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## GOVERNMENT NOTICE

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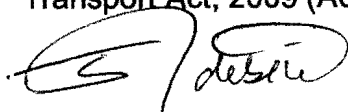
17 December 2009

### DEPARTMENT OF TRANSPORT

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

#### NATIONAL LAND TRANSPORT REGULATIONS

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



**S J Ndebele**

**Minister of Transport**

## SCHEDULE

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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:

“BRT” means bus rapid transit;

“decal” means a decal issued under regulation 21(8), and includes a distinguishing mark contemplated in the Act;

“IPTN” means an integrated public transport network;

“issue” in relation to an operating licence means the handing of the operating licence to the holder thereof or the holder’s authorised agent after that licence has been granted and printed;

“ITP” means an integrated transport plan;

“MRE” means a municipal regulatory entity, i.e. a municipality to which the operating licensing function has been assigned;

“NPTR” means the National Public Transport Regulator;

“OLAS” means the Operating Licence Administration System maintained by the National Department of Transport in conjunction with the Provinces as required by section 6(5) of the Act, which replaces the former Land Transport Permit System;

“PLTF” means a provincial land transport framework;

“PRE” means a Provincial Regulatory Entity;

“public road” means a public road as defined in the National Road Traffic Act;

“scholar transport” means the dedicated transporting of scholars, students, teachers and lecturers as contemplated in section 72 of the Act and does not include the transporting of such persons as part of a normal public transport service; and

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

## Chapter 1

### National Public Transport Regulator

#### Application to NPTR relating to an operating licence for an interprovincial service

2. (1) An application to the NPTR for the granting, renewal, amendment or transfer of an operating licence for an interprovincial service other than a tourist transport service must be lodged by submitting the completed application form shown in Schedule 1 with the NPTR, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) An application form may be submitted by hand either to an NPTR office or any PRE office, or by e-mail, post or fax to the NPTR, and if submitted by e-mail must include a scanned version of the required documents.

(3) The NPTR must issue a receipt to the person lodging the application where it is submitted by hand, or acknowledge receipt by e-mail, post or fax if the application was submitted by one of those methods, on the day of receipt or if received over a weekend or on a public holiday, on the next working day.

(4) The NPTR 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.

(5) The NPTR must notify the following by e-mail or fax of an application received under sub-regulation (1):

(a) The PRE of every province in whose area passengers will be picked up or set down; and

(b) every planning authority in whose area passengers will be picked up or set down; and those PREs and planning authorities must supply their comments or recommendations to the NPTR by e-mail or fax within the time specified in the notice, which may not be more than 30 days.

(6) Where the planning authority does not have an adequate ITP or is otherwise unable to respond in a meaningful manner, it must still submit a response stating the reasons why it is unable to respond.

(7) Where a PRE or planning authority fails to respond to such a notice within the specified time, the NPTR may proceed to process and decide upon the application without their input.

(8) A notification in terms of sub-regulation (5) must be in accordance with the form shown in Schedule 1 and contain particulars sufficient to enable the PRE or planning authority to submit a response based on relevant transport plans.

(9) The NPTR, PREs and MREs must conclude a written agreement in terms of section 26 of the Act to facilitate the submission of applications and communications between them.

### **Application to NPTR for conversion of a permit**

3. (1) Any holder of a permit authorizing interprovincial services may apply to the NPTR for conversion of that permit to an operating licence, and such application must be lodged by submitting the completed application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) Where a permit authorizes both interprovincial and intraprovincial services, an application to convert the permit must be made to the NPTR, which may convert the permit and issue the appropriate operating licence, but it must refer the application to relevant planning authorities for confirmation of or comments on the matters contemplated in regulation 14(1) and (3), and for directions in relation to the allocation of the routes or areas contemplated in regulation 14(4), based on its ITP.

(3) Regulation 2(2) to (7) also applies to such an application, with the necessary changes.

### **Meetings of NPTR**

4. (1) The members of the NPTR contemplated in section 20(2) of the Act must meet often enough to enable the NPTR to consider and process applications concerning operating licences or for accreditation of operators within no more than 60 days of receipt of the application.

(2) The Minister must appoint a chairperson and deputy chairperson of the NPTR from such members.

(3) The chairperson must preside at meetings, or failing the chairperson the deputy-chairperson.

(4) In the absence of the chairperson and deputy-chairperson, the persons present at the meeting must elect one of their number to chair the meeting.

(5) A quorum at those meetings will be 50 percent of the appointed members, and in the case of a deadlock the person presiding will have a deciding vote in addition to his or her normal vote.

(6) An act or decision at such a meeting will not be invalid because a casual vacancy existed in the NPTR at the time or because a member who participated in the act or decision was disqualified at the time from being a member.

(7) The NPTR must keep at its place of business a file for each operator to whom an operating licence has been issued, both electronic and in hard copy, containing a copy of every operating licence issued to that operator and allow any interested person to obtain a copy of such a licence on payment of the fee specified in Schedule 2.

(8) Such an electronic file must contain scanned copies of all relevant documents.

(9) The records contemplated in sub-regulation (7) may be deleted or destroyed five years after an operating licence or permit has lapsed or been cancelled or withdrawn.

## Powers of NPTR

5. (1) In dealing with any matter before it the NPTR may—
- (a) allow a person affected by or interested in the matter, or the duly authorised representative of that person, to appear before it and—
    - (i) give evidence or make oral representations relevant to the matter;
    - (ii) call witnesses and present evidence on any question concerning a matter relevant to the proceedings;
    - (iii) question a person who testifies as a witness in those proceedings;
  - (b) issue a subpoena on a standard form as shown in Schedule 1 requiring a person to appear before it to give evidence or to produce any book, plan, document or other record, or any article, item or object, in the possession or under the control of the person and have the subpoena handed personally to the person to whom it applies by an authorised officer, who must thereupon report to the NPTR;
  - (c) order any person present at the place where the proceedings are conducted, to appear before it to give evidence or to produce any book, plan, document or other record, or any article, item or object, which is in that person's possession;
  - (d) question any person appearing as a witness;
  - (e) require that any oral evidence be given under oath or affirmation and, for that purpose, administer an oath to or take down an affirmation from any witness; and
  - (f) refuse to hear any oral evidence or representations from any person unless the person has been sworn in or made an affirmation as a witness.

(2) The NPTR may, by written notice sent to his, her or its last-recorded address, require any holder to satisfy it within the specified time, that the services authorised by the relevant operating licence or permit are still being provided or being provided sufficiently, or to provide it with other information relating to the operating licence or permit or the services authorised thereby, and the holder must comply with such a notice.

(3) The NPTR may-

- (a) investigate any matter relating to land transport in the Republic, and submit recommendations thereon to the Minister;
- (b) at the request of the Minister, investigate and report on any matter within the scope of the Act; and
- (c) where, based on information that has come to its notice, it suspects that an operator is acting in a manner that is or will lead to unsafe or undesirable operation of public transport by that operator, or that the operator is habitually transgressing the provisions of the Act or other laws, or the terms and conditions of operating licences or permits held by that operator, cause an inquiry to be held into the affairs and operating practices of that operator, with a view to taking action under section 79 of the Act or recommending appropriate action to a regulatory entity or other body.

## Chapter 2 Provincial Regulatory Entities

### Application to PRE for operating licence

6. (1) An application to a PRE for the granting, renewal, amendment or transfer of an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) An application form may be submitted by hand or by e-mail, post or fax to the office of the PRE, and if submitted by e-mail must include a scanned version of the required documents.

(3) The PRE must reject a form that is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid.

(4) The PRE must notify every planning authority in whose area passengers will be picked up or set down by e-mail or fax of an application received under sub-regulation (1), and those planning authorities must supply their comments or recommendations to the PRE by e-mail or fax within the time specified in the notice, which may not be more than 30 days.

(5) Where a planning authority 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.

(6) A notification in terms of sub-regulation (4) must be in accordance with the standard form shown in Schedule 1 and contain particulars sufficient to enable the planning authority to submit a response based on its ITP.

(7) Where an application was lodged with a PRE after the date of commencement of section 21(4) of the Act, the applicant may refer the application to the NPTR in terms of that section if the application has not been processed within 60 days of its receipt by the PRE, and such application must be submitted to the NPTR on the form shown in Schedule 1, accompanied by the fee specified in Schedule 2, and the form must include full reasons for submitting the application to the NPTR.

(8) Before taking a decision on such an application, the NPTR must liaise with the PRE and require it to provide its comments and reasons in relation to the applicant's submissions within 30 days.

### Application to PRE for conversion of a permit

7. (1) An application to a PRE for conversion of a permit to an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) Regulation 6(2) to (6) also applies to such an application, with the necessary changes.



(3) When such an application is referred to a planning authority, it must provide confirmation of or comments on the matters contemplated in regulation 14(1) and (3), and for directions in relation to the allocation of the routes or areas contemplated in regulation 14(4), based on its ITP.

### **Meetings of PREs**

8. (1) The members of PREs contemplated in section 23(2) of the Act must meet often enough to enable them to process applications within no more than 60 days of receipt of the application.

(2) The MEC must appoint a chairperson and deputy chairperson of the PRE from such members.

(3) The chairperson must preside at meetings, or failing the chairperson the deputy-chairperson.

(4) In the absence of the chairperson and deputy-chairperson, the persons present at the meeting must elect one of their number to chair the meeting.

(5) A quorum at those meetings will be 50 percent of the appointed members, and in the case of a deadlock the person presiding will have a deciding vote in addition to his or her normal vote.

(6) An act or decision at such a meeting will not be invalid because a casual vacancy existed in the PRE members at the time or because a member who participated in the act or decision was disqualified at the time from being a member.

(7) Each PRE must keep at its place of business a file for each operator to whom an operating licence has been issued, both electronic and in hard copy, containing a copy of every operating licence issued to that operator and allow any interested person to obtain a copy thereof on payment of the fee specified in Schedule 2.

(8) Such an electronic file must contain scanned copies of all relevant documents.

(9) The records contemplated in sub-regulation (7) may be deleted or destroyed five years after an operating licence or permit has lapsed or been cancelled or withdrawn.

(10) Sub-regulations (2) to (6) apply in a province unless the MEC has made a replacing regulation.

### **Powers of PREs**

9. (1) PREs have the powers contemplated in regulation 5(1) and (2), reading in the necessary changes.

(2) The PRE may investigate any matter relating to land transport in the province and make recommendations thereon to the MEC.

(3) Sub-regulations (1) and (2) apply in a province unless the MEC has made a replacing regulation.

### **Chapter 3 Municipal Regulatory Entities**

#### **Application to municipality for operating licence**

10. An application to a MRE for the granting, renewal, amendment or transfer of an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2, and regulation 2(2) to 2(4) applies with regard to such an application, with the necessary changes.

#### **Application to municipality for conversion of a permit**

11. (1) An application to a MRE for conversion of a permit to an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) Regulation 2(2) to (4) also applies to such an application, with the necessary changes.

#### **Meetings of operating licence division of municipalities**

12. (1) The members of the division of a MRE contemplated in section 17(1)(b) of the Act must meet often enough to enable them to process applications relating to operating licences within no more than 60 days of receipt of the application.

(2) The municipality must appoint a chairperson and deputy chairperson of such division from such members.

(3) The chairperson must preside at meetings, or failing the chairperson the deputy-chairperson.

(4) In the absence of the chairperson and deputy-chairperson, the persons present at the meeting must elect one of their number to chair the meeting.

(5) A quorum at those meetings will be 50 percent of the appointed members, and in the case of a deadlock the person presiding will have a deciding vote in addition to his or her normal vote.

(6) An act or decision at such a meeting will not be invalid because a casual vacancy existed in such division at the time or because a member who participated in the act or decision was disqualified at the time from being a member.

(7) Each such municipality must keep at its place of business a file for each operator to whom an operating licence has been issued, both electronic and in hard copy, containing a copy of every operating licence issued to that operator and allow any interested person to obtain a copy thereof on payment of the fee specified in Schedule 2.

(8) The records contemplated in sub-regulation (7) may be deleted or destroyed five years after an operating licence or permit has lapsed or been cancelled or withdrawn.

## **Powers of municipal regulatory entities**

13. (1) MREs have the powers contemplated in regulation 5(1) and (2), reading in the necessary changes.

(2) MREs may investigate any matter relating to land transport in their municipal areas and make recommendations thereon to the council of the municipality.

## **Chapter 4**

### **Operating licences: general provisions**

#### **Conversion of a permit to an operating licence**

14. (1) A permit may be converted to an operating licence only if the services authorized by the permit have been provided continuously for a period of 180 days prior to the date on which the application was lodged, and subject to section 47(3) of the Act.

(2) Subject to the Act and the other provisions of these regulations, the operating licence issued to replace a permit must confer the same authority as the permit.

(3) Before granting an application for conversion of a permit to an operating licence, a regulatory entity must-

- (a) be satisfied that the services authorized by the permit have been provided for 180 days prior to the date of commencement of the Act, and 180 days prior to the date on which the application was lodged;
- (b) be satisfied by virtue of the applicant's record as an operator that the applicant is still a fit and proper person to provide public transport services;
- (c) be satisfied that the vehicle in question is properly registered and licensed and that a valid roadworthy certificate has been issued for the vehicle as required by the National Road Traffic Act; and
- (d) be satisfied that the relevant planning authority is aware of the application and the services being provided by the operator.

(4) Where a permit for a non-contracted scheduled service or minibus taxi-type service is radius or area based, it must be converted to an operating licence that specifies a detailed description of the route or routes on which the vehicle may be used, by specification of street names, road numbers, beacons or land marks: Provided that-

- (a) in the case of a feeder or distribution service, a collection area may be specified; and
- (b) an area of operation, which may be country-wide, may be authorised for charter services.

(5) Any directions provided by the planning authority based on its ITP as to whether the permit has or has not been in use for 180 days supplied in terms of regulation 3(2) or 6(4) shall be binding on the regulatory entity.

(6) Where a permit that is valid for a definite period is converted, the operating licence issued in its place must have the same expiry date as the permit, but

that expiry date may not be later than seven years after the date of commencement of the Act.

(7) The NPTR, in consultation with the PREs and MREs, must formulate a strategy for conversion of permits, including dates and programmes for such conversion, which may be in respect of areas or types of permits, or on any other basis, and may include increasing or decreasing application fees or taking other measures to encourage early applications for conversion.

### **Applications for recapitalization**

15. (1) Where the holder of a permit for a minibus taxi-type service operates a vehicle that has not yet been recapitalized in terms of the procedures determined by the Department, the holder may apply to the relevant regulatory entity for conversion of the permit to an operating licence, and the application must be combined with an application to the Department or its agents for recapitalization of the vehicle, and section 49(2) of the Act applies in such a case.

(2) Where a holder holds an operating licence for a minibus taxi-type service and operates a vehicle that has not yet been recapitalized in terms of such procedures, that holder may apply to the Department for recapitalization, and where section 49(2)(b) or (c) of the Act is applicable, may at the same time apply to the relevant regulatory entity for an operating licence for the recapitalized vehicle by submitting the completed form shown in Schedule 1 and paying the application fee specified in Schedule 2.

(3) Where routes authorized by the relevant permit are being or to be operated by or on behalf of a contracting authority involving BRT, the operating licence issued on conversion of the permit may not include those routes without the written consent of that authority, provided that that authority has complied with section 41(2) of the Act and the Regulations on Contracting for Public Transport Services promulgated under Notice R.877 dated 31 August 2009.

### **Applications for operating licences for contracted services**

16. (1) An application for an operating licence for a contracted service must be lodged with the relevant regulatory entity by submitting the completed application form shown in Schedule 1, together with the information and documents specified in the form, which must include a copy of the relevant contract, and the application fee specified in Schedule 2.

(2) The entity must reject a form that is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid.

(3) Where appropriate, that entity may request the contracting authority to supply written confirmation that the contract has been concluded or of any documents or information submitted by the applicant.

## Publication of applications

17. (1) A regulatory entity must give notice of applications received by it in connection with operating licences, at least in the *Gazette*, and, if it so decides, in such other manner as it deems fit to comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), stating at least the following:

- (a) The name and address of the applicant;
- (b) the nature of the application (granting, renewal, amendment, transfer or conversion);
- (c) the type and passenger capacity of the vehicle or vehicles involved; and
- (d) the route or routes or area or areas of operation.

(2) An application need not be so published where it is an application-

- (a) to amend the particulars of the same vehicle specified in the operating licence;
- (b) in respect of a contracted service contemplated in section 56 of the Act;
- (c) for renewal of an operating licence or permit;
- (d) to replace the vehicle specified in an operating licence under section 73 of the Act;
- (e) for conversion of a permit where the permit is already route based, in the case of a minibus taxi-type service or scheduled service; or
- (f) to amend other particulars of an operating licence that are not considered to be material by the entity.

(3) A notice of such applications, including those contemplated in sub-regulation (2), must also be posted on a notice board at the offices of the regulatory entity from the date of receipt of the application until expiry of the period contemplated in sub-regulation (4).

(4) An interested person wishing to submit comments or representations must do so in writing within 21 days of publication of the notice, and the entity must-

- (a) allow a person who submits comments or representations, at their request, to inspect the applicant's application form and supporting documents;
- (b) supply such a person with copies of such form and documents on payment of the fee specified in Schedule 2; and
- (c) allow the applicant to inspect or have copies of such comments and recommendations on payment of the fee specified in Schedule 2.

## Offences to be considered by regulatory entities

18. In considering an application for the granting, renewal, amendment or transfer of an operating licence or permit, or for conversion of a permit, a regulatory entity must consider the following offences:

- (a) An offence created by the Act, the National Road Traffic Act or a provincial road traffic act;
- (b) an offence listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (c) possession of an unlicensed firearm, explosives or a dangerous weapon; and
- (d) any other offence considered relevant by that entity.

### **Hearings by regulatory entities**

19. (1) Where a regulatory entity holds a hearing contemplated in section 59(3) of the Act, it must allow the applicant and any person who has properly submitted comments or representations, or their representatives, to appear in person or submit written submissions to state their views.

(2) The entity must give the applicant and any person who has so submitted comments or representations not less than seven days' notice by e-mail, fax or registered post of the hearing, and must with the notice supply the applicant with copies of any comments and representations received.

(3) Where a person is represented by a representative at the hearing, that representative must, on request of the entity, provide written proof of his or her authorization to act as representative.

(4) The entity must convey its decision in writing to the applicant and all persons who submitted comments and representations.

(5) Where a person will require a translator to be present at the hearing to translate the proceedings into an official language other than English, he or she must give written notice to the entity not less than seven days prior to the hearing.

(6) The entity must be satisfied that all persons present at the hearing are able to understand the proceedings.

### **Temporary operating licences for special events**

20. Subject to any regulations made in terms of section 61 of the Act, a person wishing to apply for a temporary operating licence under section 60 of the Act must apply to the regulatory entity to which application must be made for normal operating licences by submitting the completed application form shown in Schedule 1 with the application fee specified in Schedule 2.

### **Issuing of operating licences**

21. (1) Operating licences are issued on the basis of one licence per vehicle, and may authorize the holder to provide more than one type of public transport service, for example a scheduled service plus charter services.

(2) Where a regulatory entity has approved an application for the granting, renewal, amendment or transfer of an operating licence or conversion of a permit, it must notify the applicant by e-mail, fax or registered post once the operating licence is ready for uplifting.

(3) An operating licence may not be uplifted by any person except the applicant, or a representative of the applicant who shows written authorization from the applicant that is acceptable to the regulatory entity that he or she is authorized to uplift it.

(4) Where the operator has not uplifted the operating licence within 30 days of being notified, the regulatory entity 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 60 days after the date that the operator was first so notified.

(5) The operator may request an extension of time by telephone or other method, once only, to uplift the licence, in which case the entity must allow the operator an additional period not exceeding 30 days to uplift the licence.

(6) An operating licence must not be issued to an operator until the operator has produced to the regulatory entity-

- (a) proof of registration and licensing of the vehicle, with proof that a valid roadworthy certificate has been issued for the vehicle not earlier than a point in time determined by the regulatory entity;
- (b) a valid tax clearance certificate issued by the South African Revenue Services;
- (c) proof of compliance with any other condition imposed by the entity;
- (d) proof or certification of any other matter required by the entity; and
- (e) proof by showing an identity document, passport or other document acceptable to the entity that the person uplifting the licence is the applicant or, in the case of a representative, is that representative, and written proof that the representative is authorized by the applicant to uplift the licence.

(7) In the case of conversion of a permit or renewal, amendment or transfer of an operating licence or permit, the new operating licence must not be issued to the applicant unless the replaced permit or operating licence, together with its attendant decal, have been submitted to the entity.

(8) Operating licences must be issued with a decal for display on the vehicle in the manner prescribed in regulation 27.

### **Particulars to be contained in an operating licence**

**22.** An operating licence must be in the form shown in Schedule 1 and at least contain the following particulars:

- (a) The name and address of the operator;
- (b) the registration number, make, vehicle identification number, year of manufacture, type and seating or passenger capacity of the vehicle, as well as, in the case of a modified or converted vehicle, the homologation reference number and the eNaTIS model number and, where applicable, the name and address of any person who modified or converted it;
- (c) the type or types of service for which the operating licence has been granted;
- (d) the period for which it has been granted;
- (e) in the case of a contracted service—
  - (i) the type of contract;
  - (ii) the contract reference number;
  - (iii) the names and addresses of the parties to the contract; and
  - (iv) where part of a service in terms of the contract is to be operated by a subcontractor, the name and address of the subcontractor;
- (f) in the case of a scheduled service or minibus taxi-type service, a detailed description of the route or routes on which, or, where applicable, the particular area in which, the vehicle is to be used, by specification of street names, road

- numbers, beacons or land marks: Provided that in the case of a feeder or distribution service, a collection area may be specified;
- (g) the authorised ranks or terminals and other points for picking up and setting down passengers, where applicable, and whether or not passengers may be loaded at each point;
  - (h) in the case of scheduled services where the entity has imposed the use of approved timetables, a reference to those timetables;
  - (i) the conditions imposed, if any; and
  - (j) all other particulars that may be required by the regulatory entity or by provincial laws or municipal by-laws.

#### **Duties of holder of an operating licence or permit**

- 23.** The holder of an operating licence or permit must-
- (a) comply with the terms of the authorisation conferred by the operating licence or permit and the conditions to which it is subject, and, where the service is one provided for in an ITP, operate the service in accordance with that plan;
  - (b) keep the original operating licence or permit 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 or permit and the temporary authorisation issued for the replacing vehicle in that vehicle for the duration of the temporary replacement, but the entity issuing the operating licence may direct in writing on written application by the applicant that the annexures to an operating licence or permit do not have to be kept in such vehicle where they are too bulky to allow for this, if a summary of those annexures approved by the entity is kept in the vehicle;
  - (c) on demand by an authorised officer, produce that operating licence, permit or authorisation;
  - (d) keep the operating licence or permit, any duplicate original thereof and the decal 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 four working days by completing the form shown in Schedule 1 and paying the fee specified in Schedule 2, and must submit the damaged or obscured operating licence, permit or distinguishing mark to the regulatory entity for destruction or an affidavit stating why it cannot be so submitted;
  - (e) except in the case of a rented vehicle mentioned in regulation 36(2) cause the operating licence or permit number and the type of service to be painted or displayed on the vehicle in the manner prescribed in regulation 24;
  - (f) display on or in that vehicle the other particulars prescribed in any condition imposed by the regulatory entity including, but not limited to, timetables where the entity has imposed the use of approved timetables, which must be displayed in the vehicle in a prominent place so that passengers can refer to them;
  - (g) display and keep affixed the decal contemplated in regulation 21(8) on the vehicle with its inscribed face facing the front in a conspicuous place on the inside of the windscreen;
  - (h) apply timeously for renewal of the operating licence or permit in terms of regulation 25;



- (i) at all times keep the vehicle in a safe and roadworthy condition and have the vehicle examined for roadworthiness not later than the time allowed therefor by the National Road Traffic Act;
- (j) return an operating licence or permit that has lapsed or has been withdrawn or cancelled, with its attendant decal, to the entity that issued it within seven days;
- (k) inform the relevant regulatory entity in writing of the sale or any other change of ownership in the vehicle to which an operating licence or permit relates within seven days after such sale or change has taken place;
- (l) where the vehicle specified in an operating licence or permit is modified or converted to add one or more new seats-
  - (i) submit the vehicle to a testing station for homologation and issuing of a new roadworthy certificate within seven days; and
  - (ii) apply to the relevant regulatory entity for amendment of the operating licence or permit within 14 days, and supply that entity with the homologation reference number and the eNaTIS model number and the name and address of the person who modified or converted the vehicle; and
- (m) comply with the provisions of the Act and with any other requirements imposed by provincial laws and other legislation.

#### **Particulars to be displayed on vehicles**

**24.** (1) The particulars to be painted or displayed on a vehicle in terms of regulation 23(e) must comply with the following as a minimum:

- (a) Height of figures and letters: 40mm.
- (b) Width of figures and letters: 20 mm.
- (c) Breadth of stroke of figures and letters: 5 mm.
- (d) Space between consecutive figures and letters: 5 mm.
- (e) Space between words on the same line: 15mm.

(2) Those particulars must be painted or appear on a magnetic or other sticker in a conspicuous place on the vehicle in a colour that shows up clearly against the background.

#### **Application for renewal of operating licence**

**25.** (1) Where an operating licence was issued for more than 30 days and the holder wishes to renew it, the holder must apply not later than 30 days before expiry of the licence for its renewal.

(2) Where application for renewal was properly made under sub-regulation (1) and the regulatory entity has not issued the licence by the expiry date, the operating licence will remain valid until the entity either issues the renewed licence or notifies the applicant that the application has been refused, and the operator must keep in the vehicle the receipt issued by the regulatory entity as proof that such an application has been made.

(3) Subject to the Act, the regulatory entity may not refuse to renew an operating licence unless-

- (a) the applicant, as decided by the entity, is no longer a fit and proper person to provide public transport services for a reason contemplated in section 79(2) of the Act;
  - (b) the applicant has failed to provide proof of registration, licensing or roadworthiness of the vehicle as required by the Act;
  - (c) the services authorized by the licence have not been provided for the previous 180 days, unless the holder has provided acceptable reasons for not providing the services;
  - (d) a planning authority has directed the entity to refuse the application in terms of section 55(3) of the Act; or
  - (e) there is another reason to do so contemplated by the Act.
- (4) No permit may be renewed unless it is first converted to an operating licence in terms of the Act and these regulations, but the holder may apply simultaneously for such conversion and renewal.
- (5) Regulatory entities must send a notice of renewal to operators not less than 60 days before their operating licences or permits will expire, advising them to apply for renewal, but failure to do so will not affect the expiry of the licence or permit.

#### **Temporary replacement of vehicle**

26. (1) An application for written authorisation to replace a vehicle temporarily in terms of section 74(1) of the Act must be lodged by submitting the completed application form shown in Schedule 1 to the relevant regulatory entity, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) Such authorisation must be in the form shown in Schedule 1.

#### **Decals**

27. (1) A decal issued to an operator must be affixed to the lower, inside, left-hand corner of the windscreen of the vehicle to which it relates in such a manner that the print on its face is clearly legible from the outside to a person standing in front of or to the left of the vehicle.

(2) Such a decal must-

- (a) be bar-coded or otherwise made or designed to enable authorised officers to determine summarily by means of e-NaTIS or OLAS whether the vehicle is compliant with the Act and the National Road Traffic Act and is being operated by the relevant operator; and
  - (b) show the operating licence number, the name of the operator, the vehicle registration number, the date of expiry of the licence, the base facility or rank, and indicate where passengers may be picked up or set down.
- (3) Where such a decal was issued to a holder in terms of the Act, the Transition Act or a previous law, that holder may operate the vehicle for a public transport service on a public road-
- (a) without such a decal; or

- (b) with a decal, or anything purporting to be a decal, which is not applicable to that vehicle; or
- (c) with such a decal which is in any way obscured or has become illegible, unless it has become obscured or illegible temporarily beyond the control of the operator.

### **Duplicate operating licence or decal**

28. Where an operating licence or decal has been lost or has become obscured or illegible, the operator must apply within four working days for a duplicate by completing the form shown in Schedule 1 and must submit the damaged or obscured licence or decal to that entity for destruction, or an affidavit explaining why it cannot be so submitted, with the application fee specified in Schedule 2.

### **Courtesy services**

29. (1) A person providing courtesy services by means of fewer than three motor cars is exempt from the operating licensing requirements of the Act in terms of section 53(1)(a) of the Act.

(2) Persons operating courtesy services by means of three or more motor cars, or a minibus, midibus or bus, must obtain an operating licence from the relevant regulatory entity contemplated in section 51 of the Act.

(3) All persons providing courtesy services that are exempt in terms of sub-regulation (1), must, before operating courtesy services-

- (a) notify the NPTR in writing that they are providing courtesy services, and supply particulars of the relevant vehicles and services on the form shown in Schedule 1 and pay the registration fee specified in Schedule 2;
- (b) display a decal issued by or on behalf of the NPTR on each vehicle clearly marked "Courtesy service" in the manner contemplated in regulation 23(g); and
- (c) comply with any directions issued by the NPTR or other regulatory entity.

(4) The NPTR must notify the relevant PREs and planning authorities of such services.

(5) As from a date to be determined by the Minister by notice in the Gazette, no person may operate a courtesy service contemplated in sub-regulation (1) without having notified the NPTR in terms of sub-regulation (3) and displaying the decal contemplated in that sub-regulation.

## **Chapter 5**

### **Accreditation of tourist transport operators and related matters**

#### **Application for accreditation**

30. (1) An application for accreditation as a tourist transport operator under section 82 of the Act must be lodged by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2.

(2) The application form must be fully and properly completed and be accompanied by the documents or proof described in the form and required to be attached, which must include copies of all operating licences and permits issued for vehicles operated by the applicant on the date of application.

(3) The NPTR may require the applicant to submit additional information or documentation.

(4) The applicant must nominate, in the application form, a responsible person as contact person between the NPTR and the operator and must, where such person leaves the employment of the operator, nominate another person as contact person in writing within seven days.

(5) An accredited operator may apply at any time to amend the conditions attached to his, her or its accreditation by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2.

### **Submitting applications to tourism and planning authorities**

31. (1) Where the Minister has recognized any tourism authority in terms of section 81(5) of the Act, this must be made known by notice in the *Gazette*.

(2) On receiving an application for accreditation, the NPTR must refer the application to any relevant authority so recognized, as well as the planning authority in whose area the applicant is based, by submitting a notice to it by e-mail, fax or other method it deems appropriate.

(3) Those authorities must submit their response to the NPTR by any method approved by the NPTR and stated in the notice, within 14 days of receipt of the notice.

(4) If such an authority fails to respond within the time mentioned in sub-regulation (3), the NPTR must proceed to decide the application without that response in terms of section 81(6) of the Act.

(5) It shall not be necessary to submit an application to a tourism authority that has not been recognised by means of a notice published under sub-regulation (1).

### **Requirements for accreditation**

32. (1) The NPTR must consider the following when deciding whether to grant or refuse an application for accreditation:

- (a) Whether the applicant complies with section 81(2) of the Act and these regulations, based on the applicant's past record as an operator, *inter alia* as regards safety and compliance with legislation, but without discriminating against operators who are new in the industry;
- (b) whether the vehicles operated by the operator after inspection by suitably qualified officials or agents of the NPTR are roadworthy and acceptable for the type of tourist operations carried on or to be carried on by the applicant;
- (c) after a date to be determined by the Minister and made known by notice in the *Gazette*, that the applicant or one or more of the applicant's employees have passed the tests or examinations or have attended training courses specified by the NPTR, to ensure that they understand the transport industry, road traffic and transport legislation, and other relevant matters;

- (d) that the applicant has a programme of maintaining and servicing all vehicles operated or to be operated by the applicant, that is acceptable to the NPTR either-
  - (i) by regular servicing by an acceptable garage or service centre in accordance with the specifications of the manufacturer of the vehicle; or
  - (ii) in appropriate cases, by suitably qualified staff of the operator in workshops or other facilities that have been inspected and approved by or on behalf of the NPTR;
- (e) that the operator keeps maintenance and servicing records to the satisfaction of the NPTR, which must be made available to NPTR inspectors on request;
- (f) that the operator has suitably qualified back-up staff and appropriate administrative facilities that, in the opinion of the NPTR, are sufficient to run his or her transport business efficiently;
- (g) that the operator has an acceptable record regarding compliance with road traffic and transport legislation, as well as other applicable legislation;
- (h) that the operator's tax affairs are in order as shown by submission of a valid tax clearance certificate from the South African Revenue Service; and
- (i) any other matter required by the NPTR.

(2) The applicant must describe the livery and signage being displayed or to be displayed on the applicant's vehicles in the application form, and the NPTR may discuss this with the applicant with a view to seeing that the applicant applies livery and signage that is acceptable and tasteful in relation to the image of the tourist industry and any other matter decided by the NPTR.

(3) Where appropriate, the NPTR must inform the operator of steps that must be taken for the operator to qualify for accreditation, and that accreditation will be refused if the steps are not taken within a specified time.

(4) Where, after evaluating the application, it appears to the NPTR that an applicant does not qualify for accreditation the NPTR must furnish the operator with the reasons for non-qualification, and may allow the operator a certain time to rectify the situation or submit outstanding requirements as a condition for later accreditation.

(5) Where the NPTR has taken a final decision to refuse an application for accreditation, the operator may re-apply, but only after a period of 180 days has elapsed from the date of the refusal.

(6) The operator must keep his, her or its vehicles, offices, facilities and records open for inspection by inspectors or authorized agents of the NPTR at all times.

### **Monitoring of accredited tourist transport operators**

33. (1) The NPTR must see that regular technical and operational monitoring of the operations of all accredited tourist transport operators is carried out to ensure compliance with the Act and other applicable legislation, and in particular the matters listed in regulation 32.

(2) The NPTR must be satisfied on an ongoing basis that such operators' vehicles are serviced at the required intervals, by checking of vehicle service records by NPTR inspectors or agents.

(3) Such operators must supply the NPTR on request with vehicle maintenance records or proof of servicing of vehicles at any time.

(4) Where appropriate, for example if a tourist transport operator operates larger vehicles or a large number of vehicles, the operator must have maintenance and repair facilities within the operator's organisation that are satisfactory to the NPTR, staffed with suitably qualified mechanics and support staff.

### **Application for renewal of accreditation**

**34.** (1) An operator applying for renewal of accreditation under section 81(8) of the Act must lodge the application by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2 not later than 60 days before that date that the operator's accreditation expires.

(2) The provisions of regulation 30(2) to (4) apply to such an application.

(3) To qualify for renewal of accreditation the operator must comply with regulation 32, the provisions of which apply with the necessary changes.

(4) It shall not be necessary to refer an application for renewal of accreditation to any tourism or planning authority in terms of regulation 31.

(5) In deciding an application for renewal of accreditation, the NPTR must consider the matters listed in regulation 32, either by re-investigating the matters or being satisfied by its agents or inspectors that the operator is complying satisfactorily with all requirements.

### **Certification of vehicles**

**35.** (1) When accrediting an operator under section 82(4) of the Act, the NPTR must verify the validity and authenticity of the particulars and documents relating to the operator's vehicles as supplied on the application form for accreditation, and if satisfied that the vehicle or vehicles comply with section 84(3) of the Act, must certify each vehicle in the manner set out in sub-regulation (5).

(2) An accredited operator may apply for certification of additional vehicles under section 84 of the Act by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2, and such an application may be lodged electronically.

(3) The applicant must submit with the application—

(a) proof of registration and licensing of the vehicle, showing a valid and current roadworthy certificate; and

(b) any other document or matter required by the NPTR.

(4) On receipt of such an application for certification, an authorised official of the NPTR must verify the validity and authenticity of the documents and matters submitted by checking eNaTIS and by other acceptable means and, if satisfied that the vehicle complies with section 84(3) of the Act, must certify the vehicle in the manner set out in sub-regulation (5).

(5) On certification of a vehicle, the NPTR must issue to the owner a certificate and token for the vehicle, and the token must be affixed to the lower, inside, left-hand corner of the windscreen of the vehicle in such a manner that the print on its

face is clearly legible from the outside to a person standing in front of or to the left of the vehicle.

- (6) Such a token must-
- (a) be bar-coded or otherwise made or designed to enable authorised officers to determine summarily by means of e-NaTIS or OLAS whether the vehicle is compliant with the Act and the National Road Traffic Act;
  - (b) be colour coded in relation to the class of vehicle; and
  - (c) show the operating licence number, the words "tourist transport service" and the vehicle registration number.

(7) No person may operate a vehicle for tourist transport services on a public road-

- (a) without such a token; or
- (b) with a token, or anything purporting to be such a token, which is not applicable to that vehicle; or
- (c) with a token which is in any way obscured or has become illegible, unless it has become obscured or illegible temporarily beyond the control of the operator.

(8) Where such a token has been lost or has become obscured or illegible, the operator must apply within four working days for a duplicate by completing the form shown in Schedule 1 and must submit that form with the damaged or obscured token to the NPTR for destruction, or an affidavit stating why it cannot be submitted, and the fee specified in Schedule 2.

(9) A certificate or token issued in terms of this regulation may be couriered to an operator, but may not be used until the operator has acknowledged receipt in writing to the NPTR by e-mail or fax.

### **Operating licences for tourist transport operators**

36. (1) Where the NPTR has certified a tourist transport vehicle in terms of section 84 of the Act and regulation 35 for an operator that has been accredited in terms of section 81 of the Act, it must issue an operating licence for that vehicle to operate tourist transport, which will replace any permit or operating licence already issued for that vehicle.

(2) Where an entity that owns vehicles and wishes to rent them to tourist transport operators as contemplated in section 84(2) of the Act and has obtained certification of a vehicle, such vehicle may only be used for tourist transport services by an accredited operator, and the operating licence referred to in section 84(3) of the Act may only be issued to an accredited operator, and for the period of the hiring.

(3) Before being issued with any operating licence, an accredited operator must submit to the NPTR any permit or operating licence previously issued for the relevant vehicle, which must cancel it within 24 hours of issuing the new operating licence.

(4) Where on accreditation of the applicant the NPTR has imposed a condition under section 81(4) of the Act that only a certain number of vehicles may be operated or that only vehicles of certain classes may be operated, an operating licence may not be issued in conflict with such a condition.

(5) Such an operating licence must stipulate-

- (a) appropriate conditions imposed by the NPTR, either at the stage of accreditation or at the stage of issuing the operating licence; and
- (b) the area within which the vehicle may be operated, which may be the Republic as a whole.

(6) Such an operating licence may also authorize the operator to undertake charter services, subject to conditions imposed by the NPTR and reflected in the licence.

### **Cancellation of accreditation**

37. (1) Where the NPTR becomes aware that an accredited operator is or has been guilty of conduct contemplated in section 83(1)(a) to (f) of the Act, it must, as appropriate, engage with the operator to discuss the issue or issues and steps to be taken by the operator to comply.

(2) In addition to the reasons mentioned in section 83(1) of the Act, the NPTR may cancel the accreditation of a tourist transport operator if the operator fails to comply with the following requirements:

- (a) Failure to comply with a condition imposed by the NPTR at the stage of accreditation of the operator, or a condition stipulated in an operating licence held by the operator;
- (b) use of a token by that operator on a vehicle that has not been certified; or
- (c) where the operator has allowed a person that has not been properly accredited in terms of the Act to use the vehicle for tourist transport services.

### **Issuing of operating licence for tourist transport vehicle**

38. (1) If satisfied that the applicant is accredited and that the vehicle complies with the requirements set out in regulation 32(1), the competent official of the NPTR must issue the operating licence to the applicant the same day if the application was lodged before 12:00, or on the following day if it was lodged on or after 12:00, subject to sub-regulation (2).

(2) Such an operating licence may not be issued to the operator until conditions imposed by the NPTR have been met, required proof or documents have been submitted, and the operator has submitted the original permit or operating licence previously issued for the vehicle to the NPTR for cancellation under regulation 36(3).

(3) Such an operating licence may be issued electronically, in which case a printout of the licence must be kept in the vehicle at all times while it is operated for tourist transport services until receipt of the originals.

(4) The NPTR must issue two originals of such an operating licence to the operator, one clearly marked "To be kept in the vehicle" and one clearly marked "File copy" which must be collected by or sent by courier or registered post to the operator.



### **Call centre**

39. (1) The NPTR must establish a call centre where complaints against operators or their drivers, suggestions or other input from interested persons can be received.

(2) Where a complaint against an operator is received, the NPTR must where appropriate forthwith dispatch one or more inspectors to investigate within 48 hours, and take appropriate action to follow up the matter.

(3) Authorised officers investigating accident scenes who become aware of possible offences having been committed by accredited operators or their drivers, must notify the NPTR in writing or by e-mail within 48 hours.

### **Fees**

40. The fees for inspecting information in the register of accredited tourist operators in terms of section 81(7) of the Act shall be as specified in Schedule 2.

### **Transitional provisions**

41. Where an operator has applied for accreditation in terms of regulation 30, that operator may use any operating licence or permit issued to that operator for the vehicle in question until a new operating licence has been issued under regulation 38(1) and the permit or operating licence has been cancelled in terms of regulation 38(2), provided that those licences or permits will lapse if the application for accreditation is refused on the date that such refusal is communicated to the applicant.

## **Chapter 6**

### **Transporting of scholars, students, teachers and lecturers**

#### **Scholar transport**

42. (1) An application for an operating licence for scholar transport must, in addition to the other matters required by the Act or these regulations, be accompanied by the following:

- (a) Where applicable a contract between the operator and the school or other educational institution or department or certified copy thereof, or a letter from the principal or authorized administrative officer of the such institution approving the operator and the transport, a copy of which must be kept in each vehicle being used for such a service;
- (b) Certified copies of the professional driving permits of all drivers to be used for the service.

(2) As from a date to be published by the Minister in the *Gazette*, operators of scholar transport must comply with the following and submit proof thereof to the relevant regulatory entity within the time stipulated in the notice:

- (a) submit drivers being employed for the service for eye or medical tests in addition to the tests required for a professional driving permit;
- (b) ensure that such drivers obtain the following qualifications as prescribed or described in that notice:
  - (i) basic first-aid;
  - (ii) defensive driving; or
  - (iii) advanced driving;
- (c) obtain qualifications as prescribed in customer service or basic business management;
- (d) install a tracking system device in the vehicle as prescribed or required by the regulatory authority;
- (e) have vehicles fitted with soft seats.

(3) A notice under sub-regulation (2) may deal with one or more or all of the matters listed in that sub-regulation.

(4) All vehicles used for scholar transport must-

- (a) be marked in the manner prescribed or required by the relevant regulatory entity to indicate that scholars or students are being carried;
- (b) have a first-aid kit in the vehicle at all times that complies with prescribed requirements or those stipulated by the regulatory entity.

(5) Regulatory entities must keep a separate database of scholar transport operators and vehicles.

(6) All drivers engaged in scholar transport must be issued by the regulatory entity with a special identity card with features designed to ensure that it is not possible to be forged, containing at least the following information:

- (a) full names and identity number of the driver;
- (b) name of the operator;
- (c) full, recent colour photograph of the driver; and
- (d) the code indicating the type of vehicle that the driver may drive.

(7) Such identification cards are not transferable, but a duplicate may be issued if the card is lost or stolen.

(8) All schools and other educational institutions must provide areas off of busy public roads where scholars and students may be picked up or set down by motor vehicles.

(9) Where primary or pre-primary school children are being carried in the course of scholar transport, a teacher or other responsible adult must be in the vehicle at all times to supervise them.

(10) Scholars or students may only be picked up or set down on public roads in areas that are safe for loading, taking into account the fact that the scholars or students may be crossing the road in question.

(11) Where a marked vehicle carrying scholars or students is loading or offloading passengers on a public road, all other vehicles in its vicinity must slow down or stop to ensure the safety of the scholars or students that may be crossing the road.

## Chapter 7

### General matters

#### Submission of integrated transport plans to NPTR and PRE

43. (1) Every planning authority must submit electronic and hard copies of its integrated transport plan after approval thereof to the NPTR and relevant PRE within seven days of such approval, as required by section 36(6) of the Act.

(2) Planning authorities and regulatory entities must allow operators or prospective operators to examine those plans on payment of the fee specified in Schedule 2.

#### Stopping of vehicles

44. An authorised officer may cause a vehicle to be stopped in terms of section 89(1)(a) of the Act in the manner prescribed for the stopping of vehicles by traffic officers in the National Road Traffic Act and its regulations.

#### Offences

45. A person is guilty of an offence and liable on conviction to a fine or to imprisonment for not more than three months, or to both a fine and imprisonment, who-

- (a) contravenes any provision of these regulations;
- (b) drives a vehicle for scholar transport without a special identity card as required by regulation 42; or
- (c) uses such an identity card that does not apply to him- or herself.

#### Transitional provisions: general

46. (1) The Minister must by notice in the *Gazette* determine a date by which the NPTR has been established and is ready to undertake its functions.

(2) Prior to the date contemplated in sub-regulation (1), the PREs or, if no PRE has yet been established, the operating licensing board of the province in question, must perform the functions of the NPTR in relation to licensing of interprovincial and tourist services, as set out in these regulations and as contemplated in section 93(3)(a) of the Act.

#### Transitional provisions: interprovincial services

47. Until the date contemplated in regulation 46(1), an application for an interprovincial service must be made to the PRE of the province where the journey originates, who must perform the functions of the NPTR in relation to the application.

#### Transitional provisions: tourist transport services

48. (1) Until the date contemplated in regulation 46(1) or the date contemplated in section 81(1) of the Act, whichever is the soonest-

- (a) holders of operating licences or permits authorizing tourist transport services may apply to the PRE of the province that issued the operating licence or permit to amend, renew or transfer it, provided that if the application is granted in the case of a permit an operating licence must be issued; and
  - (b) persons may apply for new operating licences for such services to the PRE of the province where the journey originates.
- (2) Applications contemplated in sub-regulation (1) must be dealt with procedurally as if they were applications to the NPTR for interprovincial services.

### Forms and fees

49. The Department may amend the forms shown in Schedule 1 or the fees specified in Schedule 2 from time to time without the need to amend these regulations.

### Short title and commencement

50. These regulations are called the National Land Transport Regulations, 2009, and come into operation on the date of their publication in the *Gazette*.

## SCHEDULE 1: FORMS

Form 1A:	(NPTR) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
Form 2A:	Application for accreditation or renewal of accreditation by tourist transport operator
Form 3A:	Application for temporary operating licence
Form 4A:	Notification to NPTR by provider of courtesy services who is exempt from obtaining an operating licence
Form 5A:	Application by accredited tourist transport operator for certification of additional vehicles
Form 6A:	Notification from NPTR to Provincial Regulatory Entity or Planning Authority of application concerning an operating licence
Form 7A:	Referral of application to NPTR in terms of section 21(4) of the Act
Form 8A:	Form of operating licence
Form 1B:	(PRE) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
Form 2B:	Notification to Planning Authority from PRE of application concerning an operating licence

- Form 1C: (MRE) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
- Form 1D: Application for a duplicate operating licence, permit or decal
- Form 2D: Application for authorization for temporary replacement of vehicle
- Form 3D: Subpoena requiring a person to appear before a regulatory entity
- Form 4D: Application by hirer of vehicle to certify it for use by tourist transport operator
- Form 5D: Form of written authorization for temporary replacement of a vehicle

**SCHEDULE 2: TABLE OF FEES**

Regulation	Description	Fee
2(1), 3(1), 6(1), 7(1), 10(1), 11(1), 15(2), 16(1)	Application for granting, renewal, amendment, transfer or conversion of an operating licence or permit	R300,00
6(6)	Submission of application to the NPTR in terms of section 21(4) of the Act	R300,00
17(4)(b) and (c)	Inspection of documents or requesting copies	R50,00 per request
17(4)(d)	Providing copies	R0,80 per folio
20	Application for temporary operating licence	R50,00
26	Application for written authorization to replace a vehicle temporarily	R50,00
28, 36(8)	Application for duplicate operating licence or decal	R300,00
29(3)	Notification of courtesy service to NPTR	R300,00
30(1), 35(1)	Application for accreditation, or renewal of accreditation of a tourist transport operator or for	R1 000,00

	amendment of conditions of accreditation	
35(2)	Application to certify a vehicle for tourist transport services	R300,00 per vehicle



**SECTION B (Compulsory for all application types)**

**PARTICULARS OF APPLICANT**

Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification \*Attach a certified copy

Identity no. / passport no. / business registration number

Trade name (if applicable)

Type of business

Postal address and code

Street address (if different from postal address) *Domicilium citandi et executandi*

Telephone number(s) Code

Facsimile number (if any) Code

E-Mail address (if any)

Income tax registration number

[Attach an original Tax Clearance Certificate]

**SECTION C (Compulsory for all application types)**

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname

First names (not more than 3)

Identity number

Type of identification

Telephone number Code

Cell number



FORM 1A PAGE 3

Identity no. / passport no. / business registration number	[Grid]											
Trade name (if applicable)	[Grid]											
Type of business	[Grid]											
Postal address and code	[Grid]										Postal code	[Grid]
Street address (if different from postal address) <i>Domicilium citandi et executandi</i>	[Grid]										Postal code	[Grid]
Telephone number(s)	[Grid]	Code	[Grid]									
	[Grid]	Code	[Grid]									
Facsimile number (if any)	[Grid]	Code	[Grid]									
E-Mail address (if any)	[Grid]											
Income tax registration number	[Grid]											

[Attach an original Tax Clearance Certificate]

**SECTION C (Compulsory for all application types)**

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname	[Grid]											
First names (not more than 3)	[Grid]											
Identity number	[Grid]											
Type of identification	RSA identity document						Passport					
	Other (specify [Grid])											
Telephone number	[Grid]	Code	[Grid]									
Cell number	[Grid]	[Grid]	[Grid]									

**SECTION D (Compulsory for application types 2,3,4 and 5)**

**PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (In the case of an application for renewal, amendment, transfer or conversion)**

Operating licence number/permit number	[Grid]															
REGULATORY ENTITY which issued the operating licence/permit	[Grid]															
Date of issue	[Grid]	/	[Grid]	/	[Grid]	Expiry date	[Grid]	/	[Grid]	/	[Grid]					
	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y	M	M	D	D

Attach a certified copy of operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence.



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letter of authorisation from the principal or authorised administrative officer.

\*Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Three horizontal lines for describing the service type.

Number of passengers that will be carried

Three small boxes for entering the number of passengers.

In the case of a long-distance service, state why passengers cannot use existing transports services and motivate why the proposed service is necessary (supporting documents may be attached)

Four horizontal lines for providing justification for long-distance services.

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

Two boxes labeled YES and NO for the 180-day question.

If NO, give reasons

Five horizontal lines for providing reasons if the 180-day requirement is not met.

\*Any recommendations or documentation in support of this application may be attached.

SECTION G

**PARTICULARS OF ROUTES**  
**(Not applicable for Charter Services and Metered Taxis)**

Describe the FIRST route in detail:

Departure point

A row of 20 small boxes for the departure point.

Destination

A row of 18 small boxes for the destination.

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted)

Five horizontal lines for the detailed route description.

Describe the SECOND route in detail (Complete for application of additional service)

Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted)


(If there are more routes, they must be described on a separate sheet of paper)

In the case of Metered Taxis please describe the area which will be serviced:


SECTION H (Compulsory for all application types)

**AUTHORISED RANKS AND TERMINALS**

State the authorised ranks and terminals used or to be used


SECTION I

**PARTICULARS OF CONTRACT (In the case of a contracted service)**

A certified copy of the contract is to be attached. (Note: Only contracts with National, Provincial or local sphere of government)

Type of contract

Commercial service contract


Subsidised service contract

Negotiated contract

Contract reference number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Names of parties to the contract

1	
2	

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Addresses of parties to the contract

1													Postal code			
2													Postal code			

Name of sub-contractor (if applicable)

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Address of sub-contractor (if applicable)

												Postal code			

Duration of contract

From 

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 / 

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 / 

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 to 

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 / 

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 / 

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Y Y Y Y    M M    D D            Y Y Y Y    M M    D D

**SECTION J**

**TIME TABLES (In the case of a scheduled service)**

The applicable (current) time tables are attached as Annexure.

Yes       No

**SECTION K (Compulsory for all application types)**

**DECLARATION**

I, the undersigned (full name).....

certify that the information furnished in this application form is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

.....  
Signature

.....  
Date

.....  
Name of person

Name of legal entity (if applicable)

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