GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 1170

8 December 2009

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

NATIONAL LAND TRANSPORT REGULATIONS FOR THE 2010 FIFA SOCCER WORLD CUP

I, Sibusiso Joel Ndebele, Minister of Transport, hereby make the regulations in the Schedule in terms of section 61 read with sections 8 and 60 of the National Land Transport Act, 2009 (Act No. 5 of 2009).

S J Ndebele

Minister of Transport

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SCHEDULE

Contents

- 1. Definitions
- 2. Operating licences for the Event
- 3. Applications for temporary operating licences for the Event
- 4. Matters to be checked by the host city or other public institution in the case of a contracted event service
- 5. Requirements for obtaining a temporary operating licence for the Event
- 6. Disposing of an application for a temporary operating licence
- 7. Issuing of a temporary operating licence
- 8. Particulars to be contained in a temporary operating licence
- 9. Duties of the holder of a temporary operating licence
- 10. Roadworthy certification
- 11. Notification to public
- 12. Cross-border road transport
- 13. Fares
- 14. Law enforcement
- 15. Offences
- 16. Status of these regulations
- 17. Institutional arrangements
- 18. Short title and commencement

SCHEDULE: FORMS

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Definitions

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has that meaning, and the following words and expressions have the meanings assigned to them:

"accredited testing station" means a testing station that has been registered in terms of section 39 of the National Road Traffic Act and approved by the Department for the special testing of vehicles to be used for Event passengers;

"contracted event service" means the transporting of passengers to and from Event areas in terms of a contract concluded between a public institution and an operator, appointed by that institution in terms of an operational plan developed by or on behalf of that institution:

"Event" means the 2010 FIFA World Cup South Africa which is scheduled for 11 June to 11 July 2010 in the Republic, including all matches and official events relating thereto, and including the periods before and after that World Cup necessary to conduct and finalise the necessary land transport arrangements;

"event areas" means stadia, fan parks, transport hubs, park-and-ride or park-and-walk areas, airports, bus stops, railways stations or similar areas connected with the Event;

"host city" means a metropolitan or local municipality in whose area an event area is situated;

"National Transport Facilitator" means the person appointed in terms of regulation 17(1);

"PRE" means a Provincial Regulatory Entity or, if a PRE has not yet been established for the province in question, the operating licensing board of that Province;

"Provincial Transport Facilitator" means the person appointed for the province concerned in terms of regulation 17(2);

"public institution" means an organ of state as defined in the Constitution or another official institution or body tasked or recognized by government or the *Fédération Internationale de Football* Association (FIFA) to make transport arrangements for the Event;

"RTMC" means the Road Traffic Management Corporation established by section 3 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999); and

"the Act" means the National Land Transport Act, 2009 (Act No. 5 of 2009).

Operating licences for the Event

- 2. (1) A holder who requires a temporary operating licence for the Event as contemplated by section 60(1)(c) of the Act to provide public transport services for or in connection with the Event, must apply to the PRE of the province where the journey originates despite contrary provisions of the Act.
- (2) A person or organization wishing to provide courtesy services for or in connection with the Event where that organization will operate three or more vehicles or operates a minibus, midibus or bus, must likewise apply for a temporary operating licence to such PRE.
- (3) Such a temporary operating licence may authorize the holder to operate from anywhere in the Republic to an event area or from an event area to anywhere in the Republic, for purposes connected with the Event, or to carry soccer fans or other persons connected with the Event to or from places of accommodation or entertainment, or on particular routes or in particular areas, as decided by the PRE, and on conditions determined by the PRE.

(4) Despite contrary provisions of the Act or of any term or condition of the relevant operating licence or permit, holders of operating licences or permits contemplated in section 60(1)(b) of the Act must comply with the by-laws and directions of the host cities as regards ranking, parking and routing and the loading and offloading of passengers, and must comply with the city's operational plans and other directions in that regard, even if such compliance amounts to a deviation from the operations authorized by that operating licence or permit.

Application for temporary operating licences for the Event

- 3. (1) An application for the granting of a temporary operating licence contemplated in regulation 2 must be lodged for each vehicle by submitting the completed application form shown as Form 1 in the Schedule, together with the information and documents specified in that form and an application fee of R100,00 per vehicle, which fee may be adjusted to encourage operators to apply as early as possible.
- (2) Such an application must be submitted on or before 28 February 2010 to ensure timeous processing of the application.
- (3) Where an application is received after 28 February 2010 there will be no guarantee that the application will be processed in time, and the PRE may refuse to accept applications after that date in consultation with the National Transport Facilitator.
- (4) An application form may be submitted by hand, post or e-mail, and in the case of e-mail must include a scanned version of the required documents.
- (5) The PRE must reject an application where the application form is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid, and may require the applicant to submit the original of any document before accepting the application if it suspects the validity or authenticity of the document.
- (6) The PRE must notify the following by e-mail or fax of an application received under sub-regulation (1):
- (a) All relevant host cities;
- (b) every other planning authority in whose area passengers will be picked up or set down; and
- (c) any other public institution involved in operational planning for the match or Event activity in question, as decided by the PRE,
- and those institutions must supply any comments or recommendations that they may have to the PRE by e-mail or fax within the time specified in the notice, which may not be less than seven days.
- (7) Where a city, authority, organization or institution fails to respond to such a notice within the specified time, the PRE may proceed to process and decide upon the application without their input.

- (8) A notification in terms of sub-regulation (6) must be in accordance with the form shown as Form 2 in the Schedule and contain particulars sufficient to enable the recipient to submit a response based on their planning, if any, for the Event.
- (9) It shall not be necessary to publish such an application as contemplated by section 59 of the Act.

Matters to be checked by the host city or other public institution in the case of a contracted event service

- **4.** Before providing the letter or certificate contemplated in regulation 5(a), the host city or other public institution granting the contract must at least check the following:
- (a) That the operator or person providing the courtesy service is a fit and proper person to transport passengers for the Event based on the applicant's criminal record or any records held by a public institution or association of operators;
- (b) that the vehicle is suitable to transport passengers in relation to the Event by virtue of its type, condition, age, the number of kilometers travelled and its service record and, where appropriate in the case of a minibus taxi-type service, has been certified and homologated by the National Regulator for Compulsory Specifications as complying with the requirements for recapitalization;
- (c) that the vehicle has been properly registered and licensed under the National Road Traffic Act;
- (d) that the operator is in possession of a valid tax clearance certificate issued by the South African Revenue Services (SARS); and
- (e) that the drivers to be used by the operator have the necessary professional driving permits and, according to the standards set by the city or other institution, the necessary other qualifications and training as required by the National Road Traffic Act or other laws.

Requirements for obtaining a temporary operating licence for the Event

- 5. A person applying for such a temporary operating licence must submit the following with the application:
- (a) In the case of a contracted event service, a letter or certificate from the public institution certifying that the operator has been appointed in terms of a contract as contemplated in the definition of a contracted event service; and
- (b) in the case of any other services, proof of the matters listed in paragraphs (c) and (d) of regulation 4 and any other matters specified in Form 1.

Disposing of an application for a temporary operating licence

- 6. In considering whether to grant or refuse an application for a temporary operating licence in terms of regulation 3, the PRE must consider the following:
- (a) In the case of a contracted event service, that the applicant has submitted the letter or certificate contemplated in regulation 5(a);
- (b) that the applicant has complied with these regulations;
- (c) any comments or recommendations submitted under regulation 3(6);
- (d) in the case of a service other than a contracted event service-
 - (i) the matters listed in section 60(3) of the Act;
 - (ii) the matters listed in paragraphs (a) and (b) of regulation 4;
 - (iii) any applicable operational plan prepared by a public institution;
- (e) any other matter considered relevant by the PRE.

Issuing of a temporary operating licence

- 7. (1) Where a PRE has granted an application for a temporary operating licence in terms of these regulations, it must notify the applicant by e-mail or fax once the operating licence is ready for uplifting, or by telephone where the applicant does not have access to e-mail or fax facilities.
- (2) Where the applicant has not uplifted the operating licence within 14 days of being notified, the PRE must contact the applicant by telephone, e-mail or fax to remind the operator that the operating licence is ready, and must then cancel the licence if it is still not uplifted within seven days after the date of such second notification.
- (3) An operating licence must not be issued to the holder or the holder's authorized representative until the latter has produced to the PRE-
- (a) the matters listed in regulation 5:
- (b) a special roadworthy certificate issued under regulation 10; and
- (c) proof or certification of any other matter required by the PRE.
- (4) Operating licences must be issued with a special decal or sticker for display on the vehicle in the manner prescribed in regulation 9, which must at least show-
- (a) the name of the holder;
- (b) the number of the temporary operating licence;
- (c) in the case of a service other than a courtesy service, the number of the holder's operating licence or permit;
- (d) the vehicle registration number; and
- (e) the date of expiry of the operating licence.

Particulars to be contained in a temporary operating licence

- 8. A temporary operating licence must at least contain the following particulars:
- (a) The name and address of the holder;

- (b) the registration number, make, vehicle identification number, type and seating or passenger capacity of the vehicle;
- (c) the number of the temporary operating licence;
- (d) in the case of a service other than a courtesy service, the number of the holder's operating licence or permit;
- (e) the period for which it was granted, which may not be longer than the period of the actual Event, i.e. 11 June to 11 July 2010, but may include 14 days before 11 June or 14 days after 11 July 2010; and
- (f) in the case of a contracted event service—
 - (i) the name of the host city or other public institution; and
 - (ii) the contract or appointment reference number.

Duties of the holder of a temporary operating licence

- 9. The holder of such a temporary operating licence must-
- (a) comply with the Act, these regulations, other relevant laws and the directions of the PRE, host city, National Transport Facilitator, Provincial Transport Facilitator and authorised officers in providing public transport for the Event;
- (b) keep the original operating licence or a duplicate original in the specified vehicle, and, where the vehicle is temporarily replaced under section 74 of the Act, keep the operating licence and the temporary authorisation issued for the replacing vehicle in that vehicle for the duration of the temporary replacement;
- (c) display and keep affixed on the vehicle the special decal or sticker issued in terms of regulation 7(4), as well as any other branding, token, decal or sticker required by the host city or PRE, in the manner directed by them;
- (d) produce the operating licence or authorisation on demand by an authorised officer;
- (e) keep the operating licence, any duplicate original thereof and the decal or sticker that relates thereto in such a condition that the letters and figures thereon are clearly legible and, if they are damaged or cease to be clearly legible, apply for a duplicate within two working days by completing the form required by the PRE and submit the damaged or obscured operating licence or token to the PRE for destruction or an affidavit explaining why it cannot be so submitted;
- (f) display on or in the vehicle the other particulars required by the PRE or host city;
- (g) at all times keep the vehicle in a safe, clean and roadworthy condition;
- (h) return an operating licence that has lapsed or has been withdrawn or cancelled to the PRE that issued it within seven days;
- (i) ensure that providing the services for the Event authorised by the operating licence do not prejudice or interfere with the normal public transport services provided by the holder; and

(j) remove and destroy all tokens, decals or stickers that relate to the operating licence or the Event from the vehicle not later than 24 hours after expiry of the operating licence to which they relate.

Roadworthy certification

- **10.** (1) A vehicle to be used in terms of a temporary operating licence under these regulations must be issued with a special roadworthy certificate by an accredited testing station or by an examiner contemplated in sub-regulation (3).
- (2) Applicants who have applied for such operating licences must submit their vehicles or make them available for examination or testing in the manner, on the dates or within the time directed by the PRE or host city.
- (3) In the case of an operator operating a fleet of vehicles, the PRE or host city may arrange, in consultation with that operator, to send an examiner of vehicles contemplated in the National Road Traffic Act to the premises of the operator to examine that operator's vehicles and issue the necessary special roadworthy certificates.
- (4) The test or examination for roadworthiness required for the issuing of such a special roadworthy certificate need not entail a full roadworthy test as required for a roadworthy certificate in terms of the National Road Traffic Act, but must be conducted in accordance with written directions issued to testing stations by the Department or the RTMC, which may include, without limiting the generality of the foregoing-
- (a) whether the vehicles operated by the operator are roadworthy and acceptable for the type of services to be operated by the applicant;
- (b) that the operator has an acceptable programme of maintaining and servicing all vehicles operated or to be operated by the applicant;
- (c) that the operator keeps acceptable maintenance and servicing records of such vehicles, which must be made available to such examiners on request; and
- (d) referring the vehicle for a full roadworthy test where the examiner suspects that the vehicle is not roadworthy.
- (5) The Department may not grant accreditation to a testing station unless satisfied that it, in the opinion of the Department, is suitable for special testing or examination of vehicles for the Event and is not engaged in any irregular practices.
- (6) The Department must keep a list of such accredited testing stations which is published on its Website from time to time and in other ways deemed suitable by the Department.
- (7) The Department must monitor such testing stations and summarily cancel the accreditation of a testing station where it becomes aware of any illegal or irregular practices taking place there, and give it notice in writing or electronically of the allegations against it or other reasons for the intention to cancel its accreditation, and allow it not less than 48 hours to respond.

(8) The Department may re-instate the accreditation of such a testing station on the basis of that response.

Notification to public

- 11. The Department and other public institutions must publicise, in the manner determined by the Department, the fact that-
- (a) vehicles displaying decals or stickers specified in the relevant notice should be used for transportation in connection with the Event where possible, and that other vehicles are used at the risk of the user, and such risks must be described in the relevant publication or notice; and
- (b) claims by passengers on public transport vehicles that are payable by the Road Accident Fund in terms of the Road Accident Fund Act, 1996 (Act No. 56 of 1996) in the case of accidents are limited to specified amounts, and that passengers who require higher limits of cover must make their own arrangements at their own cost to take out insurance for those higher limits.

Cross-border road transport

12. Persons or operators providing cross-border road transport to and from Event areas must be in possession of the permits required by the Cross-Border Act to pick up or set down passengers at event areas, and must comply with regulation 16(2) in relation to the Event.

Fares

- 13. (1) All metered taxis providing transport to and from Event areas must display the fares being charged in a prominent place on or in the vehicle, where it is visible to passengers, and in other places or by other methods determined by the PRE.
- (2) The Department may set national standards for fares or fare levels for public transport in relation to the Event, and publish them in the *Gazette*.
- (3) Relevant operators of public transport services must comply with such conditions, standards or fare levels for the duration of the Event.
 - (4) All fares must be displayed or quoted to passengers in South African rand.

Law enforcement

14. (1) Where a complaint against a holder or driver is received by a host city or authorized officer, the Department must where appropriate forthwith dispatch one or more inspectors to investigate within 24 hours, and take appropriate action to follow up the matter.

- (2) Authorised officers investigating accident scenes at or in the vicinity of event areas during the Event who become aware of possible offences having been committed by operators or their drivers must notify the relevant PRE in writing or by email within 24 hours.
- (3) Authorised officers engaged in law enforcement duties during the Event must actively police operators of public transport to ensure that they comply with the Act, the National Road Traffic Act, these regulations and other applicable laws.
- (4) The Department must engage with the South African Police Service, municipal police services, the RTMC, the Cross-Border Road Transport Agency, relevant provincial departments and relevant municipalities to reach agreement with them on projects for enforcing the Acts and regulations contemplated in sub-regulation (3) during the Event.
- (5) Such law enforcement must include and give due attention to the prevention of on-the-road offences, including, but not limited to, driving under the influence of alcohol or drugs, reckless and negligent driving, operating unroadworthy vehicles, unauthorized operation and failure to regard road traffic signs and signals, without neglecting other offences.
- (6) An authorized officer who encounters a vehicle displaying a decal or sticker relating to an expired operating licence contemplated in regulation 9(j) must forthwith remove it from the vehicle and destroy it.

Offences

15. Any person who contravenes a provision of these regulations is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Status of these regulations

- **16.** (1) The requirements of these regulations are in addition to, and not in substitution of, any other requirements imposed by other legislation or authorities except where specifically indicated.
- (2) Despite contrary provisions of the Act or Cross-Border Act or of any term or condition of the relevant operating licence or permit, holders of operating licences or permits contemplated in section 60(1)(b) of the Act or issued in terms of these regulations or the Cross-Border Act must comply with the by-laws and directions of the host cities as regards ranking, parking and routing and the loading and offloading of passengers, and must comply with the city's operational plans and other directions in that regard, even if such compliance amounts to a deviation from the operations authorized by that operating licence or permit.

Institutional arrangements

- 17. (1) The Director-General of the Department must appoint a person as National Transport Facilitator for operating licences for the Event, who must, among other duties assigned by the Director-General-
- (a) Monitor and oversee, and facilitate co-ordination between, the spheres of government and other relevant parties in relation to the licensing of public transport operations for the Event; and
- (b) ensure that relevant timescales are met to enable such transport to function efficiently for the Event.
 - (2) The head of each provincial department must-
- (a) appoint a person as Provincial Transport Facilitator for operating licences for the Event to assist the National Transport Facilitator and perform similar functions in the provincial sphere;
- (b) appoint a unit of dedicated staff members, systems and equipment to accommodate their duties in terms of these regulations; and
- (c) submit to the Director-General of the Department, by the date and in the format determined by that Director-General, a schedule of the proposed activities of the PRE, including sittings, to comply with these regulations, with time scales.
- (3) The National Transport Facilitator may issue directives to PREs and host cities that are not in conflict with the Act or these regulations to ensure the effective implementation of these regulations or to facilitate the procedural and other arrangements for public transport for the Event, and the latter must comply with such directives.
- (4) Each host city must supply the relevant PRE with details of its operational plan including, but not limited to-
- (a) details of vehicles to be used in terms of contracted event services; and
- (b) requirements of the city for other public transport services for the Event.
- (5) Applications for new operating licences that are Event-related must be made to the PRE of the province where the journey originates.

Short title and commencement

- **18.** (1) These regulations are called the National Land Transport Regulations for the 2010 FIFA Soccer World Cup and come into operation on the date of their publication in the *Gazette*.
- (2) The Department may amend the forms shown in the Schedule or the fees payable in terms of these regulations from time to time without having to amend these regulations.

SCHEDULE: FORMS

FORM 1: Application for temporary operating licence for the Event

FORM 2: Notification by PRE to host cities and other planning authorities and

institutions

NATIONAL LOGO

(NAME OF PROVINCE) PROVINCIAL REGULATORY ENTITY

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

APPLICATION FOR TEMPORARY OPERATING LICENCE (SPECIAL EVENT-2010)																							
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	SECTION B
PARTICULARS	OF PERSON RESPONSIBLE FOR A JURISTIC PERSON
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Identity number	
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	SECTION C
PARTICULARS OF A C	ONTRACT EVENT SERVICE (In the case of a contracted service)
If a contracted event service, certified cop	by of a letter or certificate from host city or other public institution is to be attached.
(Note: Only contracts with National, Provi	ncial, Host Cities or Public Institutions)
Contracted Services	YES NO
If yes, provide the following:	
Contract reference number	
Names of parties to the contract 1	
	2
Addresses of parties to the contract 1	
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Valid from YYYY MM MDDD YYYYY MM MDDD *In the case of more temporary operating licences, provide the same particulars on a separate sheet as an attachment. *Limited to the duration of the event or 14 days before or after the Event. CHECKLIST Proof of registration and licencing of vehicle.	Operating Licence 3																			
*Limited to the duration of the event or 14 days before or after the Event. CHECKLIST Proof of registration and licencing of vehicle.	Operating Licence number	Valid from	Y	Y	Y		/ M	M	1		D	Valid to	j	Y	Υ ,	Y Y],	мм	, [D D
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Valid Tax Clearance Certificate.	Proof of registration and licen	cing of vehicle	e.																	
	Valid Tax Clearance Certificat	e.																	_	

Form 2 (One Page)

(INSERT COAT OF ARMS/LOGO)

(INSERT PROVINCE) PROVINCIAL REGULATORY ENTITY

FORM OF NOTIFICATION BY PRE TO HOST CITIES AND OTHER PLANNING AUTHORITIES OR INSTITUTIONS.

ADDRESSEE Host City/Planning Authority/Public Institution	Date: [*********] OL Reference number: [*******]
	Contact Person: [********]
	Tel: [*********]
	Fax: [********]
	Email: [********]
REQUEST TO HOST CITY/PLANNING AUTHORITY/PUBLIC INSTITUTION FOR RE	COMMENDATIONS/ COMMENTS:
CONCERNING AN APPLICATION FOR A TEMPORARY OPERATING LICENCE FOR	THE 2010 FIFA SOCCER WORLD
CUP	
Dear Sir/Madam	
In accordance with the National Land Transport Act, 2009 (Act no.5 of 2009) the made for a temporary operating licence for the provision of public transport se Soccer World Cup:	
[Name of Applicant] has made an application to provide [Interprovincial/Interciservices for the period from [dd/mm/yyyy] until [dd/mm/yyyy].	ty/Intracity] public transport
You are requested to supply your recommendations and comments regarding t	his application.
The attached application form contains all of the necessary information that wi appropriate recommendations and/or comments.	ll allow for you to make the
If no response is received from your institution within the allocated time, then tand decide upon the application without your input.	the PRE may proceed to process
Please supply your recommendation by no later than [dd/mm/yyyy].	
Yours sincerely	
[Insert Name]	
[Signature]	
On behalf of [**********] Provincial Regulatory Entity	