.'"; en

(c) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Behoudens die bepalings van subartikel (4), kan meer as een vergadering van die Kommissie gelyktydig op verskillende plekke gehou word.'".

Wysiging van
artikel 6 van
Wet 44 van 1948,
soos gewysig deur
artikel 7 van
Wet 51 van 1957
en artikel 5 van
Wet 59 van 1971.

6. Artikel 9 van die Hoofwet word hierby gewysig deur na paragraaf (iii) die volgende paragraaf in te voeg:

„(iiiA) om by die verrigting van sy werkzaamhede ingevolge die Wet op Stedelike Vervoer, 1977, bestaande en beoogde vervoerasiliteite in ag te neem;'".

Wysiging van
artikel 9 van
Wet 44 van 1948,
soos gewysig deur
artikel 6 van
Wet 59 van 1971.

7. Hierdie Wet heet die Wysigingswet op die Koördinering van Vervoer, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel

en inwerkingtreding.

