



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 399

CAPE TOWN, 11 SEPTEMBER 1998

No. 19256

KAAPSTAD, 11 SEPTEMBER 1998

OFFICE OF THE PRESIDENT

No. 1162. 11 September 1998

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

No. 45 of 1998: National Land Transport Interim Arrangements Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1162. 11 September 1998

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

No. 45 van 1998: Nasionale Wet op Tussentydse Reëlins betreffende Vervoer oor Land, 1998.

ACT

To make arrangements relating or relevant to transport planning and public road transport services within metropolitan transport areas declared under the Urban Transport Act, 1977, and to the designation of core cities under that Act. For those purposes to allow also a municipality falling within a metropolitan transport area situated wholly within the region of a regional services council, to be the core city of the metropolitan transport area concerned in certain circumstances; to require the core city to prepare a current public transport record in respect of its metropolitan transport area for submission to the relevant MEC not later than 31 December 1998; to require the core city to perform its transport planning for that area with due regard to that record and as an integral part of the land development process; to prescribe additional requirements relevant to disposing of applications concerning road carrier permits for the regular conveyance of persons within a metropolitan transport area for reward; to limit the circumstances in which a permit authority under the Road Transportation Act, 1977 (or, where applicable, any provincial law by which that Act is superseded), may refuse a road carrier permit to an applicant to whom a contract for the provision of a public transport service has been awarded by a provincial tender board after a public tendering process; to provide for legal succession to the South African Roads Board as far as its powers, functions and duties under the Urban Transport Act, 1977, are concerned; and to provide for incidental matters.

(English text signed by the President.)
(Assented to 9 September 1998.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, if not inconsistent with the context—

- (i) “core city” means a municipality designated under section 4 of the Urban Transport Act as the core city of a metropolitan transport area, and includes any municipality which, after the commencement of this Act, is so designated under that section read with section 2 of this Act; (iii) 5
- (ii) “Department” means the Department of Transport in the national sphere of government; (i) 10
- (iii) “Director-General” means the Director-General of the Department, and includes any employee of the Department acting on the authority of the Director-General; (ii)
- (iv) “MEC” means the member of the Executive Council of a province entrusted with public transport affairs; (iv) 15
- (v) “metropolitan transport area” means any area declared a metropolitan transport area under section 3 of the Urban Transport Act; (v)
- (vi) “Minister” means the Minister of Transport in the national sphere of government; (vi)
- (vii) “permit authority”— 20
 - (a) except in the circumstances mentioned in paragraph (b) of this definition, means a local road transportation board established under section 4 of the

WET

Ten einde reëlins in te voer wat betrekking het op of ter sake is by vervoerbeplanning en openbare vervoerdienste binne metropolitaanse vervoergebiede kragtens die Wet op Stedelike Vervoer, 1977, verklaar, asook die aanwysing van kernstede kragtens dié Wet. Om vir dié doeleindes toe te laat dat ook 'n munisipaliteit wat val binne 'n metropolitaanse vervoergebied wat heeltemal binne die streek van 'n streekdiensteraad geleë is, onder sekere omstandighede die kernstad van die betrokke metropolitaanse vervoergebied kan wees; te vereis dat die kernstad 'n lopende openbare vervoerrekord ten opsigte van sy metropolitaanse vervoergebied opstel vir voorlegging aan die betrokke LUR nie later as 31 Desember 1998 nie; van die kernstad te vereis om sy vervoerbeplanning vir daardie gebied met behoorlike inagneming van dié rekord en as integreerende deel van die grondontwikkelingsproses te verrig; bykomende vereistes voor te skryf wat ter sake is by die afhandeling van aansoeke betreffende padvervoerpermitte vir die gereelde vervoer van persone teen vergoeding binne 'n metropolitaanse vervoergebied; die omstandighede te beperk waaronder 'n permitowerheid kragtens die Wet op Padvervoer, 1977 (of, wanneer van toepassing, 'n provinsiale wet wat daardie Wet vervang) 'n padvervoerpermit kan weier aan 'n aansoeker aan wie 'n kontrak vir die verskaffing van 'n openbare vervoerdiens toegeken is deur 'n provinsiale tenderraad na afloop van 'n openbare tenderproses; voorsiening te maak vir die regsopvolging van die Suid-Afrikaanse Padraad vir sover dit sy bevoegdhede, werksaamhede en pligte kragtens die Wet op Stedelike Vervoer, 1977, betref; en om voorsiening te maak vir bykomstige aangeleenthede.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 9 September 1998.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, indien nie met die sinsverband onbestaanbaar nie, beteken—
 - 5 (i) “Departement” die Departement van Vervoer in die nasionale regeringsfeer;
 - (ii) “Direkteur-generaal” die Direkteur-generaal van die Departement, en omvat dit enige werknemer van die Departement wat op gesag van die Direkteur-generaal optree; (iii)
 - 10 (iii) “kernstad” 'n munisipaliteit wat kragtens artikel 4 van die Wet op Stedelike Vervoer as die kernstad van 'n metropolitaanse vervoergebied aangewys is, en ook enige munisipaliteit wat ná die inwerkingtreding van hierdie Wet aldus aangewys word kragtens daardie artikel saamgelees met artikel 2 van hierdie Wet; (i)
 - 15 (iv) “LUR” die lid van die Uitvoerende Raad van 'n provinsie aan wie openbare vervoersake toevertrou is; (iv)
 - (v) “metropolitaanse vervoergebied” enige gebied kragtens artikel 3 van die Wet op Stedelike Vervoer tot metropolitaanse vervoergebied verklaar; (v)
 - (vi) “Minister” die Minister van Vervoer in die nasionale regeringsfeer; (vi)
 - 20 (vii) “Padraad” die Suid-Afrikaanse Padraad ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Padraad, 1988 (Wet No. 74 van 1988); (ix)
 - (viii) “permitowerheid”—
 - (a) behalwe in die omstandighede in paragraaf (b) van hierdie omskrywing genoem, 'n plaaslike padvervoerraad kragtens artikel 4 van die Wet op

- Road Transportation Act for an area declared a road transportation area under section 2(a) of that Act;
- (b) where that Act has been superseded in any province by a law of the province, means any board, authority or other body which in terms of such a law performs in that province or any part thereof functions which are substantially the same as those that such a local road transportation board performs in relation to its own area of jurisdiction; (viii) 5
 - (viii) "replacing provincial law" means a provincial law of the nature mentioned in paragraph (b) of the definition of "permit authority" in this section; (ix) 10
 - (ix) "Roads Board" means the South African Roads Board established by section 2 of the South African Roads Board Act, 1988 (Act No. 74 of 1988); (vii) 10
 - (x) "Road Transportation Act" means the Road Transportation Act, 1977 (Act No. 74 of 1977), as applicable and in force in each of the provinces of the Republic; and (x) 15
 - (xi) "Urban Transport Act" means the Urban Transport Act, 1977 (Act No. 78 of 1977), as applicable and in force in each of the provinces of the Republic. (xi) 15

Regional services council need not be core city of metropolitan transport area situated wholly within its region

2. (1) Where an area that is declared a metropolitan transport area after the commencement of this Act, is situated wholly within the region of a regional services council that is wholly or partly charged with functions regarding the land use and transport planning in its region in terms of section 3(1)(b) of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), and also is not situated wholly within the area of jurisdiction of a transitional metropolitan council falling within that region, any other municipality whose area of jurisdiction falls wholly within that metropolitan transport area may, despite subsection (3)(a) of section 4 of the Urban Transport Act, be designated the core city of that metropolitan transport area—

- (a) if there are good and practical reasons for doing so; and
- (b) with the agreement of the regional services council concerned and that other municipality; and 30
- (c) subject to subsection (2) of this section.

(2) In performing its core city functions in terms of the Urban Transport Act, a municipality so designated must liaise and at all times co-ordinate its activities with those of that regional services council so as to ensure that the land use and transport planning in the region is developed in a duly co-ordinated and integrated fashion. 35

Core cities to submit current public transport records to MEC in respect of their metropolitan transport areas

3. (1) After the commencement of this Act, the core city of each metropolitan transport area must prepare a record in accordance with the document titled "Requirements and Format for Preparation of Current Public Transport Records by Core Cities", as published in the *Gazette* on 22 May 1998 under General Notice No. 847 of 1998, to be known as a current public transport record, reflecting—

- (a) all the public transport services being provided and operated within its metropolitan transport area under the authority of road carrier permits issued under the Road Transportation Act or a replacing provincial law; and 45
- (b) all the facilities and infrastructure in place and utilised in that metropolitan transport area for the purpose of or in connection with those public transport services, as well as the facilities and infrastructure being developed within that metropolitan transport area for that purpose or in that connection.

(2) Every core city must submit its current public transport record to the MEC not later than 31 December 1998. However, the MEC, with the agreement of the Minister, by notice in the *provincial gazette* may extend the period for the submission of current public transport records for metropolitan transport areas under the jurisdiction of the province concerned, to a later date specified in the notice. 50

NASIONALE WET OP TUSSENTYDSE REËLINGS BETREFFENDE
VERVOER OOR LAND, 1998

Wet No. 45, 1998

- Padvervoer ingestel vir 'n gebied kragtens artikel 2(a) van daardie Wet tot padvervoergebied verklaar;
- (b) waar daardie Wet in enige provinsie deur 'n wet van die provinsie vervang is, enige raad, owerheid of ander liggaam wat ingevolge so 'n wet in dié provinsie of enige deel daarvan werksaamhede verrig wat wesenlik dieselfde is as dié wat so 'n plaaslike padvervoerraad ten opsigte van sy eie regsgebied verrig; (vii)
- (ix) "provinsiale vervangende wet" 'n provinsiale wet van die aard genoem in paragraaf (b) van die omskrywing van "permitowerheid" in hierdie artikel; (viii)
- (x) "Wet op Padvervoer" die Wet op Padvervoer, 1977 (Wet No. 74 van 1977), soos in elk van die provinsies van die Republiek van toepassing en van krag; en (x)
- (xi) "Wet op Stedelike Vervoer" die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977), soos in elk van die provinsies van die Republiek van toepassing en van krag. (xi)

Streekdiensteraad hoef nie kernstad te wees van metropolitaanse vervoergebied wat heeltemal in sy streek geleë is nie

2. (1) Wanneer 'n gebied wat na die inwerkingtreding van hierdie Wet tot metropolitaanse vervoergebied verklaar word, heeltemal binne die streek geleë is van 'n streekdiensteraad waaraan werksaamhede betreffende die grondgebruik en -beplanning in sy streek in die geheel of gedeeltelik ingevolge artikel 3(1)(b) van die Wet op Streeksdiensteraad, 1985 (Wet No. 109 van 1985), opgedra is, en ook nie heeltemal geleë is binne die regsgebied van 'n metropolitaanse oorgangsraad wat binne dié streek val nie, kan enige ander munisipaliteit wie se regsgebied heeltemal binne daardie metropolitaanse vervoergebied val ondanks subartikel (3)(a) van artikel 4 van die Wet op Stedelike Vervoer as die kernstad van daardie metropolitaanse vervoergebied aangewys word—

- (a) indien daar gegronde en praktiese redes bestaan om dit te doen; en
- (b) met die instemming van die betrokke streekdiensteraad en daardie ander munisipaliteit; en
- (c) behoudens subartikel (2) van hierdie artikel.

(2) By die verrigting van sy kernstadwerksaamhede ingevolge die Wet op Stedelike Vervoer moet 'n munisipaliteit aldus aangewys met daardie streekdiensteraad skakel en ten alle tye sy werksaamhede met dié van daardie streekdiensteraad koördineer ten einde te verseker dat die grondgebruik en vervoerbeplanning in die streek op 'n behoorlik gekoördineerde en geïntegreerde wyse verloop.

Kernstede moet lopende openbare vervoerrekords ten opsigte van hul metropolitaanse vervoergebiede aan LUR voorlê

3. (1) Na die inwerkingtreding van hierdie Wet moet die kernstad van elke metropolitaanse vervoergebied 'n rekord opstel ooreenkomstig die dokument getiteld "Requirements and Format for Preparation of Current Public Transport Records by Core Cities" soos op 22 Mei 1998 by Algemene Kennisgewing No. 847 van 1998 in die *Staatskoerant* gepubliseer, wat bekend staan as 'n lopende openbare vervoerrekord en waarin aangetoon word—

- (a) al die openbare vervoerdienste wat binne sy metropolitaanse vervoergebied voorsien en bedryf word op gesag van padvervoerpermitte kragtens die Wet op Padvervoer of 'n provinsiale vervangende wet uitgereik; en
- (b) al die fasiliteite en infrastruktuur wat in dié metropolitaanse vervoergebied in plek is en gebruik word vir die doel van of in verband met daardie openbare vervoerdienste, asook die fasiliteite en infrastruktuur wat binne dié metropolitaanse vervoergebied vir daardie doel of in daardie verband ontwikkel word.

(2) Elke kernstad moet sy lopende openbare vervoerrekord nie later nie as 31 Desember 1998 aan die LUR voorlê. Die LUR, met die Minister se instemming, kan egter by kennisgewing in die *provinsiale koerant* die tydperk vir die voorlegging van lopende openbare vervoerrekords vir metropolitaanse vervoergebiede onder die jurisdisie van die betrokke provinsie verleng na 'n latere datum in die kennisgewing vermeld.

(3) The core city must ensure that the current public transport record is updated on a continuous basis and consolidated regularly.

Transport planning for metropolitan transport areas must be integrated with land development process

4. After the commencement of this Act, each core city, when preparing, revising or updating any transport plan for its metropolitan transport area in terms of section 17 of the Urban Transport Act, must do so with due regard to the current public transport record prepared by it for that metropolitan transport area in terms of section 3 of this Act and must ensure that the transport plan is duly integrated with the land development process in the context of integrated development planning in terms of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and the Development Facilitation Act, 1995 (Act No. 67 of 1995), or, where appropriate, any similar or corresponding law in force in the province concerned.

Permit authority must consider core city's recommendations in disposing of application for permit authorising passenger transport in metropolitan transport area

5. (1) (a) After the commencement of this Act, a permit authority, before considering any application for the grant, renewal, amendment or transfer of a road carrier permit in terms of the Road Transportation Act, or a replacing provincial law, authorising the regular conveyance of persons for reward within a metropolitan transport area, must inform the core city of that metropolitan transport area by notice in writing of the application concerned, with the request to make recommendations with regard to the application, together with any representations, to that permit authority within the period stated in the notice (which may not be shorter than 21 days reckoned from the date of the notice).

(b) The core city must make its recommendations, and any representations it considers fit, having regard to the current public transport record prepared by it for that metropolitan transport area in compliance with section 3 of this Act, and submit them to the permit authority within the period allowed therefor by the notice issued in terms of paragraph (a).

(2) In disposing of such an application, the permit authority must duly take into account the recommendations and any representations made by the core city concerned.

(3) The provisions of this section are additional to and not in substitution of the relevant provisions of the Road Transportation Act or any replacing provincial law.

Disposal of applications for public road carrier permits made by successful tenderers for contracts to provide public road transport services

6. Where any contract for the provision of a public road transport service within a metropolitan transport area has been awarded by a provincial tender board after completion of a process of public tendering in terms of any law, a permit authority, despite any contrary provisions of the Road Transportation Act or a replacing provincial law, may not refuse the successful tenderer's application for the grant or renewal of a public road carrier permit required for the purposes of that service except on any of the following grounds:

(a) Any previous conviction of the applicant for an offence in terms of the Road Transportation Act or any replacing provincial law, and any other failure by the applicant as an operator of public transport.

(b) 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 or in the area where the applicant proposes to operate the transport service.

NASIONALE WET OP TUSSENTYDSE REËLINGS BETREFFENDE
VERVOER OOR LAND, 1998

Wet No. 45, 1998

(3) Die kernstad moet verseker dat die lopende openbare vervoerrekord vir sy metropolitaanse vervoergebied op 'n deurlopende grondslag bygewerk en gereeld gekonsolideer word.

Vervoerbeplanning vir metropolitaanse vervoergebiede moet met grondontwikkelingsproses geïntegreer word

4. Na die inwerkingtreding van hierdie Wet moet elke kernstad wanneer hy enige vervoerplan vir sy metropolitaanse vervoergebied ingevolge artikel 17 van die Wet op Stedelike Vervoer opstel, hersien of bywerk, dit doen met behoorlike inagneming van die lopende openbare vervoerrekord wat deur hom ingevolge artikel 3 van hierdie Wet vir daardie metropolitaanse vervoergebied opgestel is, en moet verseker dat die vervoerplan na behore met die grondontwikkelingsproses geïntegreer is binne die konteks van geïntegreerde ontwikkelingsbeplanning ingevolge die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), en die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), of, wanneer toepaslik, enige soortgelyke of ooreenstemmende wet in die betrokke provinsie van krag.

Permitowerheid moet kernstad se aanbevelings oorweeg by afhandeling van aansoek om permit ter magtiging van passasiersvervoer in metropolitaanse vervoergebied

5. (1) (a) Na die inwerkingtreding van hierdie Wet moet 'n permitowerheid, vóór oorweging van enige aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n padvervoerpermit ingevolge die Wet op Padvervoer, of 'n provinsiale vervangende wet, wat die gereelde vervoer van persone teen vergoeding binne 'n metropolitaanse vervoergebied magtig, die kernstad van daardie metropolitaanse vervoergebied by wyse van skriftelike kennisgewing oor die betrokke aansoek inlig, met die versoek om aanbevelings in verband met die aansoek tesame met enige vertoë aan daardie permitowerheid voor te lê binne die tydperk in die kennisgewing vermeld (wat nie korter as 21 dae, bereken vanaf die datum van die kennisgewing, mag wees nie).

(b) Die kernstad doen sy aanbevelings, en rig enige vertoë wat hy gerade ag, met behoorlike inagneming van die lopende openbare vervoerrekord deur hom ter nakoming van artikel 3 van hierdie Wet vir daardie metropolitaanse vervoergebied opgestel, en lê dit aan die permitowerheid voor binne die tydperk daarvoor toegelaat deur die kennisgewing ingevolge paragraaf (a) uitgereik.

(2) By die afhandeling van so 'n aansoek moet die permitowerheid die aanbevelings gedoen en enige vertoë gerig deur die betrokke kernstad na behore in aanmerking neem.

(3) Die bepalinge van hierdie artikel is bykomend by die tersaaklike bepalinge van die Wet op Padvervoer of enige provinsiale vervangende wet, en nie ter vervanging daarvan nie.

Afhandeling van aansoeke om openbare padvervoerpermitte gedoen deur suksesvolle tenderaars vir kontrakte vir verskaffing van openbare padvervoerdienste

6. Wanneer enige kontrak vir die verskaffing van 'n openbare padvervoerdienste binne 'n metropolitaanse vervoergebied toegeken is deur 'n provinsiale tenderraad na voltooiing van 'n openbare tenderproses ingevolge enige wet, mag 'n permitowerheid, ondanks enige andersluidende bepalinge van die Wet op Padvervoer of 'n provinsiale vervangende wet, nie die suksesvolle tenderaar se aansoek om die toestaan of hernuwing van 'n openbare padvervoerpermit wat vir die doeleindes van daardie diens benodig word, weier nie behalwe op enige van die volgende gronde:

(a) Enige vorige veroordeling van die aansoeker weens 'n misdryf ingevolge die Wet op Padvervoer of 'n provinsiale vervangende wet, en enige ander versuim deur die aansoeker as 'n padvervoeroperateur.

(b) Die bestaan van enige by wet opgelegde verbod, beperking of restriksie op die gebruik van motorvoertuie in enige gebied of op enige straat of pad op die roete of binne die gebied waar die aansoeker voornemens is om die vervoerdienste te bedryf.

Director-General of Transport to succeed South African Roads Board with regard to its functions under Urban Transport Act

7. (1) From the date of commencement of this Act, unless clearly inappropriate—
- (a) all the powers, functions and duties conferred or imposed on the Roads Board by or in terms of the Urban Transport Act, will pass to the Director-General who, as from that date, may exercise any such power and, in the circumstances contemplated in that Act, must perform any such function or duty; 5
 - (b) any power, function or duty exercised or performed by the Roads Board under the Urban Transport Act, and any other act performed by it in connection therewith, before the commencement of this Act, will be regarded and treated as if it had been exercised or performed by the Director-General under paragraph (a) of this subsection; and 10
 - (c) any reference in the Urban Transport Act to the Roads Board, however expressed, will be regarded and treated, for all purposes, as if it were a reference to the Director-General, subject to subsection (2). 15
- (2) After the commencement of this Act, any reference in the Urban Transport Act to an officer of the Roads Board, however expressed, must be regarded and treated for all purposes as a reference to an employee of the Department acting on the authority of the Director-General in connection with any matter relating to a power, function or duty of the Director-General in terms of subsection (1)(a). 20

Short title and commencement

8. This Act is called the National Land Transport Interim Arrangements Act, 1998, and comes into operation on a date that will be determined by the President by proclamation in the *Gazette*.

Direkteur-generaal van Vervoer volg Suid-Afrikaanse Padraad op wat betref sy werksaamhede kragtens Wet op Stedelike Vervoer

7. (1) Vanaf die datum waarop hierdie Wet in werking tree, tensy duidelik onvanpas—

- 5 (a) gaan al die bevoegdhede, werksaamhede en pligte wat die Padraad by of
ingevoelge die Wet op Stedelike Vervoer verleen of opgelê word, oor op die
Direkteur-generaal, wat vanaf daardie datum enige sodanige bevoegdheid
kan uitoefen en, in die omstandighede beoog in daardie Wet, enige sodanige
werksaamheid of plig moet verrig;
- 10 (b) word enige bevoegdheid, werksaamheid of plig deur die Padraad kragtens die
Wet op Stedelike Vervoer uitgeoefen of verrig, en enige ander handeling deur
hom in verband daarmee verrig, voor die inwerkingtreding van hierdie Wet,
beskou en behandel asof dit deur die Direkteur-generaal kragtens paragraaf
(a) van hierdie subartikel uitgeoefen of verrig was; en
- 15 (c) word enige verwysing in die Wet op Stedelike Vervoer na die Padraad, hoe
dit ook al uitgedruk word, vir alle doeleindes beskou en behandel asof dit 'n
verwysing na die Direkteur-generaal was, behoudens subartikel (2).

- (2) Na die inwerkingtreding van hierdie Wet word enige verwysing in die Wet op
Stedelike Vervoer na 'n beampte van die Padraad, hoe dit ook al uitgedruk word, vir
20 alle doeleindes beskou en behandel as 'n verwysing na 'n werknemer van die
Departement wat op gesag van die Direkteur-generaal optree in verband met enige
aangeleentheid wat betrekking het op 'n bevoegdheid, werksaamheid of plig van die
Direkteur-generaal ingevolge subartikel (1)(a).

Kort titel en inwerkingtreding

- 25 8. Hierdie Wet word die Nasionale Wet op Tussentydse Reëlins betreffende Vervoer
oor Land, 1998, genoem en tree in werking op 'n datum wat deur die President by
proklamasie in die *Staatskoerant* bepaal sal word.

