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## GENERAL NOTICE

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### NOTICE 338 OF 2012

#### **THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT No. 7 OF 1998)**

#### **DRAFT FIRST AMENDMENT TO THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS REGULATIONS (EXEMPTIONS FROM PAYMENT OF TOLLS), 2012**

The Minister of Transport hereby, in terms of section 58(1)(d) of The South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) (the Act) intends making the regulations in the Schedule hereto.

These regulations provide for the exemption granted by the South African National Roads Agency SOC Limited to vehicles which provide public transport services and emergency vehicles on the Gauteng Freeway Improvement Project, toll roads (GFIP Toll Roads).

The Regulations provide further for information to be furnished and also the procedure to be followed by the applicant in connection with such exemption.

Interested persons are invited to submit written comments on the draft regulations to the Director-General, Department of Transport within 20 days from the date of publication for the attention of:

Mr T.H.M Mphahlele at the following address:

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0001

## **SCHEDULE**

### **Definitions**

**In this Schedule “the Regulations” mean the South African National Roads Agency and National Roads Act Regulations 2012 as published by Government Notice No. R . ??? on Date**

### **Amendment of regulation1 of the Regulations**

**2. Regulation 1 of the Regulations is hereby amended–**

- (a) by the insertion of the following definition after the definition of the expression “authorised employee”:

**“customer service centre”** means the place of payment determined by the Agency for the payment of toll as published by the Agency from time to time;

- (b) by insertion of the following definitions after the definition of the expression “customer services centre”:

**“e-tag”** means an electronic device that is fitted to a motor vehicle in the manner specified by the Agency to identify the motor vehicle when it passes under an e-toll plaza;

**“e-toll plaza”** means a toll plaza defined in section 1 of the Act;”

**“exempt emergency vehicle”** means–

- (i) a vehicle used by a traffic officer as defined in section 1 of the National Road Traffic Act or a member of a municipal police service contemplated in section 64 of the South African Police Service Act, 1995 (Act No. 68 of 1995) employed by the Provincial Government of Gauteng, the City of Johannesburg

Metropolitan Municipality, the City of Tshwane Metropolitan Municipality or the Ekurhuleni Metropolitan Municipality while on official duty in their official capacity, where the vehicle is owned or leased by that Provincial Government or one of those municipalities and is marked as such an official vehicle; and

- (ii) an ambulance or fire-fighting vehicle as defined in section 1 of the National Road Traffic Act while being used on official duty in its capacity as such a vehicle, where the vehicle is owned or leased by that Provincial Government or one of those municipalities and is marked as such an ambulance or fire-fighting vehicle, as the case may be.”;

**“exempt public transport service” means–**

- (i) a minibus taxi-type service as defined in section 1 of the NLTA where the service is for commuting as defined in the NLTA;
- (ii) a contracted service, i.e. a service provided by means of vehicles operated in terms of a contract with a contracting authority contemplated in section 56 of the NLTA;
- (iii) a scheduled commuter public transport service, i.e. a regular, daily scheduled public transport service operating according to a time-table, including the transportation of scholars and private contract passengers; and
- (iv) a dedicated service for transporting scholars or students on a daily basis contemplated in section 72 of the NLTA for which an operating licence or permit is required in terms of the NLTA;

- (c) by insertion of the following definition after the definition of the expression “exempt public transport service”:

**“GFIP toll-roads”** means the Gauteng Freeway Improvement Project toll roads, which are N1 sections 20 and 21, N3 section 12, N4 section 1,

N12 sections 18 and 19 (as declared by Government Notice No. 30912 of 28 March 2008) and R21 sections 1 and 2 (as declared by Government Notice No. 31273 of 28 July 2008);

- (d) by insertion of the following definition after the definition of the expression "National Road Traffic Regulation"

**"NLTA"** means the National Land Transport Act, 2009 (Act No. 5 of 2009); and

- (h) by insertion of the following definition after the definition of the acronym "NLTA":

**"operator"** means, in the case of an exempt public transport service, the operator of the service as defined in section 1 of the NLTA and, in the case of an exempt emergency vehicle, the organ of state contemplated in the above definition of "exempt emergency vehicle" that owns or leases the vehicle and uses it to provide the exempt emergency service;"

3. The following Regulation is hereby substituted for regulation 8 of the regulations:

**"Information required and procedures applicable to exemption"**

8. (1) To qualify for an exemption, the operator of a vehicle which provides an exempt public transport service or operates an exempt emergency vehicle must apply to the Agency by completing the application form provided by the Agency and submit the completed form to the customer service centre with, in the case of an exempt public transport service, the relevant operating licence or permit, and in the case of an exempt emergency vehicle, proof of ownership or leasing of the vehicle, as the case may be, for

each vehicle and the application fee and the other documents mentioned in sub-regulation (13).

(2) The application fee shall be the fee determined by the Agency from time to time and will not be refundable if the application is unsuccessful.

(3) If the operator of the exempt public transport service or exempt emergency vehicle qualifies for the exemption, the operator will be issued with an e-tag by the Agency which e-tag will constitute the means of identifying the vehicle or vehicles operated by the operator in respect of which the exemption is granted, and a written exemption certificate will be issued to that operator which is neither renewable nor transferable.

(4) An application contemplated in sub-regulation (1) must be made at least 30 days prior to the expiry of the relevant exemption certificate.

(5) When using the GFIP toll roads with an exemption certificate, the operator must at all times be in possession of the necessary operating licence or permit as required by section 50(1) of the NLTA in the case of an exempt public transport service, the original of which or a duplicate original must be available for inspection in the vehicle in terms of regulation 23(b) of the National Land Transport Regulations, 2009 promulgated in terms of the NLTA. together with in the case of both an exempt public transport service and an exempt emergency vehicle, the exemption certificate, which must also be kept in the vehicle when operated on a GFIP toll road.

(6) The e-tag issued by the Agency must be fitted to the vehicle or vehicles which qualify for the exemption in accordance with the requirements of the Agency, is subject to any requirements, terms or conditions imposed by the Agency and the operator may not enter any toll road unless such tag is affixed to that vehicle.

(7) The public transport service exemption will only apply where the operator and the vehicle providing the public transport service is operating lawfully on a route or in an area authorised by such operating license or

permit and, in the case of both an exempt public transport service and an exempt emergency service, the e-tag issued by the Agency has been fitted to the relevant vehicle(s) in the manner contemplated in sub-regulation (6).

(8) The Exemption Certificate will be valid for three years or, in the case of an exempt public transport service, until the date on which the operating license or permit lapses, whichever is the earlier, and the operator must then re-apply for exemption by completing the application form supplied by the Agency and supplying the required particulars and documentation.

(9) The operator must notify the Agency within 14 days if the vehicle changes ownership or if application is made to transfer the relevant operating licence or permit.

(10) If the operator wishes to transfer the e-tag to another vehicle, the operator must submit the motor vehicle licence to the Agency and request transfer of the tag to the new vehicle by completing the form provided by the Agency, and the new vehicle may not be used on a GFIP toll road until the new e-tag issued by the Agency is fitted to the vehicle and until the required operating licence for the new vehicle has been obtained.

(11) If the vehicle is stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit or use, the operator must notify the Agency on the form provided by the Agency and hand the completed form in at the customer service centre or by telephoning that centre immediately on becoming aware that it was stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit for use.

(12) This exemption may be withdrawn in terms of section 27(1)(f)(i) of the Act if –

- (a) the operator or an employee or agent of the operator uses the e-tag issued to him or her for any unauthorised purpose; or



- (b) the operator fails to comply with these conditions or any other condition relating to the exemption imposed by the Agency and of which the operator has been notified of in writing by the Agency; or
- (c) the operator fails to pay toll in respect of routes on the GFIP toll roads for which exemption was not granted to the operator; or
- (d) the operating licence or permit on which the exemption is based lapses or is withdrawn or cancelled for any reason; or
- (e) the motor vehicle for which the exemption is granted is at any time not properly licensed or a valid roadworthy certificate has not been acquired for the vehicle as required by the National Road Traffic Act; or
- (f) the applicant tampers with or defaces a licence plate on such vehicle in contravention of the National Road Traffic Act.

(13) The following must accompany the application form:

- (a) The application fee;
- (b) the relevant operating licence, licences, permit or permits in the case of an exempt public transport service;
- (c) the current timetable or timetables in the case of an exempt public transport service that is a scheduled service;
- (d) the vehicle licence certificate for each vehicle; and
- (e) in the case of an exempt public transport service, the schedule to the application form indicating the routes for which the exemption is sought.

#### **Short title and commencement**

4. These Regulations are called the First Amendment to the South African National Roads Agency Limited and National Roads Regulations (Exemptions from Payment of Tolls) 2012 and shall come into operation on the date of their publication in the *Government Gazette*.

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