



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 15 JUNIE 1977

DEPARTMENT OF THE PRIME MINISTER

No. 1049.

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. 74 of 1977: Road Transportation Act, 1977.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1049.** (x)

15 Junie 1977.

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

No. 74 van 1977: Wet op Padvervoer, 1977.

GOVERNMENT GAZETTE ACT

To provide for the control of certain forms of road transportation and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 7 June 1977.)*

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

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) “Administrator” includes the Administrator of the Territory; (i)
 - (ii) “authorized officer” means an inspector, any member of the South African Police, any member of the South African Railways Police Force in respect of any place whether within or beyond the limits of the railways as defined in section 1 (1) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), or of the harbours as defined in the said section, or any person in the service of a provincial administration or a local authority whose duty it is to inspect motor vehicles or licences for motor vehicles or to control traffic; (viii)
 - (iii) “board” means a local road transportation board established in terms of section 4; (xxix)
 - (iv) “bus” means a motor vehicle designed or adapted for the conveyance of more than nine persons (including the driver); (iii)
 - (v) “carrier” means a person whose business it is to convey persons or goods for reward; (xiii)
 - (vi) “class”, in relation to persons, includes population group; (xiv)
 - (vii) “commission” means the National Transport Commission mentioned in section 3 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948); (xv)
 - (viii) “competent board”, in relation to—
 - (a) an application for the grant, renewal, amendment or transfer of a permit, means a board which in terms of section 7 (1) (c) has jurisdiction to deal with such application;
 - (b) a permit issued by a board, means the board which issued such permit; (ii)
 - (ix) “decentralized industry” means a factory or workshop situated within an area declared to be a decentralized industrial area under section 2 (c); (vi)
 - (x) “distinguishing mark” means a distinguishing mark contemplated in section 24 (1) (e); (xix)
 - (xi) “exempted area” means an area declared to be an exempted area under section 2 (b); (xxxviii)

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(x) "ad op hoekoor daarvan 'n boggie beweeg" (ix)
 (xi) "aansoek om 'n bus te kry" (xii)
 (xii) "aanvraag om 'n boggie te kry" (xiii)
 (xiii) "aanvraag om 'n boggie te kry" (xiv)
 (xiv) "aanvraag om 'n boggie te kry" (xv)
 (xv) "aanvraag om 'n boggie te kry" (xvi)
 (xvi) "aanvraag om 'n boggie te kry" (xvii)
 (xvii) "aanvraag om 'n boggie te kry" (xviii)
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 (xxxi) "aanvraag om 'n boggie te kry" (xxxii)
 (xxxii) "aanvraag om 'n boggie te kry" (xxxiii)
 (xxxiii) "aanvraag om 'n boggie te kry" (xxxiv)

WET

Om voorsiening te maak vir beheer oor sekere vorms van padvervoer en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
 (Goedgekeur op 7 Junie 1977.)

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

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing.
Wet—

- (i) „Administrateur” ook die Administrateur van die Gebied; (i)
- (ii) „bevoegde raad”, met betrekking tot—
 - (a) 'n aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n permit, 'n raad wat ingevolge artikel 7 (1) (c) bevoeg is om met daardie aansoek te handel;
 - (b) 'n permit deur 'n raad uitgereik, die raad wat daardie permit uitgereik het; (viii)
- (iii) „bus” 'n motorvoertuig wat vir die vervoer van meer as nege persone (met inbegrip van die bestuurder) ontwerp of aangepas is; (iv)
- (iv) „eienaar”, met betrekking tot 'n motorvoertuig wat in 'n gebied geregistreer is kragtens die wet op die registrasie van motorvoertuie wat in daardie gebied geld, die persoon wat by die toepassing van daardie wet die eienaar daarvan is; (xxii)
- (v) „Gebied” die gebied Suidwes-Afrika; (xxxiv)
- (vi) „gedesentraliseerde nywerheid” 'n fabriek of werkswinkel geleë binne 'n gebied wat by artikel 2 (c) tot 'n gesentraliseerde nywerheidsgebied verklaar is; (ix)
- (vii) „gehuurde motorvoertuig” nie ook 'n gehuurde motorvoertuig nie indien die huurder ingevolge die omskrywing van „eienaar” in hierdie subartikel die eienaar daarvan is; (xv)
- (viii) „gemagtigde amptenaar” 'n inspekteur, 'n lid van die Suid-Afrikaanse Polisie, 'n lid van die Suid-Afrikaanse Spoerwegpolisiemag ten opsigte van enige plek hetby binne of buite die grense van die spoorweë soos omskryf in artikel 1 van die Konsolidasiewet op die Beheer van Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), of van die hawens soos in genoemde artikel omskryf, of 'n persoon in diens van 'n provinsiale administrasie of 'n plaaslike bestuur wie se plig dit is om motorvoertuie of lisensies vir motorvoertuie te inspekteer of om verkeer te reël; (ii)
- (ix) „goedere” ook lewende hawe; (xiii)
- (x) „hierdie Wet” ook die regulasies; (xxxv)
- (xi) „houer”, met betrekking tot 'n permit, die persoon ten gunste van wie daardie permit uitgereik is; (xvi)

- (xii) "exempted goods" means goods declared to be exempted goods under section 2 (d); (xxxix)
- (xiii) "goods" includes livestock; (ix)
- (xiv) "goods vehicle" means a motor vehicle designed or adapted for the conveyance of goods; (xxxvii)
- (xv) "hired motor vehicle" does not include a hired motor vehicle if the hirer is, in terms of the definition of "owner" in this subsection, its owner; (vii)
- (xvi) "holder", in relation to a permit, means the person in whose favour such permit was issued; (xi)
- (xvii) "inspector" means a road transportation inspector designated as such under section 11; (xii)
- (xviii) "local authority" means any institution, council or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes—
 - (a) the government of any territory which has been declared a self-governing territory within the Republic by or under any Act of Parliament;
 - (b) the government of any area for which a legislative assembly or a legislative council has been established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), or the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968);
 - (c) any Bantu territorial, regional or tribal authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951);
 - (d) any Bantu Affairs Administration Board established by the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971);
 - (e) the Bantu Resettlement Board established by the Bantu Resettlement Act, 1954 (Act No. 19 of 1954); (xxvi)
- (xix) "Minister" means the Minister of Transport; (xvi).
- (xx) "motor-car" means a motor vehicle designed or adapted for the conveyance of not more than nine persons (including the driver); (xvii)
- (xxi) "motor vehicle" means any vehicle (other than a motor bicycle) designed or adapted for propulsion or haulage on a road by means of any power other than human or animal power and without the aid of rails, and includes any trailer, but does not include such vehicle also designed or adapted exclusively for towing another vehicle, and not used for the conveyance of goods; (xviii)
- (xxii) "owner", in relation to a motor vehicle registered in any area under the law governing the registration of motor vehicles in force in that area, means the person who for the purposes of that law is its owner; (iv)
- (xxiii) "permit" means a public permit, private permit or temporary permit; (xxv)
- (xxiv) "private permit" means a private road carrier permit granted under section 18; (xxv)
- (xxv) "province" includes the Territory, and "provincial" has a corresponding meaning; (xxviii)
- (xxvi) "public permit" means a public road carrier permit granted under section 13; (xxii)
- (xxvii) "public road" means any road declared or recognized as a public road under any law, and includes any road, street or thoroughfare or other place (whether a thoroughfare or not) to which the public or any section of the public has a right of access; (xxi)
- (xxviii) "railway service" means a transportation service operated over any line of railway constructed by or on behalf of the Railways Administration or any private person or any juristic person, by virtue of an Act of Parliament; (xxxiii)
- (xxix) "regional transport authority" means a regional transport authority established under section 10; (xx)

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- (xii) „inspekteur” ’n padvervoerinspekteur kragtens artikel 11 as sodanig aangewys; (xvii)
- (xiii) „karweier” iemand wat sake doen as vervoerder van persone of goedere teen vergoeding; (v)
- (xiv) „klas”, met betrekking tot personé, ook bevolkingsgroep; (vi)
- (xv) „kommissie” die Nasionale Vervoerkommissie in artikel 3 van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948), vermeld; (vii)
- (xvi) „Minister” die Minister van Vervoer; (xix)
- (xvii) „motor” ’n motorvoertuig wat vir die vervoer van hoogstens nege persone (met inbegrip van die bestuurder) ontwerp of aangepas is; (xx)
- (xviii) „motorvoertuig” ’n voertuig (behalwe ’n motorfiets) wat ontwerp of aangepas is om deur middel van ander krag as mense- of dierekrag en sonder behulp van spoorstawe op ’n pad voortbeweeg of getrek te word, en ook ’n sleepwa, maar nie ook so ’n voertuig nie wat ook ontwerp of aangepas is uitsluitlik om ’n ander voertuig te sleep en nie gebruik word om goedere te vervoer nie;
- (xxi)
- (xix) „onderskeidingsteken” ’n onderskeidingsteken in artikel 24 (1) (e) beoog; (x)
- (xx) „ongemagtigde padvervoer” padvervoer wat nie deur ’n permit gemagtig is nie en ook padvervoer wat deur die houer van ’n permit anders as ooreenkomsdig die bepalings van daardie permit onderneem word; (xxxix)
- (xxi) „openbare pad” ’n pad wat kragtens ’n wet tot ’n openbare pad verklaar is of as sodanig erken word, en ook ’n pad, straat of deurgang of ander plek (het sy ’n deurgang of nie) waartoe die publiek of ’n deel van die publiek toegangsreg het; (xxvii)
- (xxii) „openbare permit” ’n openbare padvervoerpermit kragtens artikel 13 toegestaan; (xxvi)
- (xxiii) „padvervoer”, behoudens die bepalings van subartikel (2)—
 - (a) die vervoer van persone of goedere op ’n openbare pad deur middel van ’n motorvoertuig teen vergoeding;
 - (b) die vervoer van persone of goedere op ’n openbare pad deur middel van ’n motorvoertuig in die loop van ’n bedryf of handel of besigheid;
 - (c) die vervoer van persone op ’n openbare pad deur middel van ’n gehuurde bus (uitgesonderd ’n gehuurde bus indien die huurer ingevolge die omskrywing van „eienaar” in hierdie subartikel die eienaar daarvan is);
 - (d) die vervoer van goedere op ’n openbare pad deur middel van ’n gehuurde motorvoertuig; (xxx)
- (xxiv) „padvervoerdien” ’n vervoerdien wat op ’n openbare pad, deur middel van ’n motorvoertuig en teen vergoeding, kragtens ’n openbare permit bedryf word; (xxxii)
- (xxv) „permit” ’n openbare permit, privaatpermit of tydelike permit; (xxiii)
- (xxvi) „plaaslike bestuur” ’n instelling, raad of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog, en ook—
 - (a) die regering van ’n gebied wat by of kragtens ’n wet van die Parlement tot ’n selfregerende gebied binne die Republiek verklaar is;
 - (b) die regering van ’n gebied waarvoor ’n wetgewende vergadering of ’n wetgewende raad kragtens die Grondwet van die Bantoe-eiland, 1971 (Wet No. 21 van 1971), of die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), ingestel is;
 - (c) ’n Bantoe-streeksowerheid, -gebiedsowerheid of -stamowerheid, kragtens die Wet op Bantoe-eiland, 1951 (Wet No. 68 van 1951), ingestel;

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- (xxix) "regulation" means a regulation made under section 30;
- (xxx)
- (xxx) "Republic" includes the Territory; (xxxi)
- (xxxi) "road transportation" means, subject to the provisions of subsection (2)—
 - (a) the conveyance of persons or goods on a public road by means of a motor vehicle for reward;
 - (b) the conveyance of persons or goods on a public road by means of a motor vehicle in the course of any industry or trade or business;
 - (c) the conveyance of persons on a public road by means of a hired bus (excluding a hired bus if the hirer is, in terms of the definition of "owner" in this subsection, its owner);
 - (d) the conveyance of goods on a public road by means of a hired motor vehicle; (xxiii)
- (xxxii) "road transportation service" means a transportation service operated over a public road, by means of a motor vehicle and for reward, under a public permit;
- (xxiv)
- (xxxiii) "temporary permit" means a temporary road carrier permit granted under section 20; (xxxiv)
- (xxxiv) "Territory" means the territory of South West Africa;
- (v)
- (xxxv) "this Act" includes the regulations; (x)
- (xxxvi) "trailer" means a vehicle designed or adapted for the conveyance of persons or goods; (xxxii)
- (xxxvii) "transportation area" means an area declared to be a local road transportation area under section 2 (a); (xxxv)
- (xxxviii) "transportation facilities" means a railway service or road transportation service; (xxxvi)
- (xxxix) "unauthorized road transportation" means road transportation not authorized by any permit and includes road transportation undertaken by the holder of a permit otherwise than in accordance with the provisions of such permit. (xx)

(2) For the purposes of this Act, the conveyance of persons or goods contemplated in the definition of "road transportation" in subsection (1) shall be deemed not to include the following, namely—

- (a) the conveyance of farm products (excluding processed farm products of which the conveyance has been prohibited under section 2 (e)) by the producer thereof who is a farmer, by means of a motor vehicle of which he is the sole owner;
- (b) the conveyance by an individual farmer (including a partnership or company carrying on farming operations) by means of a motor vehicle of which he is the sole owner, of such farmer's farming requisites to a place situated within the Republic where he carries on farming operations and where he intends using them, or his farm labourers—
 - (i) from any place where they have been recruited to any place where he may require them in his farming operations; or
 - (ii) from any place where they are or have been employed in his farming operations to any other place where he may require them in his farming operations or where another farmer may require them in his farming operations, or to the place where they have been recruited; or
 - (iii) between any place where they have been or are to be so employed and the railway station or bus stop most convenient for their conveyance to any other 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 any place where they have been recruited and the railway station or bus stop most convenient for their conveyance to any other place to which they are to be conveyed by rail or by bus,

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- (d) 'n Bantoesake-administrasieraad by die Wet op die Administrasie van Bantoesake, 1971 (Wet No. 45 van 1971), ingestel;
- (e) die Raad vir die Hervestiging van Bantoes by die Wet op die Hervestiging van Bantoes, 1954 (Wet No. 19 van 1954), ingestel; (xviii)
- (xxvii) „privaatpermit” 'n privaatpadvervoerpermit kragtens artikel 18 toegestaan; (xxiv)
- (xxviii) „provinsie” ook die Gebied, en het „provinsiale” 'n ooreenstemmende betekenis; (xxv)
- (xxix) „raad” 'n plaaslike padvervoerraad ingevolge artikel 4 ingestel; (iii)
- (xxx) „regulasie” 'n regulasie kragtens artikel 30 uitgevaardig; (xxix)
- (xxxi) „Republiek” ook die Gebied; (xxx)
- (xxxii) „sleepwa” 'n voertuig wat vir die vervoer van persone of goedere ontwerp of aangepas is; (xxxvi)
- (xxxiii) „spoorwegdiens” 'n vervoerdienst wat op 'n spoorlyn bedryf word wat deur of ten behoeve van die Spoorwegadministrasie of 'n privaatpersoon of 'n regspersoon kragtens 'n wet van die Parlement aangelê is; (xxviii)
- (xxxiv) „tydelike permit” 'n tydelike padvervoerpermit kragtens artikel 20 toegestaan; (xxxiii)
- (xxxv) „vervoergebied” 'n gebied kragtens artikel 2 (a) tot 'n plaaslike padvervoergebied verklaar; (xxxvii)
- (xxxvi) „vervoergeriewe” 'n spoorwegdiens of padvervoerdienst; (xxxviii)
- (xxxvii) „vragvoertuig” 'n motorvoertuig wat vir die vervoer van goedere ontwerp of aangepas is; (xiv)
- (xxxviii) „vrygestelde gebied” 'n gebied kragtens artikel 2 (b) tot 'n vrygestelde gebied verklaar; (xi)
- (xxxix) „vrygestelde goedere” goedere kragtens artikel 2 (d) tot vrygestelde goedere verklaar. (xii)

(2) By die toepassing van hierdie Wet word die vervoer van persone of goedere in die omskrywing van „padvervoer” in subartikel (1) beoog, geag die volgende nie in te sluit nie, naamlik—

- (a) die vervoer van plaasprodukte (uitgesonderd verwerkte plaasprodukte waarvan die vervoer kragtens artikel 2 (e) verbied is) deur die produsent daarvan wat 'n boer is, deur middel van 'n motorvoertuig waarvan hy die enigste eienaar is;
- (b) die vervoer deur 'n individuele boer (met inbegrip van 'n vennootskap of maatskappy wat boerdery beoefen), deur middel van 'n motorvoertuig waarvan hy die enigste eienaar is, van daardie boer se plaasbenodigdhede na 'n plek geleë binne die Republiek waar hy boerdery beoefen en waar hy voornemens is om dit te gebruik, of van sy plaasarbeiders—
 - (i) vanaf 'n plek waar hulle gewerf is na 'n plek waar hy hulle in verband met sy boerdery nodig het; of
 - (ii) vanaf 'n plek waar hulle in verband met sy boerdery werksaam is of was na 'n ander plek waar hy hulle in verband met sy boerdery nodig het of waar 'n ander boer hulle in verband met sy boerdery nodig het, of na die plek waar hulle gewerf is; of
 - (iii) tussen 'n plek waar hulle aldus werksaam was of in die werk gestel staan te word en die gerieflikste spoorwegstasie of bushalte vir hul vervoer na 'n ander plek waarheen hulle per spoor of per bus vervoer staan te word of na die plek waar hulle aldus in die werk gestel staan te word; of
 - (iv) tussen 'n plek waar hulle gewerf is en die gerieflikste spoorwegstasie of bushalte vir hul vervoer na 'n ander plek waarheen hulle per spoor of per bus vervoer staan te word,

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and for the purposes of this paragraph labourers employed by a co-operative society, registered as such under the law relating to co-operative societies, of which such farmer is a member, or prisoners as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), who are or have been or are to be employed by a farmer in his farming operations, shall be deemed to be such farmer's farm labourers;

- (c) any conveyance (other than the conveyance of persons or goods for reward) by a local authority by means of a motor vehicle of which such local authority is the owner, within the area of its jurisdiction and between such area and any other area controlled by such local authority or in which it provides any public service or carries on any undertaking;
- (d) the conveyance by a local authority, by means of a motor vehicle of which such local authority is the owner, of prisoners as defined in section 1 of the Prisons Act, 1959, who are or have been or are to be employed by such local authority;
- (e) the conveyance, by means of a motor vehicle, of a patient to any place where he is to receive medical treatment from a person authorized to administer such treatment in terms of any law relating to the medical profession, or from any place where he has received such treatment;
- (f) the conveyance (including the towing), by means of a motor vehicle, of another motor vehicle which has become defective, to a place for its repair or storage, or of persons or goods who or which were being conveyed by means of such other motor vehicle at the time when it became defective, to that place or any other place, provided, if the conveyance of such persons or goods by means of such other motor vehicle at the time when it became defective constituted road transportation, such 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 such permit and such permit is carried on such first-mentioned motor vehicle for production on demand to any authorized officer;
- (g) the conveyance by any person, by means of a motor vehicle of which he is the owner, of goods belonging to any other person, as a consideration for a similar reciprocal conveyance performed or to be performed by such other person, where the conveyance, if done by either party by means of a motor vehicle of which he is the owner, and in respect of his own goods, would not constitute road transportation;
- (h) the conveyance by or on behalf of any person, by means of a motor-car insured in terms of the Compulsory Motor Vehicle Insurance Act, 1972 (Act No. 56 of 1972), of persons for the benefit of any other person, as a consideration for a similar reciprocal conveyance performed or to be performed by or on behalf of such other person, if no other reward is received for such conveyance;
- (i) the conveyance by or on behalf of any person, by means of a motor-car insured in terms of the Compulsory Motor Vehicle Insurance Act, 1972 (Act No. 56 of 1972), of any other person as a consideration for a similar reciprocal conveyance of the first-mentioned person performed or to be performed or on behalf of such other person by means of a motor-car so insured, if no other reward is received for such conveyance;

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en by die toepassing van hierdie paragraaf word arbeiders in diens van 'n koöperatiewe vereniging, as sodanig kragtens die wet op koöperatiewe verenigings geregistreer, waarvan so 'n boer 'n lid is, of gevangenes soos in artikel 1 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), omskryf, wat by so 'n boer in verband met sy boerdery werksaam is of was of in die werk gestel staan te word, geag so 'n boer se plaasarbeiders te wees;

- (c) enige vervoer (uitgesondert die vervoer van persone of goedere teen vergoeding) deur 'n plaaslike bestuur deur middel van 'n motorvoertuig waarvan hy die eienaar is, binne sy regssgebied, en tussen daardie gebied en enige ander gebied wat deur daardie plaaslike bestuur beheer word of waarin hy 'n openbare diens lewer of 'n onderneming dryf;
- (d) die vervoer deur 'n plaaslike bestuur, deur middel van 'n motorvoertuig waarvan hy die eienaar is, van gevangenes soos omskryf in artikel 1 van die Wet op Gevangenis, 1959, wat by daardie plaaslike bestuur werksaam is of was of deur hom in die werk gestel staan te word;
- (e) die vervoer, deur middel van 'n motorvoertuig, van 'n pasiënt na 'n plek waar hy geneeskundige behandeling deur iemand wat ingevolge 'n wet op die geneeskundige beroep gemagtig is om bedoelde behandeling toe te dien, gaan ontvang, of van 'n plek waar hy sodanige behandeling ontvang het;
- (f) die vervoer (met inbegrip van die sleep) deur middel van 'n motorvoertuig, van 'n ander motorvoertuig wat defek geraak het, na 'n plek vir die herstel of bewaring daarvan, of van persone of goedere wat met daardie ander motorvoertuig vervoer was toe dit defek geraak het, na daardie plek of enige ander plek, mits, indien die vervoer van vermelde persone of goedere deur middel van daardie ander motorvoertuig toe dit defek geraak het, padvervoer uitgemaak het, daardie vervoer deur 'n permit gemagtig was, en hul vervoer deur middel van die eersgenoemde motorvoertuig onderneem word ooreenkomsdig die bepalings van daardie permit, en daardie permit op eersgenoemde motorvoertuig mee-geneem word om op aanvraag aan 'n gemagtigde amptenaar getoon te word;
- (g) die vervoer deur iemand, deur middel van 'n motorvoertuig waarvan hy die eienaar is, van goedere wat aan 'n ander persoon behoort, as teenprestasie vir dergelike wederkerige vervoer wat deur daardie ander persoon verrig is of verrig moet word, waar die vervoer, indien dit deur enigeen van die partye deur middel van 'n motorvoertuig waarvan hy die eienaar is en ten opsigte van sy eie goedere geskied, nie padvervoer sou uitmaak nie;
- (h) die vervoer deur of ten behoeve van iemand, deur middel van 'n motor wat ingevolge die Wet op Verpligte Motorvoertuigversekering, 1972 (Wet No. 56 van 1972), verseker is, van persone ten voordele van iemand anders, as teenprestasie vir dergelike wederkerige vervoer wat deur of ten behoeve van so iemand anders verrig is of verrig moet word, indien geen ander vergoeding vir sodanige vervoer ontvang word nie;
- (i) die vervoer deur of ten behoeve van iemand, deur middel van 'n motor wat ingevolge die Wet op Verpligte Motorvoertuigversekering, 1972 (Wet No. 56 van 1972), verseker is, van iemand anders as teenprestasie vir dergelike wederkerige vervoer van eersgenoemde persoon wat deur of ten behoeve van daardie ander persoon deur middel van 'n motor aldus verseker, verrig is of verrig moet word, indien geen ander vergoeding vir sodanige vervoer ontvang word nie;

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- (j) the conveyance by an hotel of its own guests only and their personal effects between such hotel and the nearest or most convenient railway station, airways terminal, airport or port, by means of a motor vehicle identified in the manner prescribed by regulation and of which the hotel is the sole owner;
- (k) the conveyance, in the course of any industry or trade or business, of persons and goods (excluding the conveyance of an employee between his place of residence and his place of work) by means of a motor-car if no reward is received for such conveyance;
- (l) the conveyance of goods by means of a goods vehicle of which the carrying capacity does not exceed one thousand kilograms;
- (m) the conveyance, in connection with the performance of his duties, by an employee of the State or a State-aided body or a local authority, by means of a motor vehicle of which such employee is the owner and which is used by him in the performance of those duties, of any person in respect of whose conveyance that employee is entitled to receive any reward from the State or such State-aided body or local authority;
- (n) the daily conveyance 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 sports or recreation or on holiday, sightseeing or educational tours by means of a bus of which such school is the sole owner or which, in terms of an agreement, is set apart for the use of that school;
- (o) the conveyance of any coffin or corpse, excluding the conveyance of coffins for the purpose of supplementing stock;
- (p) the conveyance for reward, by the Railways Administration by means of any goods vehicle of which it is the owner, of goods that have been or are to be conveyed by rail, between any railway station and any place situated within a radius of twenty-five kilometres from such railway station;
- (q) the conveyance at rail rates by the Railways Administration, by means of any goods vehicle of which it is the owner, of goods dispatched from or destined for a decentralized industry and which have been tendered to and accepted by it for conveyance by rail, from the railway station of dispatch to the railway station of destination;
- (r) the conveyance by the Railways Administration, by means of a motor vehicle of which it is the owner, of its employees or goods in the course of its business and otherwise than for reward;
- (s) the conveyance for reward, by a person who has been summoned to appear at any place as a witness in a criminal case, of any other person who has been summoned to appear as a witness in that case or in any other criminal case, whether at the same place and on the same day or at any other place or on any other day, to or from the place at which the person conveyed has been summoned so to appear, by means of a motor vehicle of which the first-mentioned person is the owner;
- (t) the conveyance for reward, by any person who has been summoned to appear at any place on any day to give evidence before any commission with reference to which the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), have been declared to be applicable, or before any body established under any law in terms of which that body is empowered to summon persons to appear before it to give evidence, to

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- (j) die vervoer deur 'n hotel van slegs sy eie gaste en hul persoonlike besittings tussen die hotel en die naaste of gerieflikste spoorwegstasie, lugdienseindpunt, lughawe of hawe, deur middel van 'n motorvoertuig wat op die by regulasie voorgeskrewe wyse geïdentifiseer is en waarvan die hotel die enigste eienaar is;
- (k) die vervoer in die loop van 'n bedryf of handel of besigheid van persone en goedere (uitgesonderd die vervoer van 'n werknemer tussen sy plek van verblyf en sy werkplek) deur middel van 'n motor indien geen vergoeding vir die vervoer ontvang word nie;
- (l) die vervoer van goedere deur middel van 'n vragvoertuig waarvan die draagvermoë nie duisend kilogram oorskry nie;
- (m) die vervoer deur 'n werknemer van die Staat of 'n Staatsondersteunde liggaam of 'n plaaslike bestuur in verband met die verrigting van sy pligte, deur middel van 'n motorvoertuig waarvan sodanige werknemer die eienaar is en wat deur hom by die verrigting van daardie pligte gebruik word, van enigiemand ten opsigte van wie se vervoer daardie werknemer geregtig is om van die Staat of vermelde Staatsondersteunde liggaam of plaaslike bestuur vergoeding te ontvang;
- (n) die daaglikse vervoer van skoolkinders en onderwysers na of van die skool wat hulle bywoon, asook die vervoer deur middel van 'n bus waarvan daardie skool die enigste eienaar is of wat kragtens ooreenkoms vir gebruik deur daardie skool bestem is, van skoolkinders en onderwysers vir die doel van sport of ontspanning of op vakansiereise, besigtigings- of opvoedkundige toere;
- (o) die vervoer van 'n doodkis of lyk, uitgesonderd die vervoer van doodkiste om voorrade aan te vul;
- (p) die vervoer teen vergoeding, deur die Spoorwegadministrasie deur middel van 'n vragvoertuig waarvan hy die eienaar is, van goedere wat per spoor vervoer is of vervoer moet word, tussen enige spoorwegstasie en enige plek geleë binne 'n radius van vyf-en-twintig kilometer van daardie spoorwegstasie;
- (q) die vervoer teen spoortarief deur die Spoorwegadministrasie, deur middel van 'n vragvoertuig waarvan hy die eienaar is, van goedere versend vanaf of bestem vir 'n gesentraliseerde nywerheid en wat vir spoorvervoer aan hom aangebied en deur hom aanvaar is, van die spoorwegstasie van versending na die spoorwegstasie van ontvangs;
- (r) die vervoer deur die Spoorwegadministrasie, deur middel van 'n motorvoertuig waarvan hy die eienaar is, van sy werknemers of goedere in die loop van sy besigheid en anders as teen vergoeding;
- (s) die vervoer teen vergoeding, deur iemand wat gedagvaar is om op die een of ander plek as 'n getuie in 'n strafsaak te verskyn, van iemand anders wat gedagvaar is om as 'n getuie in daardie saak of in 'n ander strafsaak te verskyn, hetsy op dieselfde plek en op dieselfde dag of op 'n ander plek of op 'n ander dag, na of van die plek waar die persoon wat vervoer word, gedagvaar is om aldus te verskyn, deur middel van 'n motorvoertuig waarvan eersgenoemde persoon die eienaar is;
- (t) die vervoer teen vergoeding, deur iemand wat gedagvaar is om op die een of ander plek op die een of ander dag te verskyn om getuienis af te lê voor 'n kommissie met betrekking waartoe die bepalings van die Kommissiewet, 1947 (Wet No. 8 van 1947), van toepassing verklaar is, of voor 'n liggaam ingestel ingevalgelyke die een of ander wet waarkragtens daardie liggaam gemagtig is om persone te dagvaar om voor hom te verskyn, ten einde getuienis af te lê, na of van die plek waar

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or from the place at which such person has been summoned to appear, of any other person who has been summoned to appear before such 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;

- (u) the conveyance for reward, by a person who is required to proceed to an appointed place for the purpose of undergoing any training or performing any service or duty in terms of the Defence Act, 1957 (Act No. 44 of 1957), or any regulation made thereunder, or who is returning from such a place after undergoing such training or performing such service or duty, of another person proceeding to that place for such a purpose or returning from that place after having proceeded to that place for such a purpose, by means of a motor vehicle of which the first-mentioned person is the owner;
- (v) the conveyance in the manner prescribed by regulation by a decentralized industry in the course of its business of its own goods by means of one goods vehicle only, the carrying capacity of which does not exceed eight thousand kilograms and of which the decentralized industry is the owner, provided such goods vehicle is registered and identified in the manner prescribed by regulation;
- (w) the conveyance in the manner prescribed by regulation of goods solely within the boundaries of an exempted area by means of a motor vehicle which is registered within such exempted area under the law governing the registration of motor vehicles in force in that area, provided such motor vehicle is identified in the manner prescribed by regulation;
- (x) the conveyance of goods for reward by a carrier in the manner prescribed by regulation exclusively within an area with a radius of forty kilometres from such carrier's business address from where business is actually undertaken, by means of a motor vehicle which is identified in the manner prescribed by regulation and which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area;
- (y) the conveyance, in the manner prescribed by regulation, by a person who carries on any industry or trade or business, of his own goods in the course of his industry or trade or business exclusively within an area with a radius of eighty kilometres from any place where he carries on such industry, trade or business, by means of a motor vehicle of which such person is the owner and which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area, provided such motor vehicle is identified in the manner prescribed by regulation;
- (z) the conveyance by means of a motor vehicle of exempted goods;
- (aa) the conveyance of persons or goods by means of a motor vehicle from any place situated within the territory of the Transkei over the territory of the Republic to any place situated within the said territory of the Transkei, provided no persons or goods are loaded or unloaded while such motor vehicle operates over the territory of the Republic, and provided such conveyance is undertaken in accordance with an agreement which has been entered into between the respective governments of the Republic and the Transkei;
- (bb) the conveyance of any person who must necessarily be conveyed in connection with any conveyance, whether of persons or of goods, which in terms of any preceding paragraph does not constitute road transportation.

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- sodanige persoon gedagvaar is om te verskyn, van enigiemand anders wat gedagvaar is om op dieselfde dag en op dieselfde plek voor daardie kommissie of liggaaam te verskyn ten einde getuenis af te lê, deur middel van 'n motorvoertuig waarvan eersgenoemde persoon die eienaar is;
- (u) die vervoer teen vergoeding, deur iemand wat na 'n bepaalde plek moet gaan met die doel om opleiding te ondergaan of 'n diens of plig te verrig ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), of 'n daarkragtens uitgevaardigde regulasie, of wat van so 'n plek terugkeer nadat hy die opleiding ondergaan of die diens of plig verrig het, van iemand anders wat vir so 'n doel na daardie plek gaan of van daardie plek terugkeer nadat hy vir so 'n doel na daardie plek gegaan het deur middel van 'n motorvoertuig waarvan eersgenoemde persoon die eienaar is;
 - (v) die vervoer op die by regulasie voorgeskrewe wyse deur 'n gesentraliseerde nywerheid van sy eie goedere in die loop van sy besigheid deur middel van slegs een vragvoertuig, die draagvermoë waarvan nie agtduisend kilogram oorskry nie en waarvan die gesentraliseerde nywerheid die eienaar is, mits sodanige vragvoertuig op die by regulasie voorgeskrewe wyse geregistreer en geïdentifiseer is;
 - (w) die vervoer op die by regulasie voorgeskrewe wyse van goedere alleenlik binne die grense van 'n vrygestelde gebied deur middel van 'n motorvoertuig wat in daardie vrygestelde gebied geregistreer is kragtens die wet op die registrasie van motorvoertuie wat in daardie gebied geld, mits sodanige motorvoertuig op die by regulasie voorgeskrewe wyse van 'n herkenningsteken voorsien is;
 - (x) die vervoer van goedere teen vergoeding deur 'n karweier op die by regulasie voorgeskrewe wyse uitsluitlik binne 'n gebied met 'n straal van veertig kilometer vanaf sodanige karweier se besigheidsadres van waar besigheid wel gedryf word, deur middel van 'n motorvoertuig wat op die by regulasie voorgeskrewe wyse geïdentifiseer is en wat binne daardie gebied geregistreer is kragtens die wet op die registrasie van motorvoertuie wat in daardie gebied geld;
 - (y) die vervoer op die by regulasie voorgeskrewe wyse deur 'n persoon wat 'n bedryf uitoefen of handel of besigheid dryf van sy eie goedere in die loop van sy bedryf of handel of besigheid uitsluitlik binne 'n gebied met 'n straal van tagtig kilometer vanaf enige plek waar hy die bedryf, handel of besigheid uitoefen of dryf, deur middel van 'n motorvoertuig waarvan sodanige persoon die eienaar is en wat in daardie gebied geregistreer is kragtens die wet op die registrasie van motorvoertuie wat in daardie gebied geld, mits sodanige motorvoertuig op die by regulasie voorgeskrewe wyse geïdentifiseer is;
 - (z) die vervoer deur middel van 'n motorvoertuig van vrygestelde goedere;
 - (aa) die vervoer van persone of goedere deur middel van 'n motorvoertuig vanaf 'n plek geleë binne die gebied van die Transkei oor die grondgebied van die Republiek na 'n plek geleë binne genoemde gebied van die Transkei, mits geen persone of goedere op- of afgelai word terwyl sodanige motorvoertuig oor die grondgebied van die Republiek in werking is nie, en mits sodanige vervoer onderneem word volgens 'n ooreenkoms wat tussen die onderskeie regerings van die Republiek en die Transkei aangegaan is;
 - (bb) die vervoer van iemand wat noodwendig vervoer moet word in verband met enige vervoer, hetsy van persone of van goedere, wat ingevolge 'n voorafgaande paraagraaf nie padvervoer uitmaak nie.

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General powers
of the Minister.

- 2.** The Minister, acting upon the recommendation of the commission, may by notice in the *Gazette*—
- (a) declare any area defined in such notice to be a local road transportation area;
 - (b) declare any area defined in such notice to be an exempted area;
 - (c) declare any area defined in such notice to be a decentralized industrial area;
 - (d) declare any goods defined in such notice to be exempted goods within the areas defined in such notice;
 - (e) for the purposes of section 1 (2) (a) prohibit the conveyance of a specific processed farm product or of a specified kind or category of processed farm products;
 - (f) declare any public road between any two places or areas or between any place and any area, and described in such notice, to be a transportation route and, with effect from a date specified in such notice, not being a date earlier than twenty-one days after the publication of the notice in the *Gazette*, prohibit the conveyance of goods between such places or areas or such place and such area, as the case may be, under any permit for the conveyance of goods issued under this Act, and notwithstanding anything to the contrary contained in any such permit, on any public road other than the road so declared to be a transportation route;
 - (g) prohibit the conveyance of any goods, or of any specified kind or category of goods, under any permit for the conveyance of goods issued under this Act, and notwithstanding anything to the contrary contained in any such permit, on any specified day, or between specified hours of any day, within any specified area or over any specified route: Provided that no prohibition under this paragraph shall come into operation earlier than twenty-one days after the publication of the relevant notice in the *Gazette*;
 - (h) for the purposes of section 27 appoint a committee in the manner and for the period and constituted as prescribed by regulation;
 - (i) amend or withdraw any notice published under any preceding paragraph of this section.

General powers of
the commission.

- 3. (1)** The commission may—
- (a) investigate any matter relating to road transportation in the Republic and submit recommendations thereon to the Minister;
 - (b) at the request of the Minister, investigate and report upon any other matter falling within the scope of this Act;
 - (c) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act—
 - (i) any application for the grant of a permit made to it under this Act;
 - (ii) any application under this Act for the renewal, amendment or transfer of a permit granted by it;
 - (iii) any application under this Act referred to it by a board in terms of section 7 (2);
 - (d) refer any application mentioned in paragraph (c) (i) or (ii) to a competent board to be considered and decided upon or otherwise dealt with, by such board under the powers conferred upon it by this Act;
 - (e) issue, in accordance with the provisions of this Act, any permit granted, renewed, amended or transferred by it;
 - (f) perform the other functions assigned to it by this Act and, with the approval of the Minister, take such other

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- 2.** Die Minister, handelende op aanbeveling van die kommissie, kan by kennisgewing in die *Staatskoerant*—
- (a) 'n gebied in die kennisgewing omskryf tot 'n plaaslike padvervoergebied verklaar;
 - (b) 'n gebied in die kennisgewing omskryf tot 'n vrygestelde gebied verklaar;
 - (c) 'n gebied in die kennisgewing omskryf tot 'n gesentraliseerde nywerheidsgebied verklaar;
 - (d) goedere in die kennisgewing omskryf binne die gebiede in die kennisgewing omskryf tot vrygestelde goedere verklaar;
 - (e) die vervoer van 'n besondere verwerkte plaasproduk of van 'n vermelde soort of kategorie van verwerkte plaasprodukte vir die doeleindes van artikel 1 (2) (a) verbied;
 - (f) 'n openbare pad tussen twee plekke of gebiede of tussen 'n plek en 'n gebied, en in die kennisgewing beskryf, tot 'n transportroete verklaar en, met ingang van die in die kennisgewing vermelde datum wat nie 'n datum vroeër as een-en-twintig dae na die afkondiging van die kennisgewing in die *Staatskoerant* is nie, die vervoer van goedere tussen bedoelde plekke of gebiede of bedoelde plek en bedoelde gebied, na gelang van die geval, kragtens 'n permit vir die vervoer van goedere kragtens hierdie Wet uitgereik, en ondanks andersluidende bepalings van so 'n permit, op 'n ander openbare pad as die pad aldus tot 'n transportroete verklaar, verbied;
 - (g) die vervoer van goedere, of van 'n vermelde soort of kategorie van goedere, kragtens 'n permit vir die vervoer van goedere kragtens hierdie Wet uitgereik, en ondanks andersluidende bepalings van so 'n permit, op 'n vermelde dag, of tussen vermelde ure van enige dag, binne 'n vermelde gebied langs 'n vermelde roete, verbied: Met dien verstande dat geen verbod kragtens hierdie paragraaf vroeër in werking tree nie as een-en-twintig dae na die afkondiging van die betrokke kennisgewing in die *Staatskoerant*;
 - (h) 'n komitee op die wyse en vir die tydperk, en saamgestel soos, by regulasie voorgeskryf, vir die doeleindes van artikel 27 aanstel;
 - (i) 'n kennisgewing kragtens 'n voorafgaande paragraaf van hierdie artikel afgekondig, wysig of intrek.
- 3. (1)** Die kommissie kan—
- (a) enige aangeleentheid wat op padvervoer in die Republiek betrekking het, ondersoek en aanbevelings daaroor aan die Minister voorlê;
 - (b) op versoek van die Minister ondersoek instel na en verslag doen oor enige ander aangeleentheid wat binne die bestek van hierdie Wet val;
 - (c) ooreenkomsdig die bepalings van hierdie Wet, oorweg skenk aan en 'n beslissing gee oor, of andersins handel met—
 - (i) 'n aansoek om die toestaan van 'n permit, wat kragtens hierdie Wet by hom gedoen word;
 - (ii) 'n aansoek kragtens hierdie Wet om die hernuwing, wysiging of oordrag van 'n permit wat deur hom toegestaan is;
 - (iii) 'n aansoek kragtens hierdie Wet wat ingevolge artikel 7 (2) deur 'n raad na hom verwys is;
 - (d) 'n in paragraaf (c) (i) of (ii) vermelde aansoek na 'n bevoegde raad verwys om deur daardie raad kragtens die bevoegdhede wat by hierdie Wet aan hom verleen word, oorweeg en oor beslis of andersins mee gehandel te word;
 - (e) 'n permit wat deur hom toegestaan, hernieu, gewysig of oorgedra is, ooreenkomsdig die bepalings van hierdie Wet uitrek;
 - (f) die ander werkzaamhede wat by hierdie Wet aan hom opgedra word, verrig en, met die goedkeuring van die

Algemene bevoegdhede van die kommissie.

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steps as it may deem necessary for the proper administration of this Act;

(g) when the holder of a public permit applies for the raising of tariffs for the conveyance of persons by means of a bus, cause an inquiry to be instituted regarding the financial circumstances and operating practices of such holder by means of a person appointed by it for that purpose and, if the holder is a company, also into any other company in a group of companies to which the holder belongs or of which the holder is the controlling company.

(2) The commission may delegate to a board any of the commission's powers under this Act in regard to any matter in the transportation area for which such board was established or in any area outside that transportation area.

4. (1) For each transportation area there shall be established a local road transportation board.

(2) A board shall consist of a chairman and two other members who shall be appointed by the Minister and who shall be persons who possess wide experience of, and have shown ability in, transport, industrial, commercial or financial matters or in the conduct of public affairs.

(3) Of the members of a board other than the chairman—

(a) one shall be a person appointed by the Minister after consultation with the Administrator of the province in which the transportation area in question, or the greater part of such area, is situated; and

(b) one shall be a person appointed by the Minister after consultation with the councils of such municipalities within the transportation area in question as have populations of not less than twenty thousand persons or, if there is no such municipality within that transportation area, a person selected by the Minister from among persons who in his opinion possess a thorough knowledge of the transportation requirements of that transportation area.

(4) (a) Any board shall at the request of the Minister co-opt during the Minister's pleasure one or more persons as a member or members of that board, and a member so co-opted may at the request of the chairman participate in any proceedings at any meeting of that board and cast a vote at such proceedings.

(b) Any such co-opted member shall hold office upon such conditions as to remuneration and otherwise, as the Minister may with the concurrence of the Minister of Finance determine when that member is co-opted.

(5) The chairman of any board may also be the chairman of any other board, and whenever the chairman of any board, or any person appointed under subsection (7) to act in place of such chairman, is unable to attend any meeting of that board, such chairman or person may designate any other member of that board, including any member appointed under the said subsection, to act as chairman at that meeting.

(6) (a) A member of a board who is in the full-time employment of the State, shall hold office during the Minister's pleasure, and any other member of such a board shall be appointed for such period not exceeding two years, and shall, subject to the provisions of this Act, hold office upon such conditions as to remuneration and otherwise, as the Minister may, with the concurrence of the Minister of Finance, determine when such member is appointed.

(b) Different periods or conditions may be determined under paragraph (a) in respect of the members of different boards or in respect of different members of any board.

(7) Whenever a member of a board vacates his office or is removed therefrom or is temporarily unable to perform his functions as such or has recused himself, the Minister may appoint

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- Minister, die ander stappe doen wat die kommissie vir die behoorlike uitvoering van hierdie Wet nodig ag;
- (g) wanneer die houer van 'n openbare permit aansoek doen om die verhoging van tariewe vir die vervoer van persone deur middel van 'n bus, deur middel van 'n persoon deur hom vir dié doel aangewys, 'n ondersoek laat instel na die finansiële omstandighede en bedryfspraktyke van sodanige houer, en indien die houer 'n maatskappy is, ook na enige ander maatskappy in 'n groep maatskappye waaraan die houer verbonde is of waarvan die houer die beherende maatskappy is.
- (2) Die kommissie kan aan 'n raad enige van die kommissie se bevoegdhede kragtens hierdie Wet ten aansien van 'n aangeleentheid in die vervoergebied waarvoor daardie raad ingestel is of in 'n gebied buite daardie vervoergebied, deleer.

4. (1) Vir elke vervoergebied word daar 'n plaaslike padvervoerraad ingestel.

Instelling en samestelling van rade.

(2) 'n Raad bestaan uit 'n voorsitter en twee ander lede wat deur die Minister aangestel word en wat persone moet wees wat wye ondervinding het van, en bekwaamheid aan die dag gelê het in verband met, die vervoerwese of nywerheids-, handels- of finansiële aangeleenthede of in verband met die bestuur van openbare sake.

(3) Van die lede van 'n raad uitgesonderd die voorsitter—

- (a) moet een 'n persoon wees wat deur die Minister aangestel word na oorleg met die Administrateur van die provinsie waarin die betrokke vervoergebied, of die grootste gedeelte van daardie gebied, geleë is; en
- (b) moet een 'n persoon wees wat deur die Minister aangestel word na oorleg met die rade van die munisipaliteite binne die betrokke vervoergebied wat bevolkings van minstens twintigduisend persone het, of, as daar nie so 'n munisipaliteit binne daardie vervoergebied is nie, iemand deur die Minister gekies uit persone wat volgens sy oordeel oor grondige kennis van die vervoerbehoeftes van daardie vervoergebied beskik.
- (4) (a) Enige raad moet op versoek van die Minister een of meer persone vir solank dit die Minister behaag as 'n lid of lede van daardie raad koöpteer, en 'n aldus gekoöpteerde lid kan op versoek van die voorsitter aan verrigtinge op enige vergadering van daardie raad deelneem en 'n stem by daardie verrigtinge uitbring.
- (b) So 'n gekoöpteerde lid beklee sy amp op die voorwaardes betreffende besoldiging en andersins wat die Minister met die instemming van die Minister van Finansies bepaal wanneer daardie lid gekoöpteer word.

(5) Die voorsitter van 'n raad kan ook die voorsitter van 'n ander raad wees, en wanneer die voorsitter van 'n raad, of 'n persoon wat kragtens subartikel (7) aangestel is om in die plek van daardie voorsitter op te tree, nie in staat is om 'n vergadering van daardie raad by te woon nie, kan daardie voorsitter of persoon 'n ander lid van daardie raad, met inbegrip van 'n lid kragtens genoemde subartikel aangestel, aanwys om op daardie vergadering as voorsitter op te tree.

- (6) (a) 'n Lid van 'n raad wat in die heeltydse diens van die Staat is, beklee sy amp solank dit die Minister behaag, en enige ander lid van so 'n raad word aangestel vir die tydperk van hoogstens twee jaar, en beklee, behoudens die bepalings van hierdie Wet, sy amp op die voorwaardes betreffende besoldiging en andersins, wat die Minister met die instemming van die Minister van Finansies bepaal wanneer daardie lid aangestel word.
- (b) Verskillende tydperke of voorwaardes kan kragtens paragraaf (a) ten opsigte van die lede van verskillende rade of ten opsigte van verskillende lede van enige raad bepaal word.

(7) Wanneer 'n lid van 'n raad sy amp ontruim of daaruit verwyder word of tydelik nie in staat is om sy pligte as sodanig uit te voer nie of homself gerekuseer het, kan die Minister iemand

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any person whom he considers suitable to act in place of such member for such period, not exceeding twelve months, as the Minister may deem necessary, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may determine with the concurrence of the Minister of Finance.

(8) A person appointed under subsection (7) to act in place of the holder of the office of chairman of one or more boards, shall be deemed to have been appointed to act as chairman of such of those boards as may be specified by the Minister when the appointment is made.

(9) A person whose period of office as a member of a board has expired, shall be eligible for reappointment.

(10) The Minister shall, save in the case of an appointment under subsection (7), consult the commission before making any appointment under this section.

**Disqualifications
for office as, and
termination of
office of, member
of a board.**

5. (1) No person shall be appointed or co-opted as a member of a board—

- (a) if he is an un-rehabilitated insolvent; or
- (b) if he has been convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (c) if he is an employee of the Railways Administration; or
- (d) if he or any of his near relations is financially interested in any business of road transportation or is engaged in any activity connected with road transportation which, in the opinion of the Minister, is calculated to interfere with the impartial discharge by the member of the duties of his office.

(2) A member of a board (including a co-opted member) shall vacate his office—

- (a) if he becomes subject to any of the disqualifications for appointment or co-optation mentioned in subsection (1);
- (b) if he dies or is removed from office under subsection (3) or resigns by notice in writing addressed to the Minister.

(3) The Minister may remove from office any member of a board (including a co-opted member)—

- (a) who has failed to comply with a condition of his appointment or co-optation; or
- (b) who, in the opinion of the Minister, has been guilty of improper conduct or has regularly neglected his duties as a member or co-opted member of the board; or
- (c) who, in the opinion of the Minister, is unable to perform efficiently his duties as a member or co-opted member of the board.

**Meetings and
decisions of
a board.**

6. (1) Two members of a board shall form a quorum for any meeting of such board.

(2) The decision of any two members of a board present at any meeting thereof, shall constitute a decision of such board: Provided that if at any such meeting one or more members co-opted in terms of section 4 (4) participate under that section in any proceedings at that meeting, the decision of the majority of the members of the board present at that meeting, including that or those co-opted member or members, shall constitute the decision of the board in respect of those proceedings, and that in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(3) No act, direction or decision of a board shall be held to be invalid by reason only of the fact that, when such act was performed or such direction or decision was given, a casual vacancy existed on the board or a person disqualified under section 5 (1) from being a member or co-opted member of such board was such a member thereof, whether or not such person's concurrence was necessary to the performance of that act or the giving of that direction or decision.

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wat hy geskik ag, aanstel om in die plek van daardie lid op te tree vir die tydperk van hoogstens twaalf maande wat die Minister nodig ag, en so 'n aanstelling is, in die geval van iemand wat nie in die heeltydse diens van die Staat is nie, onderworpe aan die voorwaardes betreffende besoldiging en andersins wat die Minister met die instemming van die Minister van Finansies bepaal.

(8) Iemand wat kragtens subartikel (7) aangestel is om in die plek van die houer van die amp van voorsitter van een of meer rade op te tree, word geag aangestel te gewees het om as voorsitter op te tree van sodanige van daardie rade as wat die Minister aanwys wanneer die aanstelling geskied.

(9) Iemand wie se ampstermyn as lid van 'n raad verstryk het, kan weer aangestel word.

(10) Die Minister moet, behalwe in die geval van 'n aanstelling kragtens subartikel (7), die kommissie raadpleeg voordat hy 'n aanstelling kragtens hierdie artikel doen.

5. (1) Niemand word as lid van 'n raad aangestel of gekoöpteer nie— Diskwalifikasies vir amp as, en ampsbeëindiging van, lid van 'n raad.

- (a) indien hy 'n ongerehabiliteerde insolvent is; of
- (b) indien hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnis is; of
- (c) indien hy 'n werknemer van die Spoorwegadministrasie is; of
- (d) indien hy of enigeen van sy naverwante geldelike belang het by 'n padvervoerbesigheid of betrokke is in 'n bedrywigheid verbonde aan padvervoer wat volgens die Minister se oordeel bereken is om die lid by die onpartydige uitvoering van sy ampspligte te belemmer.

(2) 'n Lid van 'n raad (met inbegrip van 'n gekoöpteerde lid) ontruim sy amp—

- (a) indien hy aan 'n in subartikel (1) vermelde onbevoegdheid vir aanstelling of koöptering onderhewig word;
- (b) indien hy sterf of kragtens subartikel (3) van sy amp ontheft word of, deur skriftelike kennisgiving aan die Minister gerig, bedank.

(3) Die Minister kan 'n lid van 'n raad (met inbegrip van 'n gekoöpteerde lid) van sy amp ontheft—

- (a) wat versuum het om aan 'n voorwaarde van sy aanstelling of koöptering te voldoen; of
- (b) wat, volgens die Minister se oordeel, hom aan onbehoorlike gedrag skuldig gemaak het of gereeld sy pligte as lid of gekoöpteerde lid van die raad versuum het; of
- (c) wat, volgens die Minister se oordeel, nie in staat is om sy pligte as lid of gekoöpteerde lid van die raad doeltreffend uit te voer nie.

6. (1) Twee lede van 'n raad maak 'n kworum vir 'n vergadering van daardie raad uit. Vergaderings en besluite van 'n raad.

(2) Die beslissing van enige twee lede van 'n raad wat op 'n vergadering daarvan aanwesig is, maak 'n besluit van daardie raad uit: Met dien verstande dat indien op so 'n vergadering een of meer ingevolge artikel 4 (4) gekoöpteerde lede kragtens daardie artikel deelneem aan verrigtinge op daardie vergadering, die beslissing van die meerderheid van die lede van die raad wat op daardie vergadering aanwesig is, met inbegrip van daardie gekoöpteerde lid of lede, die besluit van die raad uitmaak met betrekking tot daardie verrigtinge, en dat by 'n staking van stemme die persoon wat op die vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem het.

(3) Geen handeling, opdrag of besluit van 'n raad word ongeldig geag nie bloot op grond daarvan dat, toe daardie handeling verrig of opdrag gegee of besluit geneem is, 'n toevallige vakature in die raad bestaan het of iemand wat volgens artikel 5 (1) onbevoeg was om lid of gekoöpteerde lid van so 'n raad te wees wel so 'n lid daarvan was, hetsy daardie persoon se instemming tot die verrigting van daardie handeling of gee van daardie opdrag of neem van daardie besluit nodig was of nie.

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General powers
of a board.

- 7.** (1) A board may—
 (a) investigate, in the transportation area for which it was established, any matter falling within the scope of this Act, and submit recommendations thereon to the commission;
 (b) at the request of the commission, investigate any such matter in any other area indicated by the commission, and report thereon;
 (c) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act, any application made to it thereunder—
 (i) for the grant of a permit authorizing road transportation within the transportation area for which such board was established;
 (ii) for the grant of a permit authorizing road transportation which commences in the said transportation area and terminates but does not commence at any place or in any area outside that transportation area;
 (iii) subject to the provisions of subsection (3), for the grant of a permit authorizing road transportation which commences in the said transportation area and also in any other transportation area, irrespective of where such transportation terminates;
 (iv) subject to the provisions of subsection (3), for the renewal, amendment or transfer of any permit granted by it;
 (d) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act, any application referred to it by the commission under section 3 (1) (d);
 (e) issue, in accordance with the provisions of this Act, any permit granted, renewed, amended or transferred by it.
 (2) A board shall, if so directed by the commission, refer to the commission, for consideration and decision thereupon by it, any application made to such board for the grant, renewal, amendment or transfer of a particular permit or of any permit belonging to a category indicated by the commission.
 (3) A board acting otherwise than under powers delegated to it under section 3 (2), shall not grant an application for a permit authorizing road transportation which commences also in a transportation area other than that for which such board was established, or for the renewal or transfer of such a permit, or for any amendment of such a permit affecting the conducting of such road transportation within such other transportation area, except with the concurrence of the board established for such other transportation area.
 (4) For the purposes of this section road transportation shall be deemed to commence at any place where goods are loaded onto or persons board any motor vehicle by means of which such road transportation is effected, for the purpose of being conveyed to any other place, and to terminate at such other place.

Appeal to the
commission
against act,
direction or
decision of a
board.

- 8.** (1) Save as otherwise provided in this Act, any person affected by any act, direction or decision of a board may, in the manner prescribed by regulation, within twenty-one days after the said act was performed or the said direction or decision was given by the board concerned, appeal against such act, direction or decision to the commission.
 (2) The commission shall receive and, subject to the provisions of subsection (3) and the regulations, consider any 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 therefor any other act, direction or decision which the board concerned could have performed or given; or

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7. (1) 'n Raad kan—

- (a) in die vervoergebied waarvoor hy ingestel is, enige aangeleentheid wat binne die bestek van hierdie Wet val, ondersoek en aanbevelings daaroor aan die kommissie voorlê;
- (b) op versoek van die kommissie, so 'n aangeleentheid in enige ander gebied deur die kommissie aangewys, ondersoek en verslag daaroor doen;
- (c) ooreenkomstig die bepalings van hierdie Wet oorweging skenk aan en 'n beslissing gee oor, of andersins handel met, 'n aansoek wat daarkragtens by hom gedoen word—
- (i) om die toestaan van 'n permit wat padvervoer binne die vervoergebied waarvoor daardie raad ingestel is, magtig;
 - (ii) om die toestaan van 'n permit wat padvervoer magtig wat in genoemde vervoergebied begin en op 'n plek of in 'n gebied buite daardie vervoergebied eindig maar nie begin nie;
 - (iii) behoudens die bepalings van subartikel (3), om die toestaan van 'n permit wat padvervoer magtig wat in genoemde vervoergebied en ook in 'n ander vervoergebied begin, ongeag waar sodanige vervoer eindig;
 - (iv) behoudens die bepalings van subartikel (3), om die hernuwing, wysiging of oordrag van 'n permit wat deur hom toegestaan is;
- (d) ooreenkomstig die bepalings van hierdie Wet oorweging skenk aan en 'n beslissing gee oor, of andersins handel met, 'n aansoek wat kragtens artikel 3 (1) (d) deur die kommissie na hom verwys word;
- (e) 'n permit wat deur hom toegestaan, hernieu, gewysig of oorgedra is, ooreenkomstig die bepalings van hierdie Wet uitreik.

(2) 'n Raad moet, indien deur die kommissie daartoe gelas, 'n aansoek wat aan daardie raad gerig word om die toestaan, hernuwing, wysiging of oordrag van 'n bepaalde permit of 'n permit wat tot 'n deur die kommissie aangeduide kategorie behoort, na die kommissie verwys vir oorweging en beslissing daaroor deur hom.

(3) 'n Raad wat anders optree as kragtens bevoegdhede kragtens artikel 3 (2) aan hom gedelegeer, staan nie 'n aansoek toe om 'n permit wat padvervoer magtig wat ook in 'n ander vervoergebied begin as dié waarvoor daardie raad ingestel is, of om die hernuwing of oordrag van so 'n permit, of om die wysiging van so 'n permit wat die bedryf van bedoelde padvervoer binne daardie ander vervoergebied raak nie, behalwe met die instemming van die raad wat vir daardie ander vervoergebied ingestel is.

(4) By die toepassing van hierdie artikel word padvervoer geag op enige plek te begin waar goedere gelaaï word of persone opklim op 'n motorvoertuig deur middel waarvan die padvervoer uitgevoer word, ten einde na 'n ander plek vervoer te word, en op daardie ander plek te eindig.

8. (1) Behoudens andersluidende bepalings van hierdie Wet, Appèl na die kan iemand wat deur 'n handeling, opdrag of beslissing van 'n kommissie teen raad geraak word, op die by regulasie voorgeskrewe wyse binne een-en-twintig dae nadat die betrokke raad die handeling verrig of beslissing die opdrag of beslissing gegee het, teen die handeling, opdrag of beslissing na die kommissie appelleer.

(2) Die kommissie moet 'n appèl wat ingevolge subartikel (1) by hom aangeteken word, ontvang en, behoudens die bepalings van subartikel (3) en die regulasies, dit oorweeg en kan na goeddunke—

- (a) die appèl van die hand wys en die handeling, opdrag of beslissing waarteen geappelleer word, bekragtig; of
- (b) die appèl handhaaf, die handeling, opdrag of beslissing waarteen geappelleer word, tersyde stel en—
 - (i) dit vervang deur 'n ander handeling, opdrag of beslissing wat die betrokke raad kon verrig of gegee het; of

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- (ii) remit the matter which gave rise to the appeal to the board concerned for consideration afresh; or
 - (c) uphold the appeal partially and vary the act, direction or decision appealed against.
- (3) The chairman of the commission or a member thereof nominated by the chairman, may, in his discretion—
- (a) grant an application for condonation of the late filing of a notice or appeal, provided such appeal is lodged in the manner prescribed by regulation within forty-two days after the board concerned 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 a board appealed against;
 - (c) set aside an act, direction or decision of a board appealed against and remit the matter to the board concerned for consideration afresh.
- (4) Any act, direction or decision of the commission under subsection (2) (b) (i) or (c) shall, except for the purposes of subsection (1), be deemed to be an act, direction or decision of the board against whose act, direction or decision the appeal was brought.

Procedure.

- 9.** (1) The commission or a board may, for the purpose of dealing with any matter before it in terms of this Act—
- (a) in its discretion, but subject to the provisions of sections 25 (2) (b) and 28, allow any person affected by or interested in such matter, or the duly authorized representative of such a person, to appear before it and—
 - (i) to give evidence or make oral representations relevant to such matter; or
 - (ii) to call witnesses and lead evidence on any question relevant to such matter; or
 - (iii) to question any person who testified as a witness in such matter;
 - (b) by written notice prescribed by regulation and served in the manner so prescribed, require any person to appear before it to give evidence or to produce any book, plan or other document or article in his possession or under his control;
 - (c) call upon any person present in or at the place where such matter is dealt with by the commission or board, to appear before it to give evidence or to produce any book, plan or other document or article which such person has with him;
 - (d) question any person appearing before it as a witness;
 - (e) refuse to hear any person appearing before it as a witness who refuses to be sworn or to be affirmed.
- (2) The person presiding at a meeting of the commission or a board at which any person appears as a witness as contemplated in subsection (1), may administer an oath or affirmation to the person so appearing.
- (3) A member of the commission or a board exercising or performing under section 20 (5) any power or duty of the commission or the board concerned, and a member of the commission who conducts an enquiry under section 28, shall for the purpose of such power or duty or such enquiry have the powers conferred by this section on the commission or a board and the person presiding at a meeting of the commission or a board, respectively.

Staff of a board.

- 10.** The Secretary for Transport shall, subject to the laws governing the public service, provide the staff necessary to assist any board in the performance of its functions.

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- (ii) die aangeleentheid wat aanleiding tot die appèl gegee het, na die betrokke raad terugverwys vir oorweging van nuuts af; of
- (c) die appèl gedeeltelik handhaaf en die handeling, opdrag of beslissing waarteen geappelleer word, verander.
- (3) Die voorsitter van die kommissie of 'n lid daarvan deur die voorsitter benoem, kan na goeddunke—
- (a) 'n aansoek om kondonering van die laat indiening van 'n appèl toestaan mits sodanige appèl op die by regulasie voorgeskrewe wyse aangeteken word binne twee-en-veertig dae nadat die betrokke raad die handeling verrig of opdrag of beslissing gegee het waarteen geappelleer word, of weier;
- (b) 'n aansoek om die opsorking van die werking van 'n handeling, opdrag of beslissing van 'n raad waarteen geappelleer word, toestaan of weier;
- (c) 'n handeling, opdrag of beslissing van 'n raad waarteen geappelleer word, tersyde stel en die aangeleentheid na die betrokke raad terugverwys vir oorweging van nuuts af.
- (4) 'n Handeling, opdrag of beslissing van die kommissie kragtens subartikel (2) (b) (i) of (c) word, behalwe by die toepassing van subartikel (1), geag 'n handeling, opdrag of beslissing van die raad te wees teen wie se handeling, opdrag of beslissing daar geappelleer is.

9. (1) Die kommissie of 'n raad kan, ten einde te handel met 'n Prosedure, aangeleentheid wat ingevolge hierdie Wet voor hom dien—

- (a) na goeddunke, maar behoudens die bepalings van artikels 25 (2) (b) en 28, iemand wat geraak word deur of belang het by daardie aangeleentheid, of die behoorlike gemagtigde verteenwoordiger van so iemand, toelaat om voor hom te verskyn en—
- (i) om getuenis af te lê of mondelinge vertoë te rig wat by bedoelde aangeleentheid ter sake is; of
 - (ii) om getuies te roep en getuenis aan te voer op enige vraag wat by die aangeleentheid ter sake is; of
 - (iii) om iemand wat getuenis by die aangeleentheid afgelê het, te ondervra;
- (b) deur skriftelike kennisgewing by regulasie voorgeskryf en op die aldus voorgeskrewe wyse beteken, enigiemand aansê om voor hom te verskyn om getuenis af te lê of 'n boek, plan of ander stuk of voorwerp in sy besit of onder sy beheer oor te lê;
- (c) iemand wat in of op die plek waar met genoemde aangeleentheid deur die kommissie of raad gehandel word, aanwesig is, aansê om voor hom te verskyn om getuenis af te lê of 'n boek, plan of ander stuk of voorwerp wat die persoon by hom het, oor te lê;
- (d) iemand wat as 'n getuie voor hom verskyn, ondervra;
- (e) weier om iemand aan te hoor wat as 'n getuie voor hom verskyn en wat weier om beëdig of bevestig te word.

(2) Die persoon wat op 'n vergadering van die kommissie of 'n raad voorsit waarby iemand as 'n getuie verskyn soos in subartikel (1) beoog, kan 'n eed of bevestiging van die persoon wat aldus verskyn, afneem.

- (3) 'n Lid van die kommissie of 'n raad wat kragtens artikel 20 (5) 'n bevoegdheid of plig van die kommissie of die betrokke raad uitoeft of verrig, en 'n lid van die kommissie wat 'n ondersoek kragtens artikel 28 hou, is vir die doel van daardie bevoegdheid of plig of daardie ondersoek met die bevoegdhede beklee wat by hierdie artikel aan onderskeidelik die kommissie of 'n raad en die persoon wat op 'n vergadering van die kommissie of 'n raad voorsit, verleen word.

10. Die Sekretaris van Vervoer moet, behoudens die wette op Personeel van 'n die Staatsdiens, die personeel voorsien wat nodig is om 'n raad by die verrigting van sy werkzaamhede by te staan.

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Designation of inspectors.

11. The Secretary for Transport may designate any officer or employee of the Department of Transport as a road transport inspector, whose powers and duties shall be prescribed by regulation.

Application in respect of a public permit.

12. (1) Any person who desires to undertake any road transportation other than road transportation which may be authorized by the issue of a private permit or a temporary permit, may apply in the manner prescribed by regulation to the commission or a competent board for the grant of a public road carrier permit authorizing him to do so.

(2) Any holder of a public permit may apply in the manner prescribed by regulation to the commission or the competent board, as the case may be, for the renewal or amendment of such permit.

(3) Any person may apply, in the manner prescribed by regulation, and with the written consent of the holder of a public permit, to the commission or the competent board, as the case may be, for the transfer of such permit to him.

Disposal of application in respect of a public permit.

13. (1) Subject to the provisions of this Act, the commission or a board shall receive and consider any application for or in respect of a public road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—

- (a) grant such application in full; or
- (b) grant such application in part; or
- (c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or
- (d) refuse such application.

(2) (a) The commission or a board may refuse to consider any application for the grant, amendment or transfer of a public permit made by any person if a previous application by that person, which in the opinion of the commission or the board concerned had the same or substantially the same object as the first-mentioned application, was considered and refused by the commission or a competent board within the period of six months preceding the date on which such first-mentioned application is received in the office of the commission or the board concerned.

(b) For the purposes of paragraph (a) a refusal by any board to concur under section 7 (3) in the grant, renewal, amendment or transfer of a public permit by another board shall, in relation to any application made to the first-mentioned board, be deemed not to be a refusal of an application by it.

(c) No appeal shall lie to the commission against any act, direction or decision performed or given by a board under paragraph (a).

Publication of application in respect of a public permit.

14. (1) The commission or a board shall, before considering any application for the grant, amendment or transfer of a public permit, and may, before considering any application for the renewal of such a permit, publish full particulars of such application in the *Gazette*.

(2) Any interested person may, in the manner and within the time prescribed by regulation, submit representations to the commission or the board concerned, as the case may be, objecting to or supporting an application published under subsection (1), and the commission or board concerned shall allow any such person who, within the time so prescribed, submits representations objecting to an application, to inspect and make copies, free of charge, of the completed application form of the applicant, together with any other document which the applicant has submitted with his application form.

(3) The commission or a board shall, before granting a public permit authorizing the regular conveyance of persons for reward within the area of jurisdiction of a municipal council, city council

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11. Die Sekretaris van Vervoer kan enige beampete of werknemer in die Departement van Vervoer aanwys as 'n padvervoerinspekteur, wie se bevoegdhede en pligte by regulasie voorgeskryf moet word.

12. (1) Iemand wat ander padvervoer wil onderneem as padvervoer wat deur die uitreiking van 'n privaatpermit of 'n tydelike permit gemagtig word, kan op die by regulasie voorgeskreve wyse by die kommissie of 'n bevoegde raad aansoek doen om die toestaan van 'n openbare padvervoerpermit wat hom magtig om dit te doen.

(2) 'n Houer van 'n openbare permit kan op die by regulasie voorgeskreve wyse by die kommissie of die bevoegde raad, na gelang van die geval, aansoek doen om die hernuwing of wysiging van daardie permit.

(3) Enigiemand kan, op die by regulasie voorgeskreve wyse en met die skriftelike toestemming van die houer van 'n openbare permit, by die kommissie of die bevoegde raad, na gelang van die geval, aansoek doen om die oordrag van daardie permit aan hom.

13. (1) Behoudens die bepalings van hierdie Wet, moet die Afhandeling van kommissie of 'n raad 'n aansoek om of ten opsigte van 'n openbare padvervoerpermit, wat daarkragtens by hom gedoen of na hom verwys word, ontvang en oorweeg, en kan hy daarna, na goeddunke—

- (a) die aansoek in sy geheel toestaan; of
- (b) die aansoek gedeeltelik toestaan; of
- (c) die aansoek in sy geheel of gedeeltelik toestaan, onderworpe aan die voorwaardes of vereistes wat hy nodig ag; of
- (d) die aansoek weier.

(2) (a) Die kommissie of 'n raad kan weier om 'n aansoek deur iemand gedoen om die toestaan, wysiging of oordrag van 'n openbare permit te oorweeg indien 'n vorige aansoek deur daardie persoon, wat volgens die oordeel van die kommissie of die betrokke raad dieselfde of in hoofsaak dieselfde oogmerk as eersgenoemde aansoek gehad het, binne die tydperk van ses maande wat die datum voorafgaan waarop eersgenoemde aansoek in die kantoor van die kommissie of die betrokke raad ontvang word, deur die kommissie of 'n bevoegde raad oorweeg en geweier is.

- (b) By die toepassing van paragraaf (a) word 'n weiering deur 'n raad om ingevolge artikel 7(3) tot die toestaan, hernuwing, wysiging of oordrag van 'n openbare permit deur 'n ander raad in te stem, met betrekking tot 'n aansoek by eersgenoemde raad gedoen, geag nie 'n weiering van 'n aansoek deur hom te wees nie.
- (c) Daar is geen reg van appèl na die kommissie teen 'n handeling, opdrag of beslissing wat 'n raad kragtens paragraaf (a) verrig of gegee het nie.

14. (1) Die kommissie of 'n raad moet, voordat hy 'n aansoek om die toestaan, wysiging of oordrag van 'n openbare permit oorweeg, en kan, voordat hy 'n aansoek om die hernuwing van so 'n permit oorweeg, volle besonderhede van die aansoek in die permit.

Staatskoerant publiseer.

(2) Enige belanghebbende kan, op die wyse en binne die tydperk by regulasie voorgeskryf, vertoe ter bestryding of ondersteuning van 'n kragtens subartikel (1) gepubliseerde aansoek tot die kommissie of betrokke raad, na gelang van die geval, rig, en die kommissie of die betrokke raad moet so iemand wat binne die aldus voorgeskreve tydperk vertoe ter bestryding van sodanige aansoek rig, toelaat om die voltooide aansoekvorm van die aansoeker, tesame met enige ander stuk wat die aansoeker saam met sy aansoekvorm ingedien het, kosteloos in te sien en afskrifte daarvan te maak.

(3) Die kommissie of 'n raad moet, voordat hy 'n openbare permit toestaan wat die gereelde vervoer van persone teen vergoeding in die regsgebied van 'n munisipale raad of stadsraad

or town council, or amending such a permit by altering the points between which or the route or routes upon which the motor vehicle to which the permit relates may be used in road transportation, afford the municipal council, city council or town council concerned an opportunity to submit representations, in the manner and within the time prescribed by regulation, in regard to the points between which and the route or routes upon which such motor vehicle may be so used and in regard to any other condition which may be applied to a permit.

(4) The commission or a board shall, before it—

- (a) grants a public permit which authorizes the regular conveyance of persons for reward; or
- (b) amends a public permit which authorizes the regular conveyance of persons for reward, by altering the points between which or the route upon which the motor vehicle to which the permit relates, may be used in road transportation,

give the Railways Administration the opportunity of furnishing in the manner and within the time prescribed by regulation, information regarding any new railway service, within the area to which the permit mentioned in paragraph (a) relates, or between the points or over the route mentioned in paragraph (b), which has been planned or is contemplated by the Railways Administration.

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

15. (1) In deciding whether an application for the grant, renewal, amendment or transfer of a public permit shall be granted or refused, and in determining any conditions and requirements to which any such permit shall be made subject, the commission or a board shall take into consideration—

- (a) the extent to which the transportation to be provided is necessary or desirable in the public interest;
- (b) the requirements of the public for transportation within the area or along the route or between the points in or over or between which the applicant proposes to operate;
- (c) the existing transportation facilities available to the public in that area or over that route or between those points;
- (d) any new railway service which has been planned or is contemplated for the conveyance of persons within that area or over that route or between those points;
- (e) the co-ordination of all forms of transportation, including transportation by rail, on an economically sound basis and with due regard to the public interest;
- (f) the ability of the applicant to provide in a manner satisfactory to the public the transportation for which such permit is sought;
- (g) any previous conviction of the applicant for an offence in terms of this Act, and any other failure by the applicant as an operator of road transportation;
- (h) the existence of any prohibition, limitation or restriction imposed by law on the use of motor vehicles in any area or on any street or road on the route on which the applicant proposes to operate;
- (i) any representations duly submitted in connection with the application;
- (j) the class of persons to which the applicant belongs and the class or classes of persons to be served by the transportation service for which such permit is sought;
- (k) any recommendation made by the committee appointed under section 2 (h);
- (l) any report or document drawn up as a result of an inquiry contemplated in section 3 (1) (g);
- (m) any other factors which, in the opinion of the commission or the board concerned, may affect the question whether it is desirable to grant such application or to attach or vary any such condition or requirement.

(2) (a) When an applicant applies for a public permit to undertake road transportation within an area or over a route or between two or more points already served by existing transportation facilities, the onus shall be upon the applicant of proving that—

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magtig, of so 'n permit wysig deur verandering van die punte waartussen of die roete of roetes waarop die motorvoertuig waarop die permit betrekking het, by padvervoer gebruik kan word, aan die betrokke munisipale raad of stadsraad geleentheid gee om, op die wyse en binne die tydperk wat by regulasie voorgeskryf word, vertoë te rig aangaande die punte waartussen en die roete of roetes waarop sodanige motorvoertuig aldus gebruik kan word en aangaande enige ander voorwaarde wat op 'n permit van toepassing gemaak mag word.

(4) Die kommissie of 'n raad moet, voordat hy—

- (a) 'n openbare permit toestaan wat die gereelde vervoer van persone teen vergoeding magtig; of
- (b) 'n openbare permit, wat die gereelde vervoer van persone teen vergoeding magtig, wysig, deur verandering van die punte waartussen of die roete waarop die motorvoertuig waarop die permit betrekking het, by padvervoer gebruik kan word,

aan die Spoorwegadministrasie die geleentheid gee om, op die wyse en binne die tydperk by regulasie voorgeskryf, inligting te verstrek aangaande enige nuwe spoorwegdiens binne die gebied waarop die permit in paragraaf (a) vermeld betrekking het, of tussen die punte of op die roete in paragraaf (b) vermeld, wat deur die Spoorwegadministrasie beplan is of beoog word.

15. (1) By die besluit of 'n aansoek om die toestaan, hervuwing, wysiging of oordrag van 'n openbare permit toegestaan of geweier moet word, en by die bepaling van voorwaardes en vereistes waaraan so 'n permit onderworpe gestel moet word, moet die kommissie of 'n raad in aanmerking neem—

- (a) die mate waarin die vervoer wat verskaf staan te word in die openbare belang nodig of wenslik is;
 - (b) die vervoerbehoeftes van die publiek in die gebied of langs die roete of tussen die punte waarin of waarop of waartussen die aansoeker voornemens is om vervoer te onderneem;
 - (c) die bestaande vervoergeriewe wat in daardie gebied of op daardie roete of tussen daardie punte vir die publiek beskikbaar is;
 - (d) enige nuwe spoorwegdiens wat in daardie gebied of op daardie roete of tussen daardie punte vir die vervoer van persone beplan is of beoog word;
 - (e) die koördinering van alle soorte vervoer, met inbegrip van vervoer per spoor, op ekonomies gesonde grondslag en met inagneming van die openbare belang;
 - (f) die vermoë van die aansoeker om op 'n vir die publiek bevredigende wyse die vervoer te verskaf waarvoor die permit verlang word;
 - (g) enige vorige veroordeling van die aansoeker weens 'n misdryf ingevolge hierdie Wet, en enige ander versuim van die applikant as 'n ondernemer van padvervoer;
 - (h) die bestaan van 'n by wet opgelegde verbod, beperking of restriksie op die gebruik van motorvoertuie in 'n gebied of op 'n straat of pad op die roete waarop die aansoeker voornemens is om vervoer te onderneem;
 - (i) vertoë wat behoorlik in verband met die aansoek ingedien is;
 - (j) die klas persone waartoe die aansoeker behoort en die klas of klasse persone wat deur die vervoerdienst waarvoor die permit verlang word, bedien moet word;
 - (k) enige aanbeveling deur die komitee kragtens artikel 2 (h) aangestel, gedoen;
 - (l) enige verslag of stuk wat na aanleiding van 'n in artikel 3 (1) (g) beoogde ondersoek opgestel is;
 - (m) enige ander faktore wat, volgens die oordeel van die kommissie of die betrokke raad, die vraag kan raak of dit wenslik is om die aansoek toe te staan of om so 'n voorwaarde of vereiste te stel of te verander.
- (2) (a) Wanneer 'n aansoeker aansoek doen om 'n openbare permit om padvervoer te onderneem binne 'n gebied of op 'n roete of tussen twee of meer punte wat reeds deur bestaande vervoergeriewe bedien word, rus daar op die aansoeker die las om te bewys dat—

Aangeleenthede wat by die afhandeling van 'n aansoek ten opsigte van 'n openbare permit in aanmerking geneem moet word.

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- (i) such existing transportation facilities are not satisfactory and sufficient to meet the transportation requirements of the public in that area or along that route or between those points; or
- (ii) the tariff at which payment for such existing transportation facilities is to be made is unreasonable: Provided that railway tariffs shall, for the purposes of this section, be deemed to be reasonable; or
- (iii) having regard to the circumstances, it will be expedient in the public interest to grant him the permit; or
- (iv) he belongs to the same class as the majority of the persons to be served by the transportation service for which the permit is sought, and that it is in the interests of such persons desirable to grant him the permit; and
- (v) he has the ability to provide in a manner satisfactory to the public the transportation for which the permit is sought.

(b) When an applicant applies for a public permit to undertake road transportation in circumstances not contemplated in paragraph (a), the onus shall be upon the applicant of proving that—

- (i) there is a need for such transportation within the area or along the route or between the points in or over or between which he proposes to undertake such transportation; and
- (ii) he has the ability to provide in a manner satisfactory to the public the transportation for which such permit is sought.

(3) In granting any application for a public permit, the commission or a board may give preference to an applicant who belongs to the same class as the majority of the persons to be served by the transportation service for which a permit is sought.

(4) The commission or a board may at the request of the holder of a permit in respect of whom an inquiry contemplated in section 3 (1) (g) was instituted, refuse to disclose to any interested person any report or document prepared as a result of such inquiry, or any part thereof.

(5) For the purposes of this section—

(a) an association of persons or a body corporate or unincorporate, including any company registered under the law relating to companies, shall be deemed to be a person of the class determined by the commission or the board concerned, as the case may be, and the commission or such board may, in so determining a class, have regard to the classes of persons who are members of, or have an interest in, such association or body;

(b) transportation shall be deemed to be capable of being co-ordinated with existing transportation facilities if such transportation is to be provided to or from a place or area situated on or along a route, or included in an area, served by such existing transportation facilities.

Period of a public permit.

16. (1) The commission or a board may grant or renew a public permit for an indefinite period or, in its discretion, for such fixed period as it may determine.

(2) If at the date on which a public permit granted for a fixed period expires, an application for its renewal is pending before the commission or competent board, such permit shall continue in force until the application has been disposed of.

Application in respect of a private permit.

17. (1) Any person who carries on any industry or trade or business and who—

(a) wishes to convey, in the course of such industry, trade or business, goods acquired or sold or otherwise disposed of by him, by means of a motor vehicle of

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- (i) sodanige bestaande vervoergeriewe nie bevredigend en voldoende is om in die vervoerbehoefte van die publiek in daardie gebied of langs daardie roete of tussen daardie punte te voorsien nie; of
 - (ii) die tarief waarteen vir sodanige bestaande vervoergeriewe betaal moet word, nie redelik is nie: Met dien verstande dat spoortariewe vir die doeleindeste van hierdie artikel geag word redelik te wees; of
 - (iii) dit met inagneming van die omstandighede in die openbare belang dienstig is om die permit aan hom toe te staan; of
 - (iv) hy tot dieselfde klas behoort as die meerderheid van die persone wat deur die vervoerdienaar waarvoor die permit verlang word, bedien sal word, en dat dit in belang van daardie persone wenslik is om die permit aan hom toe te staan; en
 - (v) hy oor die vermoë beskik om op 'n vir die publiek bevredigende wyse die vervoer te verskaf waarvoor die permit verlang word.
- (b) Wanneer 'n aansoeker aansoek doen om 'n openbare permit om padvervoer te onderneem onder omstandighede wat nie in paragraaf (a) beoog word nie, rus daar op die aansoeker die las om te bewys dat—
- (i) daar in die gebied of langs die roete of tussen die punte waarin of waarop of waartussen hy voorneem is om vervoer te onderneem, 'n behoefte vir sodanige vervoer bestaan; en
 - (ii) hy oor die vermoë beskik om op 'n vir die publiek bevredigende wyse die vervoer te verskaf waarvoor die permit verlang word.
- (3) By die toestaan van 'n aansoek om 'n openbare permit kan die kommissie of 'n raad voorkeur gee aan 'n aansoeker wat tot dieselfde klas behoort as die meerderheid van die persone wat bedien staan te word deur die vervoerdienaar waarvoor 'n permit verlang word.
- (4) Die kommissie of 'n raad kan op versoek van die houer van 'n permit ten opsigte van wie 'n in artikel 3 (1) (g) beoogde onderzoek ingestel is, weier om enige verslag of stuk wat na aanleiding van daardie onderzoek opgestel is, of enige gedeelte daarvan, aan 'n belanghebbende openbaar te maak.
- (5) By die toepassing van hierdie artikel—
- (a) word 'n vereniging van persone of 'n liggaam, hetsy met regspersoonlikheid beklee of nie, met inbegrip van 'n maatskappy wat ingevolge die wet op maatskappye geregistreer is, geag 'n persoon van die klas te wees wat die kommissie of, na gelang van die geval, die betrokke raad bepaal, en kan die kommissie of daardie raad, by die bepaling aldus van 'n klas, die klasse persone in aanmerking neem wat lede is van, of belang het by, sodanige vereniging of liggaam;
 - (b) word vervoer geag met bestaande vervoergeriewe gekoördineer te kan word indien die vervoer na of van 'n plek of gebied verskaf staan te word wat op of langs 'n roete geleë is, of in 'n gebied ingesluit is, wat deur daardie bestaande vervoergeriewe bedien word.

16. (1) Die kommissie of 'n raad kan 'n openbare permit vir 'n onbepaalde tydperk of, na goeddunke, vir die vaste tydperk wat hy bepaal, toestaan of hernieu.

(2) Indien daar op die verstrykingsdatum van 'n openbare permit wat vir 'n vaste tydperk toegestaan is, 'n aansoek om die hernuwing daarvan by die kommissie of 'n bevoegde raad hangende is, bly die permit van krag totdat die aansoek afgehandel is.

17. (1) Iemand wat 'n bedryf uitoefen of handel of besigheid dryf en wat—

- (a) goedere deur hom verkry of verkoop of andersins van die hand gesit, deur middel van 'n motorvoertuig waarvan hy die eienaar is, in die loop van daardie

Aansoek ten opsigte van 'n privaat-permit.

which he is the owner, between any place where he carries on such industry, trade or business and any place situated outside any exempted area or outside any area mentioned in section 1 (2) (y);

(b) subject to the provisions of section 1 (2) (k), wishes to convey his own employees by means of a motor vehicle of which he is the owner—

(i) from any place where they are or have been employed in the course of such industry, trade or business to any other place where they are to be so employed; or

(ii) between any place where they are to be or have been employed in the course of such industry, trade or business, and their place of residence,

may in the manner prescribed by regulation apply to the commission or competent board for the grant of a private road carrier permit authorizing such conveyance by him on a public road.

(2) Any holder of a private permit may in the manner prescribed by regulation apply to the commission or the competent board for the renewal or amendment of such permit.

Disposal of application in respect of a private permit.

18. (1) Subject to the provisions of this Act, the commission or a board shall receive and consider any application for or in respect of a private road carrier permit made or referred to it thereunder, and may thereafter, in its discretion but subject to the provisions of subsections (2) and (3)—

(a) grant such application in full; or

(b) grant such application in part; or

(c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or

(d) refuse such application.

(2) Any interested person—

(a) who applies therefor within the period prescribed by regulation, shall be allowed by the commission or board concerned, as the case may be, to inspect the completed form of application of the applicant, together with any other document which the applicant has submitted with his form of application, and to make copies thereof, free of charge;

(b) may in the manner and within the time similarly prescribed, submit representations to the commission or the board concerned, as the case may be, objecting to or supporting any application mentioned in subsection (1), and the commission or such board shall take any representations so submitted into account in disposing of such application.

(3) The commission or a board shall not under this section grant any application unless it is satisfied (the onus of proving which being upon the applicant)—

(a) that the applicant carries on the industry, trade or business in relation to which the application is made, at the place or places specified in the application, as contemplated in section 17 (1);

(b) in the case of any application relating to the goods mentioned in section 17 (1) (a), that it would be unreasonable under the circumstances to expect the applicant to make use of any available railway service for the conveyance of the goods to which the application relates, notwithstanding that the railway tariffs concerned shall be deemed to be reasonable.

(4) In deciding whether an application for the grant, renewal or amendment of a private permit authorizing road transportation contemplated in section 17 (1) (b) (ii), shall be granted or refused, and in determining conditions and requirements to which any such permit shall be made subject, the commission or a board shall take into consideration the provisions of section 15 (1) (b), (c), (e) and (l).

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bedryf, handel of besigheid wil vervoer tussen enige plek waar hy die bedryf, handel of besigheid uitoefen of dryf en enige plek geleë buite 'n vrygestelde gebied of buite 'n gebied in artikel 1 (2) (y) vermeld;

(b) behoudens die bepalings van artikel 1 (2) (k), sy werkneemers deur middel van 'n motorvoertuig waarvan hy die eienaar is, wil vervoer—

- (i) vanaf 'n plek waar hulle in die loop van die bedryf, handel of besigheid werk of gewerk het, na enige ander plek waar hulle aldus moet werk; of
- (ii) tussen 'n plek waar hulle in die loop van die bedryf, handel of besigheid moet werk of gewerk het, en hulle plek van verblyf,

kan op die by regulasie voorgeskrewe wyse by die kommissie of bevoegde raad aansoek doen om die toestaan van 'n privaatpadvervoerpermit wat magtiging verleen vir bedoelde vervoer deur hom op 'n openbare pad.

(2) 'n Houer van 'n privaatpermit kan op die by regulasie voorgeskrewe wyse by die kommissie of die bevoegde raad aansoek doen om die hernuwing of wysiging van daardie permit.

18. (1) Behoudens die bepalings van hierdie Wet, moet die Afhandeling van kommissie of 'n raad 'n aansoek om of ten opsigte van 'n aansoek in privaatpadvervoerpermit, wat daarkragtens by hom gedoen of na 'n privaatpermit. hom verwys word, ontvang en oorweeg, en kan hy daarna na goeddunke maar behoudens die bepalings van subartikels (2) en (3)—

- (a) die aansoek in sy geheel toestaan; of
 - (b) die aansoek gedeeltelik toestaan; of
 - (c) die aansoek in sy geheel of gedeeltelik toestaan, onderworpe aan die voorwaardes of vereistes wat hy nodig ag; of
 - (d) die aansoek weier.
- (2) Enige belanghebbende—
- (a) wat binne die tydperk by regulasie voorgeskryf daarom aansoek doen, moet deur die kommissie of betrokke raad, na gelang van die geval, toegelaat word om die voltooide aansoekvorm van die aansoeker, tesame met enige ander stuk wat die aansoeker saam met sy aansoekvorm ingedien het, kosteloos in te sien en afskrifte daarvan te maak;
 - (b) kan op die wyse en binne die tydperk insgelyks voorgeskryf, vertoë ter bestryding of ondersteuning van 'n in subartikel (1) vermelde aansoek tot die kommissie of die betrokke raad, na gelang van die geval, rig, en die kommissie of daardie raad moet vertoë aldus gerig by die afhandeling van die aansoek in aanmerking neem.

(3) Die kommissie of 'n raad staan nie 'n aansoek kragtens hierdie artikel toe nie tensy hy oortuig is (die bewyslas waarvan op die aansoeker rus)—

- (a) dat die aansoeker die bedryf, handel of besigheid ten opsigte waarvan die aansoek gedoen word, op die plek of plekke uitoefen of dryf wat in die aansoek vermeld word, soos in artikel 17 (1) beoog;
- (b) in die geval van 'n aansoek wat betrekking het op die goedere in artikel 17 (1) (a) vermeld, dat dit onder die omstandighede onredelik sou wees om van die applikant te verwag dat hy vir die vervoer van die goedere waarop die aansoek betrekking het, van 'n beskikbare spoorwegdiens gebruik moet maak, nieteenstaande dat die betrokke spoortariewe geag word redelik te wees.

(4) By die besluit of 'n aansoek om die toestaan, hernuwing of wysiging van 'n privaatpermit wat padvervoer beoog in artikel 17 (1) (b) (ii) magtig, toegestaan of geweier moet word en by die bepaling van voorwaardes en vereistes waaraan so 'n permit onderworpe gestel moet word, moet die kommissie of 'n raad die bepalings van artikel 15 (1) (b), (c), (e) en (l) in aanmerking neem.

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Period of a private permit.

19. (1) The commission or a board may grant or renew any private permit for an indefinite period or, in its discretion, for such fixed period as it may determine.

(2) If, at the date on which a private permit granted for a fixed period expires, an application for its renewal is pending before the commission or the competent board, such permit shall continue in force until the application has been disposed of.

Application for a temporary permit and disposal thereof.

20. (1) Any person may in the manner prescribed by regulation apply to the commission or a competent board for the grant of a temporary road carrier permit authorizing him to undertake road transportation of a temporary nature and upon a particular date or in connection with a particular occurrence.

(2) Subject to the provisions of this Act, the commission or a competent board shall receive and consider any application for a temporary road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—

- (a) grant such application in full; or
- (b) grant such application in part; or
- (c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or
- (d) refuse such application.

(3) The commission or a board shall not grant any application for a temporary permit if, in its opinion, reasonable transportation facilities exist by means of which the persons or goods in respect of which such permit is sought can be conveyed.

(4) The commission or a board may grant a temporary permit for such fixed period not exceeding fourteen days as it may determine.

(5) The powers and duties of the commission or a competent board in terms of this section may, notwithstanding anything to the contrary contained in this Act, in such circumstances, or in respect of such categories of applications for temporary permits, as may be prescribed by regulation, be exercised or performed on its behalf by its chairman or any of its members nominated for that purpose by its chairman.

Issue of a permit, and provisions thereof.

21. (1) Subject to the provisions of subsection (2), the commission or a board shall issue, in such manner as may be prescribed by regulation, any permit granted, renewed, amended or transferred by it in terms of this Act.

(2) The commission or a board shall not issue any public permit granted, renewed, amended or transferred by it in terms of this Act, unless—

- (a) it is satisfied that every motor vehicle in respect of which such permit was so granted, renewed, amended or transferred, is suitable for the class of road transportation for which it is to be used; and
- (b) in respect of each such motor vehicle a certificate of fitness issued under the law relating to the licensing and registration of motor vehicles in the province in question, on or after a date determined in the manner prescribed by regulation, or a copy of such a certificate authenticated in the manner so prescribed, has been submitted to it.

(3) Any permit issued by the commission or a board shall specify the following, namely—

- (a) the name of the holder and his address, including, in the case of a holder who carries on any road transportation business, his business address, and in the case of a private permit, the address at which or a description of the place or places where, the industry, trade or business in respect of which the private permit was granted, is carried on;
- (b) the period for which it was granted, if granted for a fixed period;

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19. (1) Die kommissie of 'n raad kan 'n privaatpermit vir 'n Termyn van 'n onbepaalde tydperk of, na goedunke, vir die vaste tydperk wat privaatpermit hy bepaal, toestaan of hernieu.

(2) Indien daar op die verstrykingsdatum van 'n privaatpermit wat vir 'n vaste tydperk toegestaan is, 'n aansoek om die hernuwing daarvan by die kommissie of 'n bevoegde raad hangende is, is die permit van krag totdat die aansoek afgehandel is.

20. (1) Enigiemand kan op die by regulasie voorgeskrewe wyse Aansoek om 'n tydelike permit, en afhandeling daarvan. by die kommissie of 'n bevoegde raad aansoek doen om die toestaan van 'n tydelike padvervoerpermit wat hom magtig om padvervoer van 'n tydelike aard en op 'n bepaalde datum of in verband met 'n bepaalde gebeurtenis te onderneem.

(2) Behoudens die bepalings van hierdie Wet, moet die kommissie of 'n bevoegde raad 'n aansoek om 'n tydelike padvervoerpermit wat daarkragtens by hom gedoen of na hom verwys word, ontvang en oorweeg, en kan hy daarna, na goedunke—

- (a) die aansoek in sy geheel toestaan; of
- (b) die aansoek gedeeltelik toestaan; of
- (c) die aansoek in sy geheel of gedeeltelik toestaan onderworpe aan die voorwaarde of vereistes wat hy nodig ag; of
- (d) die aansoek weier.

(3) Die kommissie of 'n raad staan nie 'n aansoek om 'n tydelike permit toe nie indien daar na sy oordeel redelike vervoergeriewe bestaan deur middel waarvan die persone of goedere ten opsigte waarvan die permit verlang word, vervoer kan word.

(4) Die kommissie of 'n raad kan 'n tydelike permit vir die vaste tydperk van hoogstens veertien dae wat hy bepaal, toestaan.

(5) Die bevoegdhede en pligte van die kommissie of 'n bevoegde raad ingevolge hierdie artikel kan, ondanks andersluidende bepalings van hierdie Wet, onder die omstandighede, of ten opsigte van die kategorieë van aansoeke om tydelike permitte, wat by regulasie voorgeskryf word, namens hom uitgeoefen of verrig word deur sy voorsitter of deur die een of ander van sy lede wat vir dié doel deur sy voorsitter benoem is.

21. (1) Behoudens die bepalings van subartikel (2), moet die kommissie of 'n raad 'n permit wat ingevolge hierdie Wet deur hom toegestaan, hernieu, gewysig of oorgedra is, op die by regulasie voorgeskrewe wyse uitrek. Uitreiking van 'n permit, en bepalings daarvan.

(2) Die kommissie of 'n raad reik nie 'n openbare permit wat ingevolge hierdie Wet deur hom toegestaan, hernieu, gewysig of oorgedra is, uit nie tensy—

- (a) hy oortuig is dat elke motorvoertuig ten opsigte waarvan die permit aldus toegestaan, hernieu, gewysig of oorgedra is, geskik is vir die klas van padvervoer waarvoor dit gebruik staan te word; en
- (b) daar ten opsigte van elke sodanige motorvoertuig 'n sertifikaat van geskiktheid wat op of na 'n datum op die by regulasie voorgeskrewe wyse bepaal, kragtens die wet wat op die lisensiëring en registrasie van motorvoertuie in die betrokke provinsie betrekking het, uitgereik is, of 'n afskrif van so 'n sertifikaat wat op die aldus voorgeskrewe wyse gewaarmerk is, aan hom voorgelê is.

(3) 'n Permit deur die kommissie of 'n raad uitgereik, moet die volgende vermeld, naamlik—

- (a) die naam van die houer en sy adres, met inbegrip, in die geval van 'n houer wat 'n padvervoerbesigheid dryf, van sy besigheidsadres, en in die geval van 'n privaatpermit, die adres of 'n beskrywing van die plek of plekke waar die bedryf, handel of besigheid ten opsigte waarvan die privaatpermit toegestaan is, uitgeoefen of gedryf word;
- (b) die tydperk waarvoor dit toegestaan is, indien vir 'n vaste tydperk toegestaan;

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(c) the nature or class or classes of road transportation in respect of which it was granted, and the class or classes of persons or the class or classes of goods which may be conveyed under such permit or the class or classes of persons whose goods may be so conveyed, as the commission or board may in each case in its discretion determine;

(d) the registration number, make, year of manufacture, type and seating or carrying capacity of the motor vehicle in respect whereof it is issued;

(e) the points between and the route or routes upon which or the area or areas within which the motor vehicle to which it refers may be used in road transportation, and if any restriction is imposed in connection with any transportation upon any portion of such route or routes or in any area or areas or in any portion of such area or areas, the points between or the area within which such restriction shall be applied and the conditions thereof;

(f) the manner in which tariffs, if approved or laid down by the commission or board, and which may in the discretion of the commission or board differ in respect of different classes of persons, shall be published or exhibited.

(4) In any permit issued by the commission or a board it may direct the holder thereof—

(a) to operate any motor vehicle to which the permit relates, according to a specified time table as approved or laid down by the commission or such board upon the grant of the permit or as altered from time to time in the manner prescribed by regulation;

(b) to employ for the operation of any motor vehicle to which the permit relates, only a specified class or specified classes of persons;

(c) to furnish the commission or such board with the name and address of every person authorized to advertise on behalf of such holder;

(d) to comply with any requirement or condition imposed under any other provision of this Act.

(5) Notwithstanding the provisions of sections 24 (2) and 42, the commission or a board may, and a board shall, if the commission so directs, in any public permit issued by it for the conveyance of more than one class of person, specify the following, namely—

(a) the portion or portions of the motor vehicle to which such permit relates which shall be set aside for the conveyance of any such class or classes of persons; and

(b) the form and manner in which the holder of such permit shall display on such motor vehicle a notice specifying the portion or portions so set aside; and

(c) the conditions on which the holder of such permit or any of his employees acting on his authority may, if authorized thereto in terms of such permit, vary any portion so set aside:

Provided that no matter shall be specified in terms of paragraph (a) or (c) in a public permit issued in respect of a motor vehicle which has been or will be operated regularly within the area of a local authority in terms of that permit, unless that local authority has been given an opportunity to submit representations in regard thereto in the manner and within the time prescribed by regulation.

Records of permits.

22. The commission and each board shall keep at its place of business a copy of every permit issued by it in terms of this Act and of every amendment made to any such permit, and shall allow any person who is in any way affected by such a permit or amendment, to inspect it and make copies of it free of charge.

Additional authority conferred by a permit.

23. Any permit shall, in addition to the transportation expressly authorized by it, authorize also the conveyance of any person necessary in connection with such expressly authorized transportation.

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- (c) die aard van of klas of klasse padvervoer ten opsigte waarvan dit toegestaan is, en die klas of klasse persone of die klas of klasse goedere wat kragtens daardie permit vervoer kan word of die klas of klasse persone wie se goedere aldus vervoer kan word, na gelang die kommissie of raad in elke geval na goeddunke bepaal;
- (d) die registrasienommer, fabrikaat, jaar van vervaardiging, soort, sitplekruimte of draagvermoë van die motorvoertuig ten opsigte waarvan dit uitgerek word;
- (e) die punte waartussen en die roete of roetes waarop of die gebied of gebiede waarbinne die motorvoertuig waarop dit betrekking het by padvervoer gebruik kan word, en indien 'n beperking opgelê word in verband met vervoer op 'n gedeelte van vermelde roete of roetes of in enige gebied of gebiede of in 'n gedeelte van die gebied of gebiede, die punte waartussen of die gebied waarbinne die beperking toegepas moet word en die voorwaardes daarvan;
- (f) die wyse waarop tariewe, indien deur die kommissie of raad goedgekeur of vasgestel, en wat na goeddunke van die kommissie of raad ten opsigte van verskillende klasse persone kan verskil, gepubliseer of vertoon moet word.

(4) In 'n permit wat deur die kommissie of 'n raad uitgerek word, kan hy die houer daarvan gelas—

- (a) om 'n motorvoertuig waarop die permit betrekking het, te laat loop volgens 'n bepaalde tydtafel soos deur die kommissie of die raad by die toestaan van die permit goedgekeur of vasgestel of soos van tyd tot tyd op die by regulasie voorgeskrewe wyse verander;
- (b) om by die gebruik van 'n motorvoertuig waarop die permit betrekking het, slegs van 'n vermelde klas of vermelde klasse persone se dienste gebruik te maak;
- (c) om die naam en adres van elke persoon wat gemagtig is om namens daardie houer te adverteer, aan die kommissie of die raad te verskaf;
- (d) om aan enige vereiste of voorwaarde kragtens 'n ander bepaling van hierdie Wet opgelê, te voldoen.

(5) Ondanks die bepalings van artikels 24 (2) en 42, kan die kommissie of 'n raad, en moet 'n raad, indien die kommissie dit gelas, in 'n openbare permit deur hom uitgerek vir die vervoer van meer as een klas persone, die volgende vermeld, naamlik—

- (a) die gedeelte of gedeeltes van die motorvoertuig waarop daardie permit betrekking het, wat vir die vervoer van sodanige klas of klasse persone afgesonder moet word; en
- (b) die vorm waarin en die wyse waarop die houer van die permit 'n kennisgewing wat die aldus afgesonderde gedeelte of gedeeltes vermeld, op daardie motorvoertuig moet vertoon; en
- (c) die voorwaardes waarop die houer van die permit of enigeen van sy werknemers wat op sy gesag handel, indien ingevolge die permit daartoe gemagtig, 'n aldus afgesonderde gedeelte kan verander.

Met dien verstande dat geen aangeleentheid ingevolge paragraaf (a) of (c) in 'n openbare permit, uitgerek ten opsigte van 'n motorvoertuig wat ingevolge daardie permit gereeld binne die gebied van 'n plaaslike bestuur in diens gestel is of sal word, vermeld word nie, tensy daardie plaaslike bestuur geleentheid gegee is om, op die wyse en binne die tydperk by regulasie voorgeskryf, vertoe in verband daar mee te rig.

22. Die kommissie en elke raad moet by sy besigheidsplek 'n Aantekening afskrif hou van elke permit wat ingevolge hierdie Wet deur hom uitgerek is en van elke wysiging wat aan so 'n permit aangebring is, en moet enigiemand wat op die een of ander wyse deur so 'n permit of wysiging geraak word, toelaat om dit kosteloos in te sien en afskrifte daarvan te maak.

23. Enige permit magtig, benewens die vervoer wat uitdruklik daardeur gemagtig word, ook die vervoer van enige persoon wat in verband met daardie uitdruklik gemagtig vervoer nodig is.

Bykomende magtiging deur 'n permit verleen.

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Duties of the holder of a permit.

- 24.** (1) The holder of a permit shall—
 (a) except where the commission has directed otherwise, carry the permit on the motor vehicle to which it relates, and produce it on demand to any authorized officer;
 (b) keep the permit in such a condition that all 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) in the case of a public permit or private permit (except such a permit issued in respect of such classes of road transportation as the commission or the board concerned may in its discretion determine), cause the name, address and nature of the business of such holder, and, in the case of a public permit issued for the conveyance of only one class of persons, a notice specifying such class of persons, to be borne on the motor vehicle to which the permit relates, in a conspicuous place, in such manner as may be prescribed by regulation or in such other manner as the commission or the board concerned may in any particular case approve in writing;
 (d) exhibit such other particulars as may be prescribed by the commission or the board concerned in its discretion;
 (e) in the case of a public permit or a private permit, affix and keep affixed in the manner prescribed by regulation, a distinguishing mark on any motor vehicle used in road transportation in terms of such permit.

(2) A permit issued by the commission or a board under this Act—

- (a) shall not authorize the holder thereof to undertake road transportation over any public road within the area of jurisdiction of a municipal council, city council or town council, if it is unlawful under any ordinance, regulation or by-law in force in such area, or as a result of any action taken by such municipal council, city council or town council under any such ordinance, regulation or by-law, to use a motor vehicle on that road or to undertake on that road any transportation of the class to which such permit relates;
 (b) shall not exempt the holder thereof from the obligation to comply with any requirement imposed upon him under any other law or under any licence or permit issued by any other authority.

Withdrawal, suspension or variation of a permit.

25. (1) Subject to the provisions of subsection (2), the commission or a competent board may at any time—

- (a) withdraw, or suspend for such period as it may deem fit, any public permit or private permit granted by it—
 (i) if the holder of such permit or any employee of such holder has been convicted of any offence under this Act or under any law relating to motor vehicles or the regulation of traffic, or, in the case of such a holder who carries on a road transportation business, of a contravention or failure to comply with the provisions of any determination, agreement, award, licence or exemption which relates to remuneration for work or hours of work and which is in terms of any law binding upon such holder as an employer, and upon his employees in such business; or
 (ii) if, in the opinion of the commission or the board concerned, the holder of such permit has not carried out faithfully the conditions or requirements of such permit; or
 (b) in its discretion withdraw, or suspend for such period as it may deem fit, any permit, if the circumstances under which such permit was granted have materially changed; or

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24. (1) Die houer van 'n permit moet—

- (a) behalwe waar die kommissie anders gelas het, die permit op die motorvoertuig waarop dit betrekking het, hou en dit op aanvraag aan 'n gemagtigde amptenaar toon;
- (b) die permit in so 'n toestand hou dat alle letters en syfers daarop duidelik leesbaar is en, as die permit beskadig raak of nie meer duidelik leesbaar is nie, 'n duplikaat op die by regulasie voorgeskrewe wyse aanvra;
- (c) in die geval van 'n openbare permit of privaatpermit (behalwe so 'n permit ten opsigte van die klasse padvervoer uitgereik wat die kommissie of die betrokke raad na goeddunke bepaal), die naam, adres en aard van die besigheid van die houer, en, in die geval van 'n openbare permit vir die vervoer van slegs een klas persone uitgereik, 'n kennisgewing wat daardie klas persone vermeld, op die by regulasie voorgeskrewe wyse of op die ander wyse wat die kommissie of die betrokke raad in 'n bepaalde geval skriftelik goedkeur, op 'n in die ooglopende plek op die motorvoertuig waarop die permit betrekking het, laat verskyn;
- (d) die ander besonderhede wat die kommissie of die betrokke raad na goeddunke voorskryf, vertoon;
- (e) in die geval van 'n openbare permit of 'n privaatpermit, 'n onderskeidingssteken op die by regulasie voorgeskrewe wyse aanheg en aangeheg hou, aan enige motorvoertuig wat kragtens daardie permit by padvervoer gebruik word.

(2) 'n Permit kragtens hierdie Wet deur die kommissie of 'n raad uitgereik—

- (a) magtig nie die houer daarvan om padvervoer op 'n openbare pad binne die regsgebied van 'n munisipale raad of stadsraad te onderneem nie, indien dit ingevolge 'n ordonnansie, regulasie of verordening wat in daardie gebied van krag is, of as gevolg van die een of ander optrede deur daardie munisipale raad of stadsraad kragtens so 'n ordonnansie, regulasie of verordening, onwettig is om 'n motorvoertuig op daardie pad te gebruik of om vervoer van die klas waarop die permit betrekking het, op daardie pad te onderneem;
- (b) onthef nie die houer daarvan van die verpligting om aan 'n vereiste te voldoen wat kragtens 'n ander wet of kragtens 'n lisensie of permit deur 'n ander instansie uitgereik, aan hom gestel word nie.

25. (1) Behoudens die bepalings van subartikel (2), kan die kommissie of 'n bevoegde raad te eniger tyd—

- (a) 'n openbare permit of 'n privaatpermit wat deur hom toegestaan is, intrek of vir die tydperk wat hy goed ag, opskort—
 - (i) indien die houer van sodanige permit of 'n werknemer van die houer skuldig bevind is weens 'n misdryf kragtens hierdie Wet of kragtens 'n wet wat betrekking op motorvoertuie of die reëling van verkeer het of, in die geval van so 'n houer wat 'n padvervoerbesigheid dryf, weens 'n oortreding van of versuum om te voldoen aan die bepalings van die een of ander vasstelling, ooreenkoms, toekenning, lisensie of vrystelling wat op werkloon of werkure betrekking het en wat in gevolge 'n wet vir die houer as 'n werkewer en vir sy werknemers in sodanige besigheid bindend is; of
 - (ii) indien, volgens die oordeel van die kommissie of die betrokke raad, die houer van sodanige permit nie die voorwaardes of vereistes van die permit getrou nagekom het nie; of
- (b) na goeddunke 'n permit intrek of vir die tydperk wat hy goed ag, opskort, indien die omstandighede waaronder sodanige permit toegestaan is, wesentlik verander het; of

Pligte van die houer van 'n permit.

Intrekking, opskorting of verandering van 'n permit.

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(c) of its own accord cancel or vary any condition or requirement of, or add any condition or requirement to, or define, redefine, curtail or otherwise amend, the authority contained in, any permit referred to in paragraph (a).

(2) The commission or a board shall not under subsection (1) withdraw or suspend any public permit or any private permit, or cancel or vary any condition or requirement of, or add any condition or requirement to, or amend, the authority contained in any such permit, unless—

(a) at least twenty-one days' written notice of its intention to do so, together with the reasons therefor, has been given to the holder of such permit by registered or certified post; and

(b) such holder has been given an opportunity, either personally or through his duly authorized representative, to appear before the commission or the board concerned and adduce evidence and submit representations in regard to the proposed action; and

(c) in the case of a public permit authorizing the conveyance of persons by means of a bus within or to or from the area of jurisdiction of a local authority, such local authority has been given an opportunity to submit representations, in the manner and within the time prescribed by regulation, to the commission or the board concerned in regard to the proposed action.

Withdrawal or amendment of a public permit on establishment of railway service.

26. (1) If a railway service is established between any two places or areas after the grant by the commission or a board of a public permit which authorizes the conveyance of persons between the places or areas in question, the commission, acting with the approval of the Minister but without being obliged to give prior notice to any other person, may by written notice to the holder of such permit—

(a) withdraw such permit; or

(b) amend such permit by withdrawing or curtailing the authority conferred by it for the said conveyance, on the ground of the establishment of such railway service, and with effect from a date not earlier than six months after such railway service commences operations.

(2) A notice under subsection (1) shall be sent to the holder concerned by registered or certified post, and shall require him to submit his claim for compensation under subsection (4), setting out in detail how the amount claimed is made up and substantiated by three separate sworn appraisements, to the commission not later than ninety days after the date on which the withdrawal or amendment of his permit becomes effective or within such further period as the commission may allow.

(3) If a public permit has been withdrawn or amended under subsection (1), no public permit which will have the effect of replacing or substantially replacing the transportation which was authorized under such permit before its withdrawal or amendment, shall be granted under this Act unless the commission is of the opinion that it is in the public interest to grant such a permit.

(4) Any person who was or is the holder of a public permit withdrawn or amended under subsection (1), shall be entitled to compensation in terms of this section for the loss he has suffered or is likely to suffer as a result of the withdrawal or amendment.

(5) The amount of such compensation shall, subject to the provisions of subsection (6), be determined by the Minister with the concurrence of the Minister of Finance, but shall not include any amount for the loss of possible profits in respect of any period more than twelve months subsequent to the date with effect from which the permit was withdrawn or amended.

(6) If any person entitled to claim compensation under subsection (4) is not prepared to accept the amount determined under subsection (5) and offered to such person in settlement of his claim, the amount of such compensation shall be determined

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(c) uit eie beweging 'n voorwaarde of vereiste van 'n in paragraaf (a) vermelde permit rooier of verander, of 'n voorwaarde of vereiste byvoeg by so 'n permit, of die magtiging wat in so 'n permit vervat is, omskryf, heromskryf, inkort of andersins wysig.

(2) Die kommissie of 'n raad mag nie kragtens subartikel (1) 'n openbare permit of 'n privaatpermit intrek of opskort nie, of 'n voorwaarde of vereiste van so 'n permit rooier of verander nie, of 'n voorwaarde of vereiste by so 'n permit byvoeg nie, of die magtiging in so 'n permit vervat, wysig nie, tensy—

- (a) minstens een-en-twintig dae skriftelike kennis van sy voorneme om dit te doen, tesame met die redes daarvoor, per aangetekende of gesertifiseerde pos aan die houer van daardie permit gegee is; en
- (b) daardie houer geleenthed gegee is om of persoonlik of deur middel van sy behoorlik gemagtigde verteenwoordiger voor die kommissie of die raad te verskyn en getuenis aan te voer en vertoë te rig in verband met die voorgestelde optrede; en
- (c) in die geval van 'n openbare permit wat die vervoer van persone deur middel van 'n bus binne of na of van die regssgebied van 'n plaaslike bestuur magtig, daardie plaaslike bestuur 'n geleenthed gegee is om, op die wyse en binne die tydperk by regulasie voorgeskryf, vertoë in verband met die voorgestelde optrede tot die kommissie of die betrokke raad te rig.

26. (1) Indien 'n spoorwegdiens tussen twee plekke of gebiede ingestel word na die toestaan deur die kommissie of 'n raad van 'n openbare permit wat die vervoer van persone tussen die betrokke plekke of gebiede magtig, kan die kommissie, met die goedkeuring van die Minister maar sonder om verplig te wees om vooraf aan iemand anders kennis te gee, deur skriftelike kennisgewing aan die houer van daardie permit—

Intrekking of
wysiging van
'n openbare
permit by
instelling van
spoorwegdiens.

- (a) daardie permit intrek; of
- (b) daardie permit wysig deur die magtiging wat dit vir gemelde vervoer verleen, in te trek of in te kort,

op grond van die instelling van die spoorwegdiens, en met ingang van 'n datum nie vroeër nie as ses maande na daardie spoorwegdiens in werking tree.

(2) 'n Kennisgewing kragtens subartikel (1) moet per aangetekende of gesertifiseerde pos aan die betrokke houer gestuur word, en moet hom aansê om sy vergoedingseis kragtens subartikel (4), waarin besonderhede van hoe die geëiste bedrag saamgestel is, uiteengesit word en wat deur drie afsonderlike beëdigde waardebepalings gestaaf word, nie later nie as negentig dae na die datum waarop die intrekking of wysiging van sy permit van krag word of binne die verdere tydperk wat die kommissie toelaat, by die kommissie in te dien.

(3) Indien 'n openbare permit kragtens subartikel (1) ingetrek of gewysig is, mag 'n openbare permit wat die uitwerking sal hé dat dit die vervoer wat deur daardie permit voor die intrekking of wysiging daarvan gemagtig was, vervang of wesenlik vervang, nie kragtens hierdie Wet toegestaan word nie tensy die kommissie van oordeel is dat die toestaan van so 'n permit in die openbare belang is.

(4) Iemand wat die houer was of is van 'n permit wat kragtens subartikel (1) ingetrek of gewysig is, is op vergoeding ingevolge hierdie artikel geregtig vir die verlies wat hy as gevolg van die intrekking of wysiging gely het of waarskynlik sal ly.

(5) Die bedrag van vermelde vergoeding word, behoudens die bepalings van subartikel (6), deur die Minister met die instemming van die Minister van Finansies bepaal, maar sluit nie 'n bedrag vir die verlies van moontlike wins ten opsigte van enige tydperk meer as twaalf maande na die datum met ingang waarvan die permit ingetrek of gewysig is, in nie.

(6) Indien iemand wat geregtig is om vergoeding kragtens subartikel (4) te eis, nie bereid is om die bedrag wat kragtens subartikel (5) bepaal is en wat ter vereffening van sy eis aan hom aangebied is, te aanvaar nie, moet die bedrag van sodanige

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by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), by an arbitrator or arbitrators appointed in the manner prescribed by regulation.

(7) Interest at such rate as may, on the date upon which the permit concerned was withdrawn or amended, be applicable to loans in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall with effect from such date be payable on the amount of compensation determined in terms of subsection (5) or (6), as the case may be.

Functions of certain committee.

27. Before any railway service is established as contemplated in section 26 (1) and whenever the contemplated transportation service concerned has been approved by the competent authority, the committee appointed under section 2 (h) may, irrespective of whether a notice has been sent in terms of section 26 (2), consult with the holder concerned and any other interested person and exercise or perform any of the powers or duties prescribed by regulation in relation to the change-over, contemplated in section 26, from road transport to transport by rail.

Withdrawal or substitution of a public permit after inquiry.

28. (1) Whenever the Minister has reason to believe that, in order to bring about improvements in transportation facilities within any area or over any route, or for any other reason, it may be expedient in the public interest that any public permit be withdrawn or that any such permit be withdrawn and in lieu thereof one or more such permits be issued to a person other than the holder of such permit, the Minister may cause a public inquiry in regard to the position to be instituted by the commission or by a member of the commission.

(2) Notice of such an inquiry shall be given in the manner prescribed by regulation, and all interested persons shall be afforded an opportunity to attend and to be heard at the inquiry.

(3) The commission or the member thereof concerned shall in connection with the institution of the inquiry have due regard to the provisions of section 15 (1).

(4) After consideration of the report submitted to him in pursuance of any such inquiry and, in the case of an inquiry instituted by a member of the commission, of a recommendation by the commission, the Minister may, subject to the provisions of subsection (5), direct—

(a) that the permit which was the subject of the inquiry be withdrawn; or
 (b) that such permit be withdrawn and that in lieu thereof one or more public permits be issued to a person or persons other than the holder of such permit, and any such direction shall take effect upon a date to be determined by the Minister and notified in writing to the persons concerned, not being less than one month or more than twelve months after the date of the notification.

(5) The Minister shall not give any direction under subsection (4) unless—

(a) if any such permit is to be withdrawn and no public permit is to be issued in lieu thereof to any other person, the person or persons (to be designated by the Minister) providing transportation within the area or over the route in or over which transportation is being provided by the person whose permit is to be withdrawn; or
 (b) if any such permit is to be withdrawn and one or more public permits are to be issued in lieu thereof to any other person or persons, that other person or those other persons,

have given an undertaking to the satisfaction of the Minister to compensate the person whose permit is to be withdrawn for the loss he is likely to suffer as a result of the withdrawal of that permit.

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vergoeding deur arbitrasie ooreenkomstig die bepalings van die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), bepaal word deur 'n arbiter of arbiters wat op die by regulasie voorgeskrewe wyse aangestel is.

(7) Rente teen die koers wat op die datum waarop die betrokke permit ingetrek of gewysig is, op lenings ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), van toepassing is, is met ingang van daardie datum betaalbaar op die bedrag van vergoeding wat ingevolge subartikel (5) of (6), na gelang van die geval, bepaal is.

27. Voordat 'n spoorwegdiens soos in artikel 26 (1) beoog, Werksaamhede ingestel word en wanneer die beoogde betrokke vervoerdiens deur van sekere die bevoegde instansie goedgekeur is, kan die kragtens artikel 2

(h) aangestelde komitee, ongeag of 'n kennisgewing ingevolge artikel 26 (2) gestuur is, met die betrokke houer en enige ander belanghebbende raadpleeg en enige van die by regulasie voorgeskrewe bevoegdhede of pligte uitoefen of verrig met betrekking tot die in artikel 26 beoogde oorskakeling van padvervoer na spoorvervoer.

28. (1) Wanneer die Minister rede het om te vermoed dat, ten einde verbetering in die vervoergeriewe binne die een of ander gebied of op die een of ander roete teweeg te bring, of om enige ander rede, dit in die openbare belang raadsaam mag wees dat 'n openbare permit ingetrek word of dat so 'n permit ingetrek en in die plek daarvan een of meer permitte aan ander persone as die houer van die permit uitgereik word, kan die Minister 'n openbare ondersoek in verband met die toestand deur die kommissie of deur 'n lid van die kommissie laat instel.

Intrekking of vervanging van 'n openbare permit na ondersoek.

(2) Van so 'n ondersoek moet op die by regulasie voorgeskrewe wyse kennis gegee word, en aan belanghebbendes moet geleentheid gegee word om by die ondersoek aanwesig te wees en aangehoor te word.

(3) Die kommissie of die betrokke lid daarvan moet in verband met die hou van die ondersoek behoorlik rekening hou met die bepalings van artikel 15 (1).

(4) Na oorweging van die verslag na aanleiding van so 'n ondersoek aan hom voorgelê en, in die geval van 'n ondersoek deur 'n lid van die kommissie ingestel, van 'n aanbeveling van die kommissie, kan die Minister, behoudens die bepalings van subartikel (5), gelas—

- (a) dat die permit wat die onderwerp van die ondersoek was, ingetrek word; of
- (b) dat daardie permit ingetrek word en dat in die plek daarvan een of meer openbare permitte aan 'n ander persoon of ander persone as die houer van daardie permit uitgereik word,

en so 'n lasgewing geld vanaf 'n datum deur die Minister bepaal wat skriftelik aan die betrokke persone meegedeel moet word, en wat minstens een maand en hoogstens twaalf maande na die datum van die mededeling val.

(5) Die Minister doen nie 'n lasgewing kragtens subartikel (4) nie, tensy—

- (a) indien so 'n permit ingetrek moet word en geen openbare permit in die plek daarvan aan iemand anders uitgereik moet word nie, die persoon of persone (wat deur die Minister aangewys moet word) wat vervoer verskaf binne die gebied of op die roete waarin of waarop vervoer verskaf word deur die persoon van wie die permit ingetrek staan te word; of
- (b) indien so 'n permit ingetrek en in die plek daarvan een of meer openbare permitte aan 'n ander persoon of ander persone uitgereik moet word, daardie ander persoon of persone,

ten genoeë van die Minister 'n onderneming gegee het om aan die persoon wie se permit ingetrek staan te word, vergoeding te betaal vir die verlies wat hy waarskynlik as gevolg van die intrekking van daardie permit sal ly.

(6) The amount of the compensation payable in terms of subsection (5) shall, in the absence of agreement between the parties concerned, be determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), by an arbitrator or arbitrators appointed in the manner prescribed by regulation, but shall not include any amount for the loss of possible profits in respect of any period more than twelve months subsequent to the date of withdrawal of the permit in question.

Lapsing of
certain permits.

29. (1) If the commission or the competent board has by written notice sent by registered or certified post to the holder of a public permit or a private permit required him, at any time after the issue of the permit, to commence the road transportation in respect of which the permit in question was granted, before a date specified in such notice or such later date as the commission or the board concerned may allow in writing, the permit in question shall lapse on the date so specified or, as the case may be, on such later date, unless the commission or that board has in writing declared itself satisfied that such holder has commenced such road transportation before the date in question.

(2) (a) A private permit shall lapse upon the holder ceasing to carry on the industry, trade or business in respect of which the permit was granted, at the place or places specified in such permit in accordance with the provisions of section 21 (3) (a).

(b) If two or more places are specified in such permit as aforesaid and the holder ceases to carry on such industry, trade or business at any of those places while continuing it at the other or others, the authority conferred by such permit with reference to the place or places where the industry, trade or business is no longer carried on, shall lapse.

(3) (a) If any person acquires, without the prior approval, obtained in the manner prescribed by regulation, of the commission or the competent board, a controlling interest in a company after a public permit has been granted or issued to such company, such granting of such permit shall, notwithstanding the provisions of section 21, lapse, or such permit which has been issued shall lapse with effect from the date of such acquisition of a controlling interest, as the case may be.

(b) Any permit which has lapsed in terms of paragraph (a), together with the distinguishing mark required in respect of any motor vehicle to which that permit relates, shall within seven days after the permit has so lapsed, be returned by the company to which it was issued by registered or certified post to the commission or competent board, as the case may be.

(c) In considering an application for the approval of the acquisition of a controlling interest in a company to which a public permit has been granted or issued, the commission or the competent board shall take into account—

- (i) whether such acquisition is likely to create any monopolistic situation which will not be expedient in the public interest;
- (ii) any other permit held by the applicant;
- (iii) the interests which the applicant has in any other transportation undertaking;
- (iv) the interests which the applicant has in any other company, partnership, industry, trade or business;
- (v) the provisions of section 15 (1);
- (vi) any other factor which in the opinion of the commission or board may affect the question whether it is desirable to grant such application.

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(6) Die bedrag van die vergoeding wat ingevolge subartikel (5) betaalbaar is, word, by ontstentenis van ooreenkoms tussen die betrokke partye, deur arbitrasie volgens voorskrif van die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), bepaal deur 'n arbiter of arbiters wat op die by regulasie voorgeskrewe wyse aangestel is, maar sluit nie 'n bedrag vir die verlies van moontlike wins ten opsigte van 'n tydperk van meer as twaalf maande na die datum van die intrekking van die betrokke permit in nie.

29. (1) Indien die kommissie of die bevoegde raad by Verval van skriftelike kennisgewing per aangetekende of gesertifiseerde pos aan die houer van 'n openbare permit of 'n privaatpermit gestuur, hom te eniger tyd na die toestaan van die permit aangesê het om die padvervoer ten opsigte waarvan die betrokke permit toegestaan is, te begin voor 'n datum in die kennisgewing vermeld of die later datum wat die kommissie of die betrokke raad skriftelik toelaat, verval die betrokke permit op die aldus vermelde datum of, na gelang van die geval, op sodanige latere datum, tensy die kommissie of daardie raad skriftelik verklaar het dat hy oortuig is dat daardie houer die bedoelde padvervoer voor die betrokke datum begin het.

(2) (a) 'n Privaatpermit verval wanneer die houer ophou om die bedryf, handel of besigheid ten opsigte waarvan die permit toegestaan is, op die plek of plekke uit te oefen of te dryf wat volgens voorskrif van artikel 21 (3) (a) in daardie permit vermeld word.

(b) Indien twee of meer plekke soos voormeld in die permit vermeld word en die houer ophou om sodanige bedryf, handel of besigheid op enige van daardie plekke uit te oefen of te dryf terwyl hy dit op die ander of andere voortsit, verval die magtiging wat deur die permit met betrekking tot die plek of plekke verleen word waar die bedryf, handel of besigheid nie meer uitgeoefen of gedryf word nie.

(3) (a) Indien niemand sonder die op die by regulasie voorgeskrewe wyse verkreeë voorafgaande goedkeuring van die kommissie of die bevoegde raad 'n beherende belang in 'n maatskappy verkry nadat 'n openbare permit aan daardie maatskappy toegestaan of uitgereik is, verval, ondanks die bepalings van artikel 21, bedoelde toestaan van die permit, of verval daardie permit wat uitgereik is met ingang van die datum van bedoelde verkryging van 'n beherende belang, na gelang van die geval.

(b) 'n Uitgereikte permit wat ingevolge paragraaf (a) verval het, moet deur die maatskappy waaraan dit uitgereik is, tesame met die onderskeidingssteken vereis ten opsigte van enige motorvoertuig waarop dié permit betrekking het, binne sewe dae nadat die permit aldus verval het, per aangetekende of gesertifiseerde pos aan die kommissie of bevoegde raad, na gelang van die geval, teruggestuur word.

(c) By die oorweging van 'n aansoek om die goedkeuring van die verkryging van 'n beherende belang in 'n maatskappy aan wie 'n openbare permit toegestaan of uitgereik is, moet die kommissie of die bevoegde raad in aanmerking neem—

- (i) of sodanige verkryging enige monopolistiese toestand sal skep wat nie in die openbare belang dienstig sal wees nie;
- (ii) enige ander permit wat deur die aansoeker gehou word;
- (iii) die belang wat die aansoeker by enige ander vervoeronderneming het;
- (iv) die belang wat die aansoeker by enige ander maatskappy of enige vennootskap, bedryf, handel of besigheid het;
- (v) die bepalings van artikel 15 (1);
- (vi) enige ander faktor wat volgens die oordeel van die kommissie of raad die vraag kan raak of dit wenslik is om die aansoek toe te staan.

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- (d) Any company which contravenes any of the provisions of paragraph (b), shall be guilty of an offence and on conviction liable to a fine not exceeding fifty rand.
- (e) For the purposes of paragraph (a) the expression "controlling interest", in relation to a company, means any interest held in that company by any other company by virtue of which such other company is, in relation to the first-mentioned company, a controlling company as defined in the Companies Act, 1973 (Act No. 61 of 1973), and includes any like interest held in that company by any natural person.

Regulations.

30. (1) The Minister may make regulations—

- (a) with reference to—
 - (i) the information to be submitted with any application to the commission or a board for the grant, renewal, amendment or transfer of any permit;
 - (ii) the procedure to be followed by the commission or a board in dealing with any such application;
 - (iii) the information to be submitted with any appeal to the commission against an act, direction or decision of a board;
 - (iv) the information to be supplied by a board to the commission or the appellant in connection with any such appeal, and the manner in which and time within which such information shall be supplied;
 - (v) the procedure to be followed by the commission in dealing with any such appeal;
- (b) requiring the payment of fees in connection with—
 - (i) any application to the commission or a board for the grant, renewal, amendment or transfer of a permit; or
 - (ii) any appeal to the commission against an act, a direction or a decision of a board; or
 - (iii) the issue by the commission or a board of any permit, distinguishing mark or other document or any duplicate thereof,
 and prescribing the amount of any such fee, the circumstances in which any amount paid by way of such fee shall be forfeited or refunded in whole or in part, the amount of any such partial refund and the circumstances in which any amount so paid may in the discretion of the commission or a board be forfeited in whole or be refunded in whole or in part;
- (c) requiring the payment of an annual fee in respect of any permit granted or renewed for an indefinite period or for a period in excess of twelve months, and prescribing the amount of any such fee and the times at which and manner in which it is to be paid;
- (d) prescribing the powers of the commission or a board upon the failure by any person to pay any fee prescribed under paragraph (b) or (c), including the power to refuse to consider the application or appeal in question or issue the document in question, or to suspend or withdraw the permit in question;
- (e) prescribing the circumstances in which the commission or a board may issue without charge any permit or distinguishing mark or a duplicate thereof;
- (f) prescribing specifications and requirements to which any motor vehicle used in road transportation for the conveyance of persons or specified goods shall conform, and prohibiting the use in road transportation for such purpose of any motor vehicle which does not conform to such specifications or requirements;
- (g) prescribing the manner in which any distinguishing mark, identification, permit, notice or other document or writing which is required to be displayed or carried on

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- (d) 'n Maatskappy wat die bepalings van paragraaf (b) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.
- (e) By die toepassing van paragraaf (a) beteken die uitdrukking „beherende belang”, met betrekking tot 'n maatskappy, 'n belang deur 'n ander maatskappy in daardie maatskappy besit uit hoofde waarvan daardie ander maatskappy met betrekking tot eersgenoemde maatskappy 'n beherende maatskappy is soos in die Maatskappywet, 1973 (Wet No. 61 van 1973), omskryf, en ook 'n dergelike belang wat deur 'n natuurlike persoon in daardie maatskappy besit word.

30. (1) Die Minister kan regulasies uitvaardig—

Regulasies.

- (a) met betrekking tot—
- die inligting wat met 'n aansoek by die kommissie of 'n raad om die toestaan, hernuwing, wysiging of oordrag van 'n permit ingedien moet word;
 - die prosedure wat deur die kommissie of 'n raad by die behandeling van so 'n aansoek gevolg moet word;
 - die inligting wat met 'n appèl na die kommissie teen 'n handeling, opdrag of beslissing van 'n raad ingedien moet word;
 - die inligting wat deur 'n raad aan die kommissie of 'n appellant in verband met so 'n appèl verstrek moet word, en die wyse waarop en tydperk waarbinne sodanige inligting verstrek moet word;
 - die prosedure wat deur die kommissie by die behandeling van so 'n appèl gevolg moet word;
- (b) wat die betaling van gelde vereis in verband met—
- 'n aansoek aan die kommissie of 'n raad om die toestaan, hernuwing, wysiging of oordrag van 'n permit; of
 - 'n appèl na die kommissie teen 'n handeling, opdrag of beslissing van 'n raad; of
 - die uitreiking deur die kommissie of 'n raad van 'n permit, onderskeidingsteken of ander stuk of 'n duplikaat daarvan, en wat die bedrag van sodanige gelde, die omstandighede waaronder 'n bedrag wat by wyse van sodanige gelde betaal is in die geheel of gedeeltelik verbeur of terugbetaal moet word, die bedrag van so 'n gedeeltelike terugbetaling en die omstandighede waaronder 'n aldus betaalde bedrag na goeddunke van die kommissie of 'n raad in die geheel verbeur kan word of in die geheel of gedeeltelik terugbetaal kan word, voorskryf;
- (c) wat die betaling van jaarlikse gelde vereis ten opsigte van 'n permit wat vir 'n onbepaalde tydperk of vir 'n tydperk bo twaalf maande toegestaan of hernieu is, en wat die bedrag van sodanige gelde en die tye en wyse waarop dit betaal moet word, voorskryf;
- (d) wat die bevoegdhede van die kommissie of 'n raad, by versuim deur enige persoon om gelde kragtens paragraaf (b) of (c) voorgeskryf, te betaal, met inbegrip van die bevoegdheid om te weier om die betrokke aansoek of appèl te oorweeg of die betrokke stuk uit te reik, of om die betrokke permit op te skort of in te trek, voorskryf;
- (e) wat die omstandighede voorskryf waaronder die kommissie of 'n raad 'n permit of onderskeidingsteken of 'n duplikaat daarvan kosteloos kan uitrek;
- (f) wat die spesifikasies en vereistes waaraan 'n motorvoertuig moet voldoen wat vir die vervoer van persone of vermelde goedere by padvervoer gebruik word, voorskryf, en wat die gebruik vir so 'n doel by padvervoer, van 'n motorvoertuig wat nie aan sodanige spesifikasies of vereistes voldoen nie, verbied;
- (g) wat die wyse waarop 'n onderskeidingsteken, identifikasie, permit, kennisgewing of ander stuk of geskrif wat ingevolge hierdie Wet of 'n voorwaarde of vereiste

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- or in any motor vehicle in terms of this Act or any condition or requirement imposed thereunder, shall be so displayed or carried, and the position thereof on or in such motor vehicle;
- (h) empowering the commission or a board to require the surrender to it of a permit that has expired or lapsed or has been withdrawn or suspended in terms of this Act, or the production to it of any permit for its amendment;
 - (i) empowering authorized officers to seize by order of the commission or a board, any permit that has expired or has been withdrawn or suspended in terms of this Act;
 - (j) prescribing records to be kept by any person engaged in road transportation, and returns and information to be submitted by any such person to the commission or any board;
 - (k) prescribing the powers and duties of authorized officers, including the manner in which and the conditions upon which motor vehicles that are locked or sealed, may be forced open by authorized officers in order to inspect the load;
 - (l) empowering any inspector or any member of the South African Police to seize any motor vehicle suspected on reasonable grounds to have been used in unauthorized road transportation, and any goods upon such motor vehicle, and providing for the manner in which a motor vehicle and goods so seized shall be dealt with pending the disposal of criminal proceedings in respect of such unauthorized road transportation;
 - (m) prescribing the nature and form of any distinguishing mark, identification, permit, notice or other document or writing issued or required in terms of this Act, including the form, shape, size and colour of, and the information to be contained in, any such distinguishing mark, identification, permit, notice or other document or writing, or empowering the commission to prescribe the form thereof;
 - (n) prescribing fees or allowances payable to any person who has been required under section 9 (1) (b) to appear before the commission or a board to give evidence or to produce any book, plan or other document or article;
 - (o) prescribing or otherwise dealing with any matter which in terms of any other provision of this Act is required to be or may be prescribed or otherwise dealt with by regulation;
 - (p) generally for the better carrying out of the provisions and objects of this Act.

(2) The Minister shall not under subsection (1) (b), (c) or (n) prescribe any fee or allowance or any circumstance in which any fee shall or may be refunded or the amount of any refund, except with the concurrence of the Minister of Finance.

(3) Regulations made under subsection (1) may prescribe for any contravention thereof or any failure to comply therewith, penalties not exceeding those prescribed by section 35.

(4) Different regulations may be made under subsection (1) in respect of different permits, areas, places, classes of motor vehicles, forms, classes of road transportation, circumstances in which, times during which or purposes for which any motor vehicle is used in road transportation.

Offences and
prohibitions
relating to road
transportation.

31. (1) Any person who—

- (a) undertakes road transportation except under the authority of a permit authorizing such road transportation; or
- (b) being the holder of a permit, undertakes road transportation otherwise than in accordance with the provisions of such permit, or contravenes or fails to comply with

- daarkragtens opgelê, op of in 'n motorvoertuig vertoon of gehou moet word, aldus getoon of gehou moet word, en die posisie daarvan op of in die motorvoertuig, voorskryf;
- (h) wat die kommissie of 'n raad magtig om te eis dat 'n permit wat verstryk of verval het of ingevolge hierdie Wet ingetrek of opgeskort is, by hom ingelewer word, of dat 'n permit vir die wysiging daarvan aan hom oorgelê word;
 - (i) wat gemagtigde amptenare magtig om op las van die kommissie of 'n raad 'n permit wat ingevolge die bepalings van hierdie Wet verval het of ingetrek of opgeskort is, in beslag te neem;
 - (j) wat aantekeninge wat deur iemand in padvervoer betrokke, gehou moet word, en opgawes en inligting wat deur hom by die kommissie of 'n raad ingedien moet word, voorskryf;
 - (k) wat die bevoegdhede en pligte van gemagtigde amptenare voorskryf, met inbegrip van die wyse en voorwaardes waarop motorvoertuie wat toegesluit of geseeël is, deur gemagtigde amptenare opgebreek kan word ten einde die vrag te kan inspekteer;
 - (l) wat 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie magtig om beslag te lê op enige motorvoertuig wat na op redelike gronde vermoed word by ongemagtigde padvervoer gebruik is en enige goedere op so 'n motorvoertuig, en wat voorsiening maak vir die wyse waarop daar met 'n motorvoertuig en goedere waarop daar aldus beslag gelê is, gehandel moet word in afwagting van die afhandeling van strafverrigtinge ten opsigte van daardie ongemagtigde padvervoer;
 - (m) wat die aard en vorm van enige onderskeidingsteken, identifikasie, permit, kennisgewing of ander stuk of geskrif wat ingevolge hierdie Wet uitgereik of vereis word, met inbegrip van die vorm, fatsoen, grootte en kleur van, en die inligting wat vervat moet word in, enige sodanige onderskeidingsteken, identifikasie, permit, kennisgewing of ander stuk of geskrif, voorskryf, of wat die kommissie magtig om die vorm daarvan voor te skryf;
 - (n) wat gelde of toelaes voorskryf wat betaalbaar is aan iemand wat kragtens artikel 9 (1) (b) aangesê is om voor die kommissie of 'n raad te verskyn om getuenis af te lê of om 'n boek, plan of ander stuk of voorwerp oor te lê;
 - (o) wat enige ander aangeleenthed wat ingevolge 'n ander bepaling van hierdie Wet by regulasie voorgeskryf of andersins mee gehandel moet of kan word, voorskryf of andersins daarmee handel;
 - (p) in die algemeen, ten einde die bepalings en oogmerke van hierdie Wet beter uit te voer.
- (2) Die Minister mag nie gelde of toelaes, of omstandighede waaronder gelde terugbetaal moet of kan word of die bedrag van 'n terugbetaling, kragtens subartikel (1) (b), (c) of (n) voorskryf nie behalwe met die instemming van die Minister van Finansies.
- (3) Regulasies kragtens subartikel (1) uitgevaardig, kan vir oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie dié wat by artikel 35 voorgeskryf word, oorskryf nie.
- (4) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende permitte, gebiede, plekke, klasse motorvoertuie, vorms, klasse padvervoer, omstandighede waaronder, tye wanneer of doeleindes waarvoor 'n motorvoertuig by padvervoer gebruik word.

31. (1) Iemand wat—

- (a) padvervoer onderneem behalwe kragtens 'n permit wat daardie padvervoer magtig; of
- (b) terwyl hy die houer van 'n permit is, padvervoer anders as volgens die bepalings van daardie permit onderneem,

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any condition or requirement thereof or any provision of section 24; or

(c) being the holder of a public permit authorizing the conveyance of persons or goods for reward—

(i) refuses without sufficient reason (the onus of proof whereof shall be upon him) to convey any person or goods which such permit authorizes him to convey; or

(ii) makes any charge for such conveyance which is not in accordance with any tariff set forth in such permit or which he may have been required to publish in terms of such permit; or

(iii) claims or accepts for such conveyance any remuneration other than money; or

(d) being the holder of a permit authorizing the conveyance of goods, contravenes any prohibition contained in a notice published in the *Gazette* under section 2 (f) or (g), shall be guilty of an offence.

(2) The holder of a permit—

(a) shall not be convicted under paragraph (b) of subsection (1) in respect of any contravention of or failure to comply with a provision, condition or requirement of his permit if adherence to or compliance with the provision, condition or requirement in question would have constituted the offence contemplated in paragraph (d) of that subsection;

(b) shall not be convicted under paragraph (c) (i) of that subsection in respect of any refusal to convey if, at the time of such refusal, he had discontinued the road transportation authorized by his permit or any part of such road transportation after having given such notice as may be prescribed by regulation, and, where part only of such road transportation has been so discontinued, the refusal related to the part so discontinued.

(3) Whenever the holder of a permit is charged with having conveyed, by means of the motor vehicle to which that permit relates, any person whom he is not in terms of that permit authorized to convey or by virtue of any law obliged to convey, or with having conveyed in any portion of the motor vehicle to which that permit relates, any person who is not a member of a class of persons for the conveyance of whom that portion has in terms of that permit been required to be set aside, it shall be a defence to the charge to prove that—

(a) the person so conveyed entered that vehicle or that portion of such vehicle, as the case may be, without the knowledge of or in spite of objection by the conductor or other person in charge of such vehicle, and refused or failed on being requested thereto by that conductor or other person to leave that vehicle or that portion of such vehicle, as the case may be, and that such conductor or other person reported the circumstances together with the name and address of the person so conveyed, to a police officer or, if that person refused on demand to furnish his name or address, made a statement to that effect to a police officer, at the first reasonable opportunity; or

(b) the said conductor or other person could not reasonably have known that the person so conveyed was not a member of a class of person whose conveyance in that vehicle or in that portion of such vehicle, as the case may be, was authorized in terms of that permit.

(4) No person shall, without authority in writing granted by the commission or a board, make known whether by means of a notice published in a newspaper or in any other manner—

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of 'n voorwaarde of vereiste daarvan of 'n bepaling van artikel 24 oortree of versuim om daaraan te voldoen; of
 (c) terwyl hy die houer is van 'n openbare permit wat die vervoer van persone of goedere teen vergoeding magtig—

- (i) sonder voldoende rede (waarvan die bewyslas op hom rus) weier om persone of goedere te vervoer wat hy kragtens daardie permit kan vervoer; of
- (ii) vir sodanige vervoer 'n prys vra wat nie met die tarief in die permit uiteengesit of wat hy ingevolge daardie permit moes publiseer, ooreenstem nie; of
- (iii) vir sodanige vervoer ander vergoeding as geld eis of aanneem; of

(d) terwyl hy die houer is van 'n permit wat die vervoer van goedere magtig, 'n verbod oortree wat vervat is in 'n kennisgewing kragtens artikel 2 (f) of (g) in die Staatskoerant gepubliseer,

is aan 'n misdryf skuldig.

(2) Die houer van 'n permit—

(a) word nie kragtens paragraaf (b) van subartikel (1) ten opsigte van 'n oortreding van, of versuim om te voldoen aan, 'n bepaling, voorwaarde of vereiste van sy permit skuldig bevind nie indien nakoming van of voldoening aan die betrokke bepaling, voorwaarde of vereiste die misdryf wat in paragraaf (d) van daardie subartikel beoog word, sou uitgemaak het;

(b) word nie kragtens paragraaf (c) (i) van daardie subartikel ten opsigte van 'n weiering om te vervoer skuldig bevind nie indien die padvervoer wat deur sy permit gemagtig is of 'n deel van daardie padvervoer ten tyde van die weiering deur hom gestaak was nadat hy die by regulasie voorgeskrewe kennis gegee het, en, waar slegs 'n deel van daardie padvervoer aldus gestaak was, die weiering op die aldus gestaakte deel betrekking gehad het.

(3) Wanneer die houer van 'n permit daarvan aangekla word dat hy, deur middel van die motorvoertuig waarop daardie permit betrekking het, iemand vervoer het wat hy nie volgens daardie permit gemagtig is om te vervoer nie, of dat hy in 'n gedeelte van die motorvoertuig waarop daardie permit betrekking het, iemand vervoer het wat nie 'n lid is van 'n klas persone vir wie se vervoer daardie gedeelte volgens voorskrif van daardie permit afgesonder moes geword het, is dit 'n verweer teen die aanklag om te bewys dat—

(a) die persoon wat aldus vervoer is daardie voertuig of daardie gedeelte van die voertuig, na gelang van die geval, betree het sonder die wete van of ondanks beswaar deur die kondukteur of ander persoon belas met die toesig oor daardie voertuig, en geweier of versuim het om ingevolge die versoek van daardie kondukteur of ander persoon daardie voertuig of daardie gedeelte van die voertuig, na gelang van die geval, te verlaat, en dat daardie kondukteur of ander persoon by die eerste redelike geleentheid die omstandighede tesame met die naam en adres van die persoon wat aldus vervoer is, by 'n polisiebeampte aangemeld het of, indien daardie persoon op aanvraag geweier het om sy naam of adres te verstrek, 'n verklaring te dien effekte aan 'n polisiebeampte gedoen het; of

(b) vermelde kondukteur of ander persoon nie redelikerwys kon geweet het nie dat die persoon wat aldus vervoer is, nie 'n lid is nie van 'n klas persone wie se vervoer in daardie voertuig of in daardie gedeelte van die voertuig, na gelang van die geval, ingevolge daardie permit gemagtig is.

(4) Niemand mag, sonder skriftelike magtiging deur die kommissie of 'n raad verleen, bekend maak, hetsy deur middel van 'n kennisgewing in 'n nuusblad gepubliseer of op 'n ander wyse—

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- (a) that he is willing to undertake road transportation, unless he is the holder of a permit which authorizes such conveyance; or
 - (b) that any other person is willing to undertake road transportation, unless such other person is the holder of a permit which authorizes such conveyance and the first-mentioned person has been authorized by such other person to advertise his willingness to undertake such conveyance, and the advertisement in question discloses the name of such other person.
- (5) Any person who contravenes any provision of subsection (4), shall be guilty of an offence.

Offences by persons not authorized to be conveyed by the holder of a public permit.

32. (1) Any person (except a person whom the holder of a public permit is in terms of that permit authorized to convey or by virtue of any law obliged to convey) who enters the motor vehicle to which that permit relates in spite of objection by the conductor or other person in charge of that vehicle or who, having entered any such vehicle, refuses or fails to leave it on being requested to do so by that conductor or other person, may be forcibly removed therefrom by a police officer, and shall in addition be guilty of an offence and on conviction liable to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months.

(2) Any person (except a person who is a member of a class of persons for whose conveyance any portion of a motor vehicle has been set aside in accordance with the conditions specified in any public permit issued in respect of that vehicle) who enters that portion in spite of objection by the conductor or other person in charge of that vehicle, except for the purpose of gaining access to a portion of such vehicle which has not been so set aside for the conveyance of persons other than persons of the class to which he belongs, or for the purpose of alighting from such vehicle, or who, having so entered any such portion, refuses or fails to leave it on being requested to do so by that conductor or other person, may be forcibly removed therefrom by a police officer, and shall in addition be guilty of an offence and on conviction liable to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months.

Offences generally.

33. Any person who—

- (a) with intent to deceive, makes any writing 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 other document issued under this Act; or
- (b) knowing that any such writing is not a permit or document issued under this Act, or that any permit or other document issued under this Act has been altered, defaced, mutilated or added to in contravention of the provisions of paragraph (a), utters such writing, permit or other document or uses it for the purposes of this Act; or
- (c) except as specially provided in this Act, transfers any permit or distinguishing mark, without the consent in writing of the commission or the competent board, to any motor vehicle or person other than a motor vehicle or person referred to or named in such permit or distinguishing mark; or
- (d) not being an inspector, by words, conduct or demeanour pretends that he is an inspector; or
- (e) wilfully obstructs or hinders or interferes with an inspector in the exercise of his powers or the performance of his duties; or

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- (a) dat hy gewillig is om padvervoer te onderneem nie, tensy hy die houer is van 'n permit wat daardie vervoer magtig; of
 - (b) dat iemand anders gewillig is om padvervoer te onderneem nie, tensy daardie ander persoon die houer is van 'n permit wat daardie vervoer magtig en die eersgenoemde persoon deur die ander persoon gemagtig is om sy gewilligheid om daardie vervoer te onderneem, te adverteer, en die betrokke advertensie die naam van daardie ander persoon openbaar.
- (5) Iemand wat 'n bepaling van subartikel (4) oortree, is aan 'n misdryf skuldig.

32. (1) Iemand (behalwe 'n persoon wat die houer van 'n Misdrywe deur openbare permit ingevolge daardie permit gemagtig is om te vervoer of uit hoofde van die een of ander wet verplig is om te vervoer) wat die motorvoertuig waarop daardie permit betrekking permit nie het, betree ondanks beswaar deur die kondukteur of ander persoon gemagtig is om belas met die toesig oor daardie voertuig, of wat, nadat hy daardie voertuig betree het, weier of versuim om dit te verlaat wanneer hy deur daardie kondukteur of ander persoon daartoe versoek word, kan met geweld deur 'n polisiebeampte daaruit verwijder word, en is bowendien aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of by wanbating met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) Iemand (behalwe 'n persoon wat 'n lid is van 'n klas persone vir wie se vervoer 'n gedeelte van 'n motorvoertuig afgesonder is ooreenkomsdig die voorwaardes uiteengesit in 'n openbare permit ten opsigte van daardie voertuig uitgereik) wat daardie gedeelte ondanks beswaar deur die kondukteur of ander persoon belas met die toesig oor daardie voertuig betree, behalwe om tot 'n gedeelte van daardie voertuig toegang te verkry wat nie aldus vir die vervoer van ander persone as persone van die klas waartoe hy behoort, afgesonder is nie, of om van daardie voertuig af te klim, of wat, nadat hy so 'n gedeelte aldus betree het, weier of versuim om dit te verlaat wanneer hy deur daardie kondukteur of ander persoon daartoe versoek word, kan met geweld deur 'n polisiebeampte daaruit verwijder word, en is bowendien aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of by wanbating met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

33. Iemand wat—

- (a) met die opset om te bedrieg, 'n geskrif maak wat valslik heet 'n permit of ander stuk wat kragtens hierdie Wet uitgereik is, te wees, of 'n permit of ander stuk wat kragtens hierdie Wet uitgereik is, verander of skend of beskadig of iets daarby voeg; of
- (b) wetende dat so 'n geskrif nie 'n permit of stuk is wat kragtens hierdie Wet uitgereik is nie, of dat 'n permit of ander stuk wat kragtens hierdie Wet uitgereik is, in stryd met die bepaling van paragraaf (a) verander, geskend of beskadig is of iets aldus daarby gevoeg is, daardie geskrif, permit of ander stuk uitgee of dit vir die doeleindes van hierdie Wet gebruik; of
- (c) behalwe soos spesiaal in hierdie Wet bepaal, 'n permit of onderskeidingsteken sonder die skriftelike toestemming van die kommissie of die bevoegde raad op 'n ander motorvoertuig of aan 'n ander persoon oordra as die motorvoertuig of persoon wat in daardie permit of onderskeidingsteken vermeld of genoem word; of terwyl hy nie 'n inspekteur is nie, deur woord, daad of gedrag voorgee dat hy 'n inspekteur is; of
- (d) 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy pligte opsetlik belemmer of hinder of hom opsetlik bemoei met 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy pligte; of

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- (f) without sufficient reason (the onus of proof whereof shall be upon him) fails or refuses to appear before the commission or a board or a member thereof after having been required under section 9 (1) (b) or (c) to do so, or, having so appeared, fails or refuses to answer to the best of his knowledge any question lawfully put to him or to produce any book, plan or other document or article which he has been so required to produce; or
 (g) in connection with any application, appeal, inquiry or investigation under this Act makes any false statement, whether orally or in writing, knowing it to be false, shall be guilty of an offence.

Act or omission of a manager, agent or employee of the holder of a permit.

34. (1) Whenever any manager, agent or employee of the holder of a permit does or omits to do any act which it would be an offence under this Act for such holder to do or omit to do, then, unless such holder proves that—

- (a) he did not connive at or permit such act or omission; and
 (b) he 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 conditions or in any circumstances fall within the scope of the authority or the course of the employment of such manager, agent or employee, such holder shall be deemed himself 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 forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he took all reasonable measures to prevent such act or omission.

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

Penalties.

35. Any person convicted of an offence under this Act for which no other penalty is expressly provided, shall be liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months.

Forfeiture.

36. (1) The court convicting any person of an offence under this Act involving the undertaking of unauthorized road transportation, may declare the motor vehicle used in such transportation and any goods conveyed thereon without authority, or the convicted person's rights in such motor vehicle or goods, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the motor vehicle or goods in question, if it is proved that such other person did not know that the said motor vehicle was being or would be used in unauthorized road transportation or that he could not prevent such use, or that such other person did not know that the transportation of the said goods constituted or would constitute unauthorized road transportation or that he could not prevent the undertaking of such transportation.

(2) Section 50H (4) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply with reference to any forfeiture under subsection (1) of this section.

Effect of third or subsequent conviction of certain offences.

37. (1) If any person who was convicted on two or more occasions of an offence involving the undertaking of unauthorized road transportation (whether under section 31 (1) or under the corresponding provisions of a law repealed by section 47) is convicted of such an offence committed within three years after the date of the last previous conviction, the commission or a board may, and a board, if so directed by the commission, shall—

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- (f) sonder voldoende rede (waarvan die bewyslas op hom rus) weier of versuim om voor die kommissie of 'n raad te verskyn nadat hy kragtens artikel 9 (1) (b) of (c) aangesê is om dit te doen of, wanneer hy aldus verskyn, weier of versuim om na sy beste wete te antwoord op 'n vraag wat wettiglik aan hom gestel word, of om 'n boek, plan of ander stuk of voorwerp oor te lê wat hy aldus aangesê is om oor te lê; of
- (g) in verband met 'n aansoek, appèl of ondersoek kragtens hierdie Wet 'n valse verklaring hetsy mondeling of skriftelik doen, wetende dat dit vals is, is aan 'n misdryf skuldig.

34. (1) Wanneer 'n bestuurder, agent of werknemer van die Daad of houer van 'n permit 'n daad of versuim begaan wat 'n misdryf kragtens hierdie Wet sou wees indien daardie houer dit begaan het, dan, tensy daardie houer bewys dat—

- (a) hy daardie daad of versuim nie oogluikend toegelaat of veroorloof het nie; en
- (b) hy alle redelike maatreëls getref het om 'n daad of versuim van die betrokke aard te voorkom; of
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaardes of omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van daardie bestuurder, agent of werknemer gevall het nie,

word daardie houer geag self daardie daad of versuim te begaan het en kan hy ten opsigte daarvan skuldig bevind en gevonnis word, en by die toepassing van paragraaf (b) word die feit dat hy 'n daad of versuim van die betrokke aard verbied het, nie op sigself as voldoende bewys beskou dat hy alle redelike maatreëls getref het om so 'n daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van so 'n houer 'n daad of versuim begaan wat 'n misdryf kragtens hierdie Wet sou wees indien daardie houer dit begaan het, kan daardie bestuurder, agent of werknemer ten opsigte daarvan skuldig bevind en gevonnis word asof hy daardie houer was.

35. Iemand wat skuldig bevind is weens 'n misdryf kragtens Strawwe hierdie Wet waarvoor geen ander straf uitdruklik bepaal is nie, is strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

36. (1) Die hof wat iemand skuldig bevind weens 'n misdryf Verbeurdverklaring kragtens hierdie Wet wat met die onderneem van ongemagtigde padvervoer in verband staan, kan die motorvoertuig wat in verband met daardie vervoer gebruik is en enige goedere wat ongemagtig daarop vervoer is, of die veroordeelde se regte in sodanige motorvoertuig of goedere, aan die Staat verbeurd verklaar: Met dien verstande dat die verbeurdverklaring geen inbreuk maak op regte wat iemand anders as die veroordeelde op die betrokke motorvoertuig of goedere het nie, indien bewys word dat daardie ander persoon nie geweet het dat daardie motorvoertuig by ongemagtigde padvervoer gebruik was of sou word nie of dat hy sodanige gebruik nie kon verhoed nie, of dat daardie ander persoon nie geweet het dat die vervoer van die gemelde goedere ongemagtigde padvervoer uitgemaak het of sou uitmaak nie of dat hy nie die onderneem van daardie vervoer kon verhoed nie.

(2) Artikel 50H (4) van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing met betrekking tot 'n verbeurdverklaring ingevolge subartikel (1) van hierdie artikel.

37. (1) Indien iemand wat by twee of meer geleenthede skuldig bevind is weens 'n misdryf waarby die onderneem van ongemagtigde padvervoer betrokke is (het sy ingevolge artikel 31 (1) of ingevolge die ooreenstemmende bepalings van 'n by artikel 47 herroeppe wet), skuldig bevind word weens so 'n misdryf wat binne drie jaar na die datum van die jongste vorige skuldigbevinding gepleeg is, kan die kommissie of 'n raad, en moet 'n raad, indien deur die kommissie daartoe gelas—

Uitwerking van
derde of
daaropvolgende
skuldigbevinding
weens sekere
misdrywe.

- (a) by notice in writing sent by registered or certified post, summarily withdraw any permit held by that person and issued by the commission or the board concerned; and
- (b) during such period as the commission or the board concerned may deem fit, or where such board is acting under a direction given by the commission, during such period as the commission may indicate or until the commission directs otherwise, and irrespective of whether or not any permit held by that person has been withdrawn under paragraph (a), refuse to consider any application for the grant or transfer of a permit to him or to a company of which he is a director, or for the renewal of a permit held by him or such a company.

(2) For the purposes of subsection (1) any 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.

**Presumptions,
and proof of
certain facts.**

38. (1) In any prosecution under this Act—

- (a) any person who has conveyed any person or any goods by means of a motor vehicle, or who has permitted the conveyance by such means of any person in addition to the driver of the motor vehicle, or of any goods, shall be presumed thereby to have undertaken road transportation, unless the contrary is proved;
- (b) if it is proved that any person was or any goods were conveyed in contravention of the provisions of section 31 (1) (a) by means of a particular motor vehicle, the owner of that motor vehicle shall be presumed to have so conveyed such person or goods, unless it is proved that he was not the driver of the motor vehicle at the time of the conveyance in question and did not authorize or permit the use of the motor vehicle for such conveyance;
- (c) if it is proved that any goods were conveyed in contravention of the provisions of section 31 (1) (a), the consignor and the owner of such goods, and any person who acted on behalf of such consignor or owner, shall be presumed so to have conveyed such goods, unless it is proved that such consignor, owner or person did not know that such goods were being so conveyed or could not prevent such goods from being so conveyed;
- (d) any person in whose possession any writing falsely purporting to be a permit issued under this Act is found, or in whose possession any permit which has been altered, defaced, mutilated or added to in contravention of the provisions of section 33 (a) is found, shall be presumed to have made such writing or to have altered, defaced, mutilated or added to such permit, unless the contrary is proved.

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

(3) Any document which states that a motor vehicle described therein is, under the relevant law relating to the registration of motor vehicles, 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 under the said law at the place where such motor vehicle is registered thereunder, shall on its production by any person in any prosecution under this Act, be admissible in evidence and be *prima facie* proof of the correctness of the statements contained therein.

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- (a) deur skriftelike kennisgewing per aangetekende of gesertificeerde pos gestuur, enige permit wat deur daardie persoon gehou word en wat deur die kommissie of die betrokke raad uitgereik is, summier intrek; en
 (b) gedurende die tydperk wat die kommissie of die betrokke raad goedvind of, waar daardie raad ingevolge 'n lasgewing deur die kommissie optree, gedurende die tydperk wat die kommissie aandui of totdat die kommissie anders gelas, en ongeag of 'n permit deur daardie persoon gehou kragtens paragraaf (a) ingetrek is of nie, weier om 'n aansoek om die toestaan of oordrag van 'n permit aan hom of aan 'n maatskappy waarvan hy 'n direkteur is, of die hernuwing van 'n permit wat deur hom of so 'n maatskappy gehou word, te oorweeg.
 (2) By die toepassing van subartikel (1) word 'n skuldigbevinding van 'n maatskappy weens 'n misdryf in daardie subartikel vermeld, geag ook 'n skuldigbevinding van elke persoon te wees wat ten tyde van die pleeg van die betrokke misdryf 'n direkteur van daardie maatskappy was.

38. (1) By 'n vervolging kragtens hierdie Wet—

- (a) word vermoed dat iemand wat 'n persoon of goedere deur middel van 'n motorvoertuig vervoer het of wat die vervoer op daardie wyse van 'n persoon benewens die bestuurder van die motorvoertuig, of van goedere, toegelaat het, daardeur padvervoer onderneem het, tensy die teendeel bewys word;
 (b) indien bewys word dat 'n persoon of goedere in stryd met die bepalings van artikel 31 (1) (a) deur middel van 'n motorvoertuig vervoer is, word dit vermoed dat die eienaar van daardie motorvoertuig daardie persoon of goedere aldus vervoer het, tensy bewys word dat hy nie die bestuurder van die motorvoertuig ten tyde van die betrokke vervoer was nie en nie die gebruik van die motorvoertuig vir daardie vervoer gemagtig of toegelaat het nie;
 (c) indien bewys word dat goedere in stryd met die bepalings van artikel 31 (1) (a) vervoer is, word vermoed dat die afsender en die eienaar van daardie goedere, en iemand wat namens die afsender of eienaar opgetree het, daardie goedere aldus vervoer het, tensy bewys word dat die afsender, eienaar of persoon nie geweet het dat daardie goedere aldus vervoer word nie of nie kon verhoed het dat dit aldus vervoer word nie;
 (d) word vermoed dat iemand in wie se besit enige geskrif gevind word wat valslik heet 'n permit wat kragtens hierdie Wet uitgereik is, te wees, of in wie se besit 'n permit gevind word wat in stryd met die bepalings van artikel 33 (a) verander, geskend of beskadig is of waarby iets aldus gevoeg is, daardie geskrif gemaak of daardie permit verander, geskend of beskadig het of iets daarby gevoeg het, tensy die teendeel bewys word.
 (2) 'n Stuk wat heet 'n permit te wees wat kragtens hierdie Wet uitgereik is, of 'n afskrif van so 'n permit wat as 'n juiste afskrif gewaarmerk is deur iemand wat heet 'n beampte te wees van die kommissie of raad wat die oorspronklike permit uitgereik het, is, by die oorlegging daarvan deur enigiemand in 'n vervolging kragtens hierdie Wet, toelaatbare getuenis en *prima facie*-bewys dat dit 'n permit is wat geldiglik kragtens hierdie Wet uitgereik is, of dat dit 'n juiste afskrif van so 'n permit is, na gelang van die geval, en dat elke verklaring wat daarin vervat is, huis is.

(3) 'n Stuk waarin verklaar word dat 'n motorvoertuig wat daarin beskryf word, kragtens die tersaaklike wet op die registrasie van motorvoertuie op die naam van 'n daarin genoemde persoon geregistreer is, en wat heet uitgereik te gewees het deur die instansie wat belas is met die registrasie van motorvoertuie ingevolge die genoemde wet op die plek waar bedoelde motorvoertuig daarkragtens geregistreer is, is, by die oorlegging daarvan deur enigiemand in 'n vervolging kragtens hierdie Wet, toelaatbare getuenis en *prima facie*-bewys van die juistheid van die verklarings wat daarin vervat is.

Vermoedens, en bewys van sekere feite.

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Jurisdiction.

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

Limitation of liability.

40. No civil or criminal proceedings shall be instituted or continued in any court of law against—

- (a) any authorized officer or the employer of any authorized officer by reason of any act done in good faith by any authorized officer or the employer of any authorized officer in terms of this Act;
- (b) the holder of a public permit or any employee of such holder who is in charge of the motor vehicle to which such permit relates, by reason of any act done in good faith by such holder or employee in order to give effect to any condition or requirement, contained in that permit, relating to the conveyance in such vehicle or any portion thereof of a particular class of persons.

Finance.

41. (1) All moneys received by the commission or a board under this Act shall be paid into the State Revenue Fund, and all expenditure incurred in the administration of this Act shall be defrayed from moneys appropriated by Parliament out of that fund: Provided that any expenditure incurred in connection with the performance of the functions of an authorized officer, shall be defrayed by the employer of such authorized officer.

(2) The provisions of the proviso to subsection (1) shall apply *mutatis mutandis* in respect of any expenditure incurred in connection with the performance of the functions of an authorized officer in terms of any law repealed by section 47.

Relation of Act to other laws.

42. The provisions of this Act shall be additional to and not in substitution of any other law relating to motor vehicles.

Application of Act by proclamation in respect of conveyance to or from a country or territory bordering on the Republic.

43. (1) The State President may by proclamation in the *Gazette*—

- (a) declare that the provisions of sections 17 and 18 shall apply with such additions, exceptions, amendments and adjustments and subject to such conditions or requirements as may be set out in the proclamation, to any application made to the commission or a competent board by a person who carries on any industry, trade or business, or an industry, trade or business of a class or category specified in the proclamation, in a country or territory bordering on the Republic and specified in the proclamation; or
- (b) direct the commission and any competent board to grant, notwithstanding anything to the contrary contained in this Act but subject to such conditions or requirements as may be set out in the proclamation or as the commission or the board concerned may deem fit to impose, any application made to it for a public permit or temporary permit for the conveyance, over a route specified in the proclamation, between a railway station so specified which is situated in the Republic and any place so specified which is situated at or near the border between the Republic and any other country or territory and which is a port of entry as defined in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972), of persons proceeding to or from, or of goods destined for or emanating from, such other country or territory.

(2) The State President may by proclamation in the *Gazette* at any time amend or repeal a proclamation issued under subsection (1).

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39. 'n Landdroshof is bevoeg om enige straf op te lê waarvoor Jurisdiksie daar in hierdie Wet voorsiening gemaak word.

40. Geen siviele of strafregtelike geding word in enige Beperking van gereghof teen— aanspreeklikheid.

- (a) 'n Gemagtigde amptenaar of die werkewer van 'n gemagtigde amptenaar ingestel of voortgesit nie op grond van 'n handeling wat te goeder trou deur 'n gemagtigde amptenaar of die werkewer van 'n gemagtigde amptenaar ingevolge hierdie Wet verrig is;
- (b) die houer van 'n openbare permit of 'n werkewer van daardie houer belas met die toesig oor die motorvoertuig waarop daardie permit betrekking het, ingestel of voortgesit nie op grond van 'n handeling wat te goeder trou deur daardie houer of werkewer verrig is ten einde te voldoen aan 'n voorwaarde of vereiste, in daardie permit vervat, met betrekking tot die vervoer in daardie voertuig of 'n gedeelte daarvan van persone van 'n bepaalde klas.

41. (1) Alle geld wat kragtens hierdie Wet deur die kommissie Finansies of 'n raad ontvang word, moet in die Staatsinkomstefonds gestort word, en alle uitgawes wat by die uitvoering van hierdie Wet aangegaan word, moet uit geld bestry word wat die Parlement uit daardie fonds bewillig: Met dien verstande dat enige uitgawe wat in verband met die verrigting van die werksaamhede van 'n gemagtigde amptenaar aangegaan word, deur sodanige gemagtigde amptenaar se werkewer bestry word.

(2) Die bepalings van die voorbehoudbepaling by subartikel (1) geld *mutatis mutandis* ten opsigte van enige uitgawe wat in verband met die verrigting van die werksaamhede van 'n gemagtigde amptenaar ingevolge 'n wet wat by artikel 47 herroep is, aangegaan is.

42. Die bepalings van hierdie Wet geld benewens enige ander wet wat op motorvoertuie betrekking het, en vervang dit nie. Verband tussen Wet en ander wette.

43. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant*—

- (a) verklaar dat die bepalings van artikels 17 en 18 met die byvoegings, uitsonderings, wysigings en aanpassings en onderworpe aan die voorwaardes of vereistes wat in die proklamasie uiteengesit word, van toepassing is op 'n aansoek wat by die kommissie of 'n bevoegde raad gedoen word deur iemand wat 'n bedryf of handel of besigheid, of 'n bedryf of handel of besigheid van 'n klas of kategorie in die proklamasie vermeld, in 'n land of gebied wat aan die Republiek grens en in die proklamasie vermeld word, uitoefen of dryf;
- (b) die kommissie en enige bevoegde raad gelas om, ondanks andersluidende bepalings van hierdie Wet maar behoudens die voorwaardes of vereistes in die proklamasie uiteengesit of wat die kommissie of die betrokke raad goed ag om op te lê, enige aansoek om 'n openbare permit of tydelike permit by hom gedoen vir die vervoer, langs 'n roete in die proklamasie vermeld, tussen 'n aldus vermelde spoorwegstasie wat in die Republiek geleë is en 'n aldus vermelde plek wat op of naby die grens tussen die Republiek en 'n ander land of gebied geleë is en wat 'n toegangspoort, soos in die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972), omskryf, is, van persone wat op pad is na of van, of van goedere wat bestem is vir of afkomstig is van, daardie ander land of gebied, toe te staan.

(2) Die Staatspresident kan 'n proklamasie kragtens subartikel (1) uitgereik, te eniger tyd by proklamasie in die *Staatskoerant* wysig of herroep.

Agreement with government of country or territory bordering on the Republic.

(3) Any reference in this Act to a private permit shall be construed as including a reference to a private permit granted under section 18 as applied under subsection (1) of this section.

Extent to which State is bound.

44. (1) The Minister may enter into an agreement with the government of any country or territory bordering on the Republic with reference to—

- (a) the manner in which and conditions upon which inhabitants of such a country or territory shall apply to the commission or a board for the grant, renewal, amendment or transfer of permits;
 - (b) the procedure to be followed by the commission or a board upon the receipt of an application referred to in paragraph (a) and the factors to be taken into account in deciding whether such application shall be granted or refused and also in determining the conditions and requirements to which such permit shall be made subject;
 - (c) the circumstances in which and the conditions on which permits may or shall be granted to inhabitants of such a country or territory for the conveyance of persons or goods from one such country or territory to another such country or territory over the territory of the Republic,
- and when an agreement has been so entered into with the government of such a country or territory, any application in respect of a permit received by the commission or a board from an inhabitant of a country or territory concerned in terms of such agreement shall, notwithstanding anything to the contrary contained in this Act, be disposed of in terms of such agreement.

Application of Act to South West Africa.

45. The provisions of this Act shall apply in respect of any road transportation operated by the Railways Administration, except the conveyance by the Railways Administration by means of a motor vehicle of which it is the owner, of goods within its area of jurisdiction as defined in section 1 (1) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).

Repeal of laws.

46. The provisions of this Act and any amendment thereof shall apply also in the Territory, including the Eastern Caprivi Zipfel.

Transitional provisions.

47. Subject to the provisions of section 48, the laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

48. (1) (a) Subject to the provisions of subsections (2) and (3), any local transportation area or local road transportation board proclaimed or established, and any appointment, designation, regulation, notice or document made, published or issued, or any other thing done, under any provisions of a law repealed by section 47, shall be deemed to have been declared, established, made, published, issued or done under the corresponding provisions of this Act.

- (b) For the purposes of paragraph (a)—
 - (i) any motor carrier certificate or exemption from the obligation to take out a motor carrier certificate, which was issued under a law repealed by section 47, and which, according to the nature of the road transportation authorized by it, could be granted and issued under this Act as a public permit or a private permit or a temporary permit, shall be deemed to be a public permit or a private permit or a temporary permit, as the case may be, granted and issued under the relevant provisions of this Act; and
 - (ii) any application for the issue or grant of such a certificate or exemption which has not been dis-

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(3) 'n Verwysing in hierdie Wet na 'n privaatpermit word uitgelê as 'n verwysing ook na 'n privaatpermit wat kragtens artikel 18 soos kragtens subartikel (1) van hierdie artikel toegepas, toegestaan is.

44. (1) Die Minister kan met die regering van 'n land of gebied wat aan die Republiek grens 'n ooreenkoms aangaan met betrekking tot—

- (a) die wyse en voorwaardes waarop inwoners van so 'n land of gebied by die kommissie of 'n raad aansoek moet doen vir die toestaan, hernuwing, wysiging of oordrag van permitte;
 - (b) die prosedure wat deur die kommissie of 'n raad gevolg moet word na ontvangs van 'n in paragraaf (a) bedoelde aansoek en die faktore wat in aanmerking geneem moet word by die besluit of die aansoek toegestaan of geweier moet word, asook by die bepaling van voorwaardes en vereistes waaraan so 'n permit onderworpe gestel moet word;
 - (c) die omstandighede waaronder en die voorwaardes waarop permitte aan die inwoners van so 'n land of gebied toegestaan kan of moet word vir die vervoer van persone of goedere vanaf een sodanige land of gebied oor die grondgebied van die Republiek,
- en wanneer 'n ooreenkoms met die regering van so 'n land of gebied aldus aangegaan is, moet 'n aansoek ten opsigte van 'n permit wat deur die kommissie of 'n raad ingevolge daardie ooreenkoms van 'n inwoner van 'n betrokke land of gebied ontvang is, ondanks andersluidende bepaling van hierdie Wet ingevolge die ooreenkoms afgehandel word.

Ooreenkoms met
regering van 'n
land of gebied
wat aan die
Republiek grens.

45. Die bepaling van hierdie Wet is van toepassing ten opsigte van padvervoer wat deur die Spoorwegadministrasie onderneem word, uitgesonderd die vervoer deur die Spoorwegadministrasie deur middel van 'n motorvoertuig waarvan hy die eienaar is, van goedere binne sy regssgebied soos omskryf in artikel 1 (1) van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957).

Mate waarin
Staat gebind is.

46. Die bepaling van hierdie Wet en enige wysiging daarvan is ook in die Gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Toepassing van
Wet op
Suidwes-Afrika.

47. Behoudens die bepaling van artikel 48, word die wette in die Bylae vermeld hierby herroep vir sover in die derde kolom van die Bylae aangedui word.

Herroeping van
wette.

48. (1) (a) Behoudens die bepaling van subartikels (2) en (3), word 'n plaaslike transportgebied of plaaslike padvervoerraad wat verklaar of ingestel is, of 'n aanstelling, aanwysing, regulasie, kennisgewing of stuk wat gedoen, uitgevaardig of uitgereik is, of enigets anders wat gedoen is, kragtens 'n bepaling van 'n by artikel 47 herroep wet, geag kragtens die ooreenstemmende bepaling van hierdie Wet verklaar, ingestel, gedoen, uitgevaardig of uitgereik te gewees het.

Oorgangsbeplings.

- (b) By die toepassing van paragraaf (a)—
 - (i) word 'n motortransportsertifikaat of vrystelling van die verpligting om 'n motortransportsertifikaat te bekom, wat kragtens 'n by artikel 47 herroep wet uitgereik is en wat, volgens die aard van die padvervoer wat daardeur gemagtig word, as 'n openbare permit of 'n privaatpermit of 'n tydelike permit kragtens hierdie Wet toegestaan en uitgereik kan word, geag 'n openbare permit of 'n privaatpermit of 'n tydelike permit, na gelang van die geval, te wees wat kragtens die betrokke bepaling van hierdie Wet toegestaan en uitgereik is; en
 - (ii) word 'n aansoek om die uitreiking of toestaan van so 'n sertifikaat of vrystelling wat by die in-

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posed of at the commencement of this Act, shall be deemed to be an application under this Act for the grant of the appropriate permit.

(2) The Minister, acting upon the recommendation of the commission, may at any time by notice in the *Gazette* and with effect from a date specified in such notice, terminate the validity of every certificate or exemption mentioned in subsection (1) (b) which was issued or granted for an indefinite period and which belongs to a class or category of such certificates or exemptions specified in such notice.

(3) The commission or a board may, and a board, if so directed by the commission, shall, by notice in writing sent by registered or certified post to the holder of a certificate or exemption mentioned in subsection (1) (b) (irrespective of whether it was issued or granted for a fixed period or for an indefinite period), withdraw such certificate or exemption with effect from a date specified in such notice.

(4) The commission or a board may, if it deems it expedient to do so—

(a) in the case of a certificate or exemption mentioned in subsection (1) (b) of which the validity has been terminated by a notice under subsection (2) or which has been withdrawn by a notice under subsection (3), at the request in writing of the holder of such certificate or exemption made before the date specified in the relevant notice as the date of the termination or withdrawal, or within such period after that date as the commission or the board may allow; or

(b) at the request in writing of the holder of a certificate or an exemption so mentioned, made at any time; or

(c) after having duly considered, in accordance with the provisions of this Act, any application for the renewal, amendment or transfer of a certificate or an exemption so referred to,

issue, in substitution for the certificate or exemption in question, an appropriate permit subject to such conditions or requirements as the commission or the board concerned may deem fit, as if such request or application, as the case may be, were an application for the grant of such permit duly made, published and considered under the relevant provisions of this Act.

(5) The provisions of subsections (2), (3) and (4) shall not be construed as limiting any power conferred on the Minister or the commission or a board in respect of any permit or any application for or in respect of any permit by any other provision of this Act, or as requiring the giving of prior notice, or an opportunity to be heard, to any person affected by their application, and the fact that the validity of a certificate or an exemption has been terminated under subsection (2), or any certificate or exemption has been withdrawn under subsection (3), shall not prejudice any application for the grant of a permit made by the person who was the holder of the certificate or exemption in question.

Short title and commencement.

49. This Act shall be called the Road Transportation Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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werkintreding van hierdie Wet nie afgehandel is nie, geag 'n aansoek ingevolge hierdie Wet om die toestaan van die gepaste permit te wees.

(2) Die Minister, handelende op aanbeveling van die kommissie, kan te eniger tyd, by kennisgewing in die *Staatskoerant* en met ingang van 'n in die kennisgewing vermelde datum, die geldigheid beëindig van elke sertifikaat of vrystelling in subartikel (1) (b) vermeld wat vir 'n onbepaalde tydperk uitgereik of toegestaan is en wat tot 'n in die kennisgewing vermelde klas of kategorie van sodanige sertifikate of vrystellings behoort.

(3) Die kommissie of 'n raad kan, en 'n raad, indien deur die kommissie daartoe gelas, moet, deur skriftelike kennisgewing per aangetekende of gesertifiseerde pos gestuur aan die houer van 'n sertifikaat of vrystelling in subartikel (1) (b) vermeld (ongeag of dit vir 'n vaste tydperk of vir 'n onbepaalde tydperk uitgereik of toegestaan is), daardie sertifikaat of vrystelling met ingang van 'n in die kennisgewing vermelde datum intrek.

(4) Die kommissie of 'n raad kan, indien hy dit dienstig ag om dit te doen—

- (a) in die geval van 'n sertifikaat of vrystelling in subartikel (1) (b) vermeld waarvan die geldigheid deur 'n kennisgewing kragtens subartikel (2) beëindig is of wat deur 'n kennisgewing kragtens subartikel (3) ingetrek is, op skriftelike versoek deur die houer van daardie sertifikaat of vrystelling gedoen voor die datum wat in die betrokke kennisgewing as die datum van die beëindiging of intrekking vermeld is, of binne die tydperk na daardie datum wat die kommissie of die raad toelaat; of
- (b) op skriftelike versoek te eniger tyd deur die houer van 'n aldus vermelde sertifikaat of vrystelling gedoen; of
- (c) na behoorlike oorweging, ooreenkomsdig die bepalings van hierdie Wet, van 'n aansoek om die hernuwing, wysiging of oordrag van 'n aldus vermelde sertifikaat of vrystelling,

'n gepaste permit, ter vervanging van die betrokke sertifikaat of vrystelling, onderworpe aan die voorwaardes of vereistes wat die kommissie of die betrokke raad goedvind, uitreik asof die bedoelde versoek of aansoek, na gelang van die geval, 'n aansoek om die toestaan van sodanige permit was wat behoorlik kragtens die tersaaklike bepalings van hierdie Wet gedoen, gepubliseer en oorweeg is.

(5) Die bepalings van subartikels (2), (3) en (4) word nie so uitgelê dat dit 'n bevoegdheid wat deur enige ander bepaling van hierdie Wet aan die Minister of die kommissie of 'n raad ten opsigte van 'n permit of 'n aansoek om of ten opsigte van 'n permit verleen word, beperk nie, of dat dit vereis dat voorafgaande kennis, of 'n geleentheid om aangehoor te word, aan iemand wat deur die toepassing daarvan geraak word, gegee moet word nie, en die feit dat die geldigheid van 'n sertifikaat of vrystelling kragtens subartikel (2) beëindig is, of 'n sertifikaat of vrystelling kragtens subartikel (3) ingetrek is, benadeel nie 'n aansoek om 'n permit wat deur die persoon wat die houer van die betrokke sertifikaat of vrystelling was, gedoen word nie.

49. Hierdie Wet heet die Wet op Padvervoer, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

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Schedule**LAWS REPEALED**

No. and year of law	Short title	Extent of repeal
Act No. 39 of 1930 ...	Motor Carrier Transportation Act, 1930	The whole.
Act No. 31 of 1932 ...	Motor Carrier Transportation Amendment Act, 1932	The whole.
Act No. 20 of 1934 ...	Motor Carrier Transportation Amendment Act, 1934	The whole.
Act No. 29 of 1935 ...	Motor Carrier Transportation Amendment Act, 1935	The whole.
Act No. 14 of 1936 ...	Motor Carrier Transportation Amendment Act, 1936	The whole.
Act No. 15 of 1937 ...	Motor Carrier Transportation Amendment Act, 1937	The whole.
Act No. 15 of 1941 ...	Motor Carrier Transportation Amendment Act, 1941	The whole.
Act No. 50 of 1949 ...	Motor Carrier Transportation Amendment Act, 1949	The whole.
Act No. 44 of 1955 ...	Motor Carrier Transportation Amendment Act, 1955	The whole.
Act No. 52 of 1957 ...	Motor Carrier Transportation Amendment Act, 1957	The whole.
Act No. 42 of 1959 ...	Motor Carrier Transportation Amendment Act, 1959	The whole.
Act No. 15 of 1966 ...	Motor Carrier Transportation Amendment Act, 1966	The whole.
Act No. 22 of 1967 ...	Motor Carrier Transportation Amendment Act, 1967	The whole.
Act No. 80 of 1971 ...	General Law Amendment Act, 1971	Section 11.
Act No. 82 of 1972 ...	Motor Carrier Transportation Amendment Act, 1972	The whole.
Act No. 23 of 1974 ...	Motor Carrier Transportation Amendment Act, 1974	The whole.
Act No. 88 of 1976 ...	Motor Carrier Transportation Amendment Act, 1976	The whole.

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Bylae

WETTE HERROEP

No. en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 39 van 1930 ..	Motortransportwet, 1930	Die geheel.
Wet No. 31 van 1932 ..	Motortransport Wysigingswet, 1932	Die geheel.
Wet No. 20 van 1934 ..	Motortransport Wysigingswet, 1934	Die geheel.
Wet No. 29 van 1935 ..	Motortransport-Wysigingswet, 1935	Die geheel.
Wet No. 14 van 1936 ..	Motortransport-Wysigingswet, 1936	Die geheel.
Wet No. 15 van 1937 ..	Motortransport-Wysigingswet, 1937	Die geheel.
Wet No. 15 van 1941 ..	Motortransport-Wysigingswet, 1941	Die geheel.
Wet No. 50 van 1949 ..	Wysigingswet op Motortransport, 1949	Die geheel.
Wet No. 44 van 1955 ..	Wysigingswet op Motortransport, 1955	Die geheel.
Wet No. 52 van 1957 ..	Wysigingswet op Motortransport, 1957	Die geheel.
Wet No. 42 van 1959 ..	Wysigingswet op Motortransport, 1959	Die geheel.
Wet No. 15 van 1966 ..	Wysigingswet op Motortransport, 1966	Die geheel.
Wet No. 22 van 1967 ..	Wysigingswet op Motortransport, 1967	Die geheel.
Wet No. 80 van 1971 ..	Algemene Regswysigingswet, 1971	Artikel 11.
Wet No. 82 van 1972 ..	Wysigingswet op Motortransport, 1972	Die geheel.
Wet No. 23 van 1974 ..	Wysigingswet op Motortransport, 1974	Die geheel.
Wet No. 88 van 1976 ..	Wysigingswet op Motortransport, 1976	Die geheel.

