
G O V E R N M E N T N O T I C E

DEPARTMENT OF TRANSPORT

No. R. 1140

13 November 2000

NATIONAL LAND TRANSPORT TRANSITION ACT, 2000 (ACT NO. 22 OF 2000)**DRAFT REGULATIONS TO BE MADE AND DOCUMENTS TO BE PUBLISHED
BY THE NATIONAL MINISTER**

Draft regulations and documents set out in the attachments hereto to be published by the National Minister of Transport are hereby published for public comment.

The attachments are the following:

Document 3: Draft National Land Transport Regulations on Registration

Interested parties are invited to submit written comments on these drafts by no later than 22 November 2000 with:

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DOCUMENT 3: DRAFT NATIONAL LAND TRANSPORT REGULATIONS ON REGISTRATION

DEPARTMENT OF TRANSPORT

NO. R..... 2000

**NATIONAL LAND TRANSPORT TRANSITION ACT, 2000 (ACT NO. 22 OF 2000)
NATIONAL LAND TRANSPORT REGULATIONS ON REGISTRATION**

The Minister of Transport has, after consultation with the MECs, under section 7 of the National Land Transport Transition Act, 2000 (Act No.22 of 2000), made the Regulations in the Schedule.

SCHEDULE**Definitions**

1. In these Regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act bears that meaning, and “the Act” means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000)

Information to be derived from provincial transport registers for National Transport Register

2. (1) For the purposes of section 52(2) of the Act, each provincial registrar shall maintain a register for recording information in a nationally uniform electronic database formulated by the Department for the National Transport Register.
- (2) For the maintenance of the National Transport Register, the following information shall be submitted to the Department by each Registrar within 30 days of a request for such information being made by the Director General.
- (a) The name of each association that has applied for registration in the Province;
 - (b) the registration status of each association, the registration number allocated, and the date on which such status was granted, according to the following categories:
 - (i) application still being processed;
 - (ii) provisional registration granted;
 - (iii) full registration converted to provisional registration in terms of section 56(1) of the Act, and
 - (iv) full registration granted in terms of section 56(2)(b) of the Act;
 - (c) the total number of members per association, who have been registered in

terms of section 58 of the Act as provisional members and as full members respectively;

- (d) the total number of vehicles operated by members per association;
- (e) the total number of vehicles operated by members for which no public road carrier permit or operating licence is held per association;
- (g) the total number of vehicles operated by members in respect of which permits are held, which have not yet been converted in terms of section 32 of the Act;
- (g) the total number of operating licences held by members per association;
- (h) the total number of registered routes, and route networks or permitted area of operation, if applicable, per association, and per category, both intraprovincial and interprovincial;
- (i) a list of registered routes, and route networks or permitted **area of operation if applicable, indicating origin, destination and route number allocated by the Provincial Operating** Licensing Board, indicating whether they are interprovincial or intraprovincial and the Board which allocated the route number concerned;
- (j) the total number of vehicles per route, and per route network if applicable, operated by provisionally registered and registered members respectively;
- (k) the number of associations which have submitted a constitution confirmed by the Registrar as complying fully with the requirements of section 60 of the Act and provincial laws;
- (l) a list of associations, if any, and their registration numbers whose registration has been cancelled or temporarily suspended, and the dates of such cancellations or suspensions;
- (m) in respect of registered non-members—
 - (i) the number of non-members that have applied for registration in the Province;
 - (ii) the number of non-members according to the following categories:
 - (aa) application still being processed;
 - (bb) provisional registration converted to full registration in terms of section 56(1) of the Act;
 - (cc) full registration granted in terms of section 56(3) of the Act;
 - (iii) the total number of vehicles operated by non-members; ‘ ‘
 - (iv) the total number of vehicles operated by non-members in respect of which permits are held, which have not yet been converted in terms of section 32 of the Act;
 - (v) the total number of operating licences held by non-members;
 - (vi) the total number of registered interprovincial and intraprovincial routes, or route networks or permitted area of operation if applicable, operated by non- members;

- (vii) a list of registered routes, route networks or permitted area of operation if applicable, operated by non-members indicating origin, destination and route number allocated by the Provincial Operating Licencing Board, indicating whether they are interprovincial or intraprovincial and indicating the board which allocated the route number concerned;
- (viii) the total number of vehicles operated by provisionally and fully registered non-members per route; and
- (ix) a list of non-members, if any, and their registration numbers, whose registration has been cancelled or temporarily suspended, and the dates of such cancellations or suspensions.

Fees payable for information from National Register

- 3. (1) Subject to section 6 (7) of the Act, interested persons may obtain information from the National Register on payment of the fee prescribed in terms of section 22 of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000).
- (2) All enquiries shall be recorded in a register which shall capture the full names of the interested person, his or her identity number, or registration number in the case of a juristic person, the reason for the enquiry, the date and time of such enquiry, the physical address of the interested person and the receipt number.

Distinguishing marks for vehicles of provisionally registered and registered interprovincial operators

- 4. (1) The Registrar must issue a distinguishing mark in respect of each vehicle legally operated on interprovincial routes by each member and each non member who is provisionally or fully registered, subject to subregulation (9).
- (2) The distinguishing mark in respect of the vehicles of provisionally registered members and non-members shall indicate the following:
 - (a) The province of registration;
 - that the vehicle is used to operate a provisionally registered interprovincial service;
 - (b) the operator's provisional registration number;
 - (c) the vehicle registration number;
 - (d) the origin and destination of the route or each route if the vehicle is permitted to operate on more than one registered route;
 - (e) the route number, or numbers where applicable; and
 - (f) the date of expiry of the distinguishing mark.
- (3) The distinguishing mark referred to in subregulation (2) must conform to the shape and dimensions set out in Form 1 in Annexure A.

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- (4) The distinguishing mark in respect of the vehicles of registered members and non-members must indicate the following:
 - (a) The province of registration;
 - (b) that the vehicle is used to operate a registered **interprovincial** service;
 - (c) the operator's registration number;
 - (d) the vehicle registration number;
 - (e) the origin and destination of the route, or each route if the vehicle is permitted to operate on more than one registered route;
 - (f) the route number or numbers where applicable; and
 - (g) the date of expiry of the distinguishing mark.
 - (5) The distinguishing marks referred to in subregulation (4) must conform to the shape and dimensions set out in Form 2 in Annexure A.
 - (6) The distinguishing marks referred to in subregulations (2) and (4) shall have a white background with black lettering and the colour of the border shall be of a shade of turquoise using colour model values specified by the Department.
 - (7) The distinguishing mark may not be handed to the holder or a representative of the holder unless a valid identification document is produced and before the distinguishing mark to be replaced is destroyed.
 - (8) The distinguishing mark must be designed in such a manner that, once affixed onto the vehicle, it cannot be removed without it being destroyed.
 - (9) The member or non-member to whom a distinguishing mark has been issued must—
 - (a) affix the distinguishing mark with its inscribed side facing to the front in a conspicuous place on the inside of the left-hand side of the windscreen of the vehicle to which it relates;
 - (b) maintain the mark in such a condition that all letters and figures on it are clearly legible;
 - (c) remove the mark from the vehicle concerned immediately after it expires, or immediately after the registration to which it relates has been suspended or cancelled, or within 24 hours of the Registrar issuing an order that it be removed.
 - (10)
 - (a) Under no circumstances may a distinguishing mark be displayed on a vehicle other than the vehicle for which it was issued.
 - (b) A member or non-member who displays a distinguishing mark on another vehicle in contravention of paragraph (a) is guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment not exceeding three months.
 - (11) In provinces where distinguishing marks for vehicles of provisionally registered and registered operators, including interprovincial operators, have been prescribed in terms of provincial laws, and the particulars referred to in subregulation (2) or (4),

are fully reflected on such mark or marks, the Minister in consultation with the MEC of the province concerned may waive the requirements of subregulations (2) to (9).

Minimum particulars to be contained in registration certificates issued for interprovincial transport

5. (1) (a) The Registrar shall issue a provisional registration certificate for each provisionally registered member and each provisionally registered non-member engaged in interprovincial transport.
- (b) The certificate shall reflect at least the following information:
- (i) Province of provisional registration;
 - (ii) full name of member or non-member;
 - (iii) identity number of member or non-member;
 - (iv) the provisional registration number of the member or non-member as allocated by the Registrar;
 - (v) the date of issue of the certificate with the Registrar's official stamp;
 - (vi) the signature of the Registrar.
- (2) (a) The Registrar shall issue a registration certificate for each fully registered member and each fully registered non-member engaged in interprovincial transport.
- (b) The certificate shall reflect at least the following information:
- (i) Province of registration;
 - (ii) full name of member or non-member;
 - (iii) identity number of member or non-member;
 - (iv) the registration number of the member or non-member as allocated by the Registrar;
 - (v) the date of issue of the certificate with the Registrar's official stamp;
and
 - (vi) the signature of the Registrar.

Minimum requirements for constitution of association

6. For the purposes of section 60 of the Act, the constitution of an association, for the purposes of full registration, must, as a *minimum*—

- (a) provide for the termination of the membership of any member operating a public transport service without the necessary operating licence, or where applicable, the necessary permit, for each vehicle by means of which the service is operated;
- (b) provide that an application for admission to membership will be refused unless the applicant has subscribed to the Code of Conduct prescribed by the MEC in terms of section 61 of the Act;

- (c) stipulate conduct that constitutes misconduct and gives rise to disciplinary proceedings against offending members, prescribe the disciplinary steps to be taken against the members and the procedures to be followed **in that regard, and establish** a standing disciplinary committee for that purpose;
- (d) provide for appeals against the findings of the disciplinary committee, and any penalty or sanction imposed by it, or against loss of the benefits of membership or the termination of membership, prescribe a procedure for those appeals and determine the body to which those appeals may be made;
- (e) declare the following matters to constitute misconduct by any member:
 - (i) the breach of the Code of Conduct by any member;
 - (ii) a member's employment of a driver who has not subscribed to the Code of Conduct;
 - (iii) the continued employment by the member of any driver who has repeatedly breached the Code of Conduct;
 - (iv) failure on the part of the association's governing body or any member thereof or office bearer of the association authorised by that body to apply to the Registrar for the registration of a new member, within one month after the admission of the new member to the association;
- (f) provide for a grievance procedure and the establishment of a standing grievance committee;
- (g) provide for the holding of an annual general meeting of the members;
- (h) create procedures whereby ordinary members may call a special general meeting; and
- (i) provide that the Executive Committee convene quarterly general meetings to seek ratification of decisions taken by the Executive Committee since the previous quarterly general meeting or annual general meeting or special general meeting, as the case may be, with the exception of resolutions of the Disciplinary Committee and Grievance Committee implemented by the Executive Committee.

Minimum requirements for Code of Conduct

7. For the purposes of section 61 of the Act, the Code of Conduct must, as a minimum, bind members of a registered association and registered non-members to ensure that they and their drivers—

- (a) treat passengers at all times with dignity, respect and courtesy;
- (b) refrain from operating a vehicle on a route in respect of which no permit or operating licence is held;
- (c) refrain from operating unroadworthy vehicles; and
- (d) refrain from infringing road traffic **laws**.

Short title

8. These Regulations are called the National Land Transport Regulations on Registration, 2000.

ANNEXURE: FORMS

FORM 1

Distinguishing mark for provisionally registered operators of interprovincial services
(section 59(2)(b) of the Act)

PROVINCE OF
.....

PROVISIONALLY REGISTERED
INTER-PROVINCIAL SERVICE

.....
(Operator's provisional registration no.)

.....
(Vehicle registration no.)

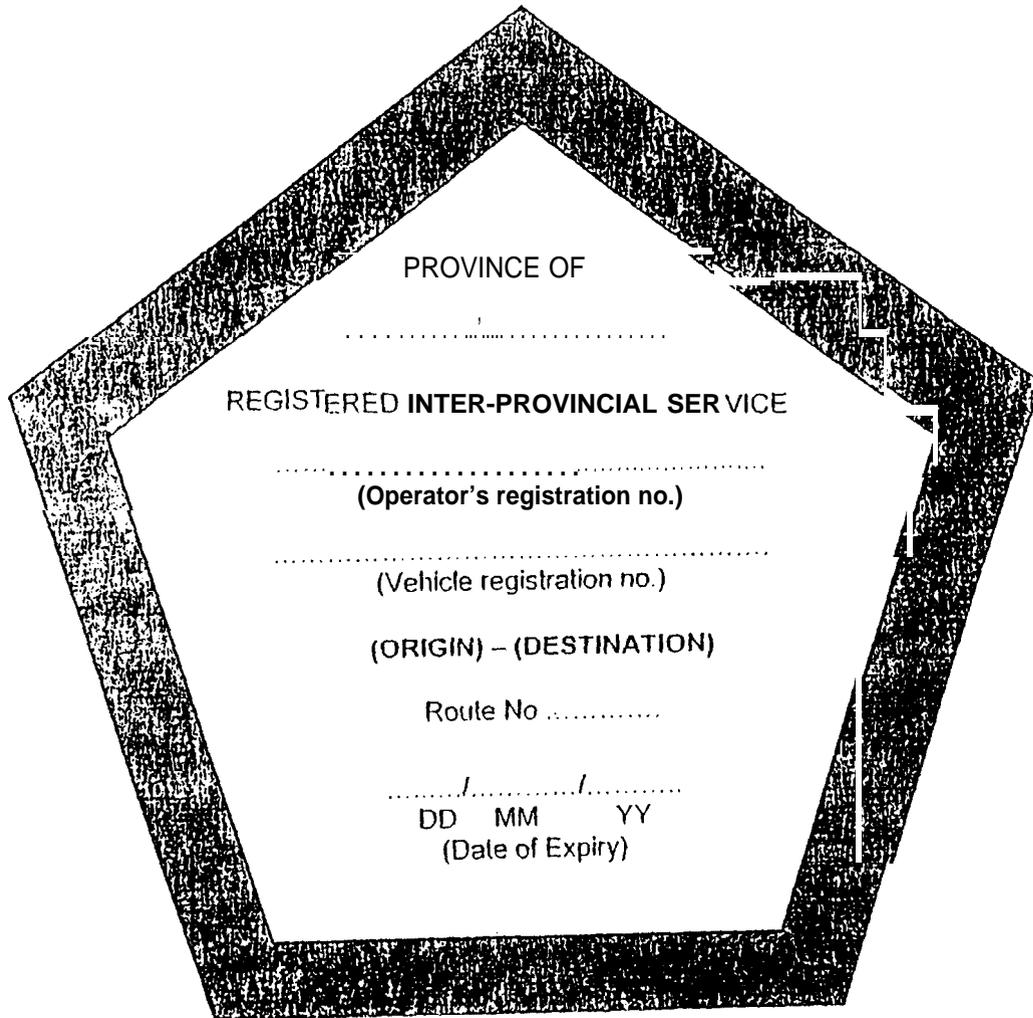
(ORIGIN) - (DESTINATION)

Route No

...../...../.....
DD MM YY
(Date of Expiry)

FORM 2

Distinguishing mark for fully registered interprovincial operators (section 59(2)(a) of the Act)



PROVINCE OF
.....

REGISTERED INTER-PROVINCIAL SERVICE

.....
(Operator's registration no.)

.....
(Vehicle registration no.)

(ORIGIN) – (DESTINATION)

Route No

...../...../.....
DD MM YY
(Date of Expiry)