

NOTICE 400 OF 2009**DEPARTMENT OF TRANSPORT****PUBLICATION FOR COMMENTS: NATIONAL LAND TRANSPORT
REGULATIONS FOR THE 2010 FIFA SOCCER WORLD CUP, 2009**

I, Jeffery Thamsanqa Radebe, Minister of Transport, hereby make the Regulations in the Schedule in terms of section 8 of the National Land Transport Act, 2009 (Act No. 5 of 2009).

Interested persons are invited to submit their written comments on the Regulations within 30 days from the date of publication in the Gazette.

Comments should be posted to the Director – General Department of Transport for the attention of Mr. Trevor Mphahlele or Muzi Simelane at:

E- MAIL: Mphahlet@dot.gov.za
Tel : (012) 309 3481
Fax : (012) 309 3044
The Department of Transport
Private Bag x193
PRETORIA
0001

E- MAIL: SimelaneM@dot.gov.za
Tel : (012) 309 3002
Fax : (012) 323 9370
The Department of Transport
Private Bag x193
PRETORIA
0001

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

**NATIONAL LAND TRANSPORT REGULATIONS FOR THE 2010 FIFA SOCCER
WORLD CUP****SCHEDULE****Arrangement of Regulation****Regulation No.**

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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 37 of the National Road Traffic Act and approved by the NPTR 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 operations 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; [**Note:** These regulations will not apply to include 2009 Confederations Cup.]

“Event areas” means stadia, fan parks, park-and-ride or park-and-walk areas, airports, bus stops, railways stations or similar areas connected with the Event;

“NPTR” means the National Public Transport Regulator;

“OLAS” means the Operating Licence Administration System contemplated in section 6(6) of the Act;

“PRE” means a Provincial Regulatory Entity;

“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. of 2009).

Operating licences for the Event

2. (1) Any person or operator wishing to provide the following public transport services for or connected to the Event must obtain a temporary operating licence from the NPTR:

- (a) Contracted event services; and
- (b) the transporting of passengers to and from Event areas where the person or operator does not already hold an operating licence or permit for the service, including courtesy services for which an operating licence is required, but excluding cross-border road transport.

(2) No person or operator may transport passengers as contemplated in sub-regulation (1) (a) or (b) without obtaining such a temporary operating licence.

(3) The NPTR may delegate its functions in terms of these regulations to a PRE, municipality or other organ of state, in agreement with that entity.

Application to NPTR for temporary operating licence for the Event

3. (1) An application to the NPTR for the granting of a temporary operating licence for the Event must be lodged for each vehicle by submitting the completed application form required by the NPTR, together with the information and documents specified in the form and the application fee.

(2) Such an application must be submitted on or before, and the NPTR may refuse to accept any application after that date.

(3) An application form may be submitted by e-mail, and must then include a scanned version of the required documents.

(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 any comments or recommendations that they may have to the NPTR in the same way within the time specified in the notice, which may not be less than 14 days.

(6) 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.

(7) A notification in terms of sub-regulation (5) must be in accordance with the form provided by the NPTR and contain particulars sufficient to enable the PRE or planning authority to submit a response based on their planning, if any, for the Event.

Requirements for obtaining a temporary operating licence for the Event

4. (1) A person or operator applying for a temporary operating licence for a contracted event service must submit 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.

(2) A person or operator applying for a temporary operating licence for a service contemplated in regulation 2(1)(b) must submit the following with the application:

- (a) Proof that the vehicle has been properly registered and licensed under the National Road Traffic Act;
- (b) a special roadworthy certificate issued under regulation 9;
- (c) a valid tax clearance certificate issued by the South African Revenue Services;
- (d) proof of insurance as required by regulation 10; and
- (e) certified copies of professional driving permits held by every driver that will be used to provide the service.

(3) A public institution must, before entering into a contract for a contracted event service, require from the operator proof of the matters listed in regulation (2) (a) to (e).

Disposing of an application for a temporary operating licence

5. (1) In considering whether to grant or refuse an application for a temporary operating licence in terms of regulation 3, the NPTR must consider the following:

- (a) that the vehicle is suitable to transport passengers in relation to the Event and, where appropriate in the case of a minibus taxi-type service, has been recapitalised;
- (b) that the applicant has complied with these regulations;
- (c) any comments or recommendations submitted under regulation 3(5);
- (d) in the case of a service other than a contracted event service—
 - (i) any applicable operational plan prepared by a public institution; and

- (ii) that the applicant 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 regulatory authority.

(2) When granting such a licence, the NPTR may impose conditions to be complied with by the holder thereof, which may include, but are not limited to—

- (a) the route, routes, area or areas on or within which the holder may operate;
- (b) the ranks, stands, stopping places or picking up or dropping off points that may be used by the holder;
- (c) schedules and time tables with which the holder must comply;
- (d) requirements relating to the condition or use of the relevant vehicle;
- (e) conduct of the drivers of the vehicle; or
- (f) requirements relating to training or instruction that must be received by the holder or drivers.

Issuing of a temporary operating licence

6. (1) Where the NPTR has approved an application for the granting of a temporary operating licence in terms of these regulations, it must notify the applicant once the operating licence is ready for uplifting.

(2) Where the applicant has not uplifted the operating licence within 14 days of being notified, the NPTR 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 14 days after the date that the operator was first notified under sub-regulation (1).

(3) An operating licence must not be issued to a person or operator until the latter has produced to the NPTR—

- (a) proof of registration and licensing of the vehicle, with proof that a valid special roadworthy certificate has been issued for the vehicle in terms of regulation 9;
- (b) a valid tax clearance certificate issued by the South African Revenue Services;
- (c) proof of insurance as prescribed by regulation 10; and
- (d) proof or certification of any other matter required by the NPTR.

(4) Operating licences must be issued with a special token for display on the vehicle in the manner prescribed in regulation 8, and 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 and is being operated by the holder of the operating licence and not anyone else;
- (b) be colour coded in relation to the class of vehicle; and
- (c) show the operating licence number, the name of the holder, the vehicle registration number and the date of expiry of the operating licence.

Particulars to be contained in a temporary operating licence

7. 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, year of manufacture, type and seating or passenger capacity of the vehicle;
- (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 event service—
 - (i) the name of the host city or other public institution;
 - (ii) the contract or appointment reference number;
- (f) where applicable, a detailed description of the route or routes on which the vehicle is to be operated, by specification of street names, road numbers, beacons or land marks, or the particular area or areas in which it may be operated;
- (g) the authorised ranks or terminals and other points for picking up and setting down passengers, where applicable;
- (h) in the case of scheduled services, the relevant timetables;
- (i) the conditions imposed by the NPTR, if any; and
- (j) all other particulars that may be required by the NPTR or by provincial laws or municipal by-laws.

Duties of the holder of a temporary operating licence

8. The holder of a temporary operating licence must—

- (a) comply with the terms and conditions of the operating licence;
- (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) produce the operating licence or authorisation on demand by an authorised officer;
- (d) keep the operating licence, any duplicate original thereof and the special token 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 NPTR and, where possible, submit the damaged or obscured operating licence or token to the NPTR for destruction;

- (e) display on or in the vehicle the other particulars prescribed in any condition imposed by the NPTR;
- (f) display and keep affixed the special token on the vehicle with its inscribed face facing the front in a conspicuous place on the inside of the windscreen;
- (g) at all times keep the vehicle in a safe, clean and roadworthy condition; and
- (h) return an operating licence that has lapsed or has been withdrawn or cancelled to the NPTR that issued it within seven days; and
- (i) comply with the provisions of the Act and with any other requirements imposed by provincial laws and other legislation.

Roadworthy certification

9. (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.

(2) The RTMC must, at the request of the NPTR, cause testing stations to be inspected before granting them accreditation, despite the fact that they may already have been inspected in terms of the National Road Traffic Act, and may not grant them accreditation unless they, in the opinion of the RTMC, are suitable for special testing of vehicles for the Event and are not engaged in any irregular practices.

(3) The RTMC must issue a certificate of accreditation to accredited testing stations, and keep a list of them which is published on its Website from time to time and in other ways deemed suitable by the NPTR.

(4) The RTMC must summarily cancel the accreditation of a testing station where it becomes aware of any illegal or irregular practices taking place there, after giving it notice in writing or electronically of the allegations against it or other reasons for the intention to cancel its accreditation, and allowing it not less than 48 hours to respond.

Insurance

10. (1) The holder of an operating licence issued under these regulations must obtain insurance cover from an insurer registered in terms of applicable legislation, of the type and for the amounts and deductibles required by the NPTR.

(2) Such insurance must be maintained for the duration of the Event.

(3) Before uplifting an operating licence under regulation 6, the holder must provide written proof to the NPTR that the insurance is in force, and that payment of premiums is up to date.

(4) The holder must supply the NPTR within 48 hours with written proof on request that the premiums in respect of such insurance are up to date.

(5) The NPTR must cancel the relevant operating licence forthwith if it discovers that such insurance is no longer in force or that premiums have not been paid on due date.

Voluntary accreditation

11. (1) Any person or operator who wishes to transport fans or other persons in connection with the Event who is not required to hold an operating licence in terms of the Act or a temporary operating licence in terms of these regulations, may nevertheless apply to the NPTR for a special operating licence in terms of regulation 3, and regulations 4, 5 and 6 apply to such an application.

(2) The NPTR and other public institutions must publicise, in the manner determined by the NPTR, the fact that holders of such licences who display tokens on their vehicles issued under regulation 6(4) 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.

Cross-border road transport

12. (1) 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.

(2) Despite the provisions of the Cross-Border Act or any permit issued under that Act, such persons and operators may rank or pick up or set down passengers at or near Event areas only at places determined by relevant operational plans or by relevant public institutions.

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 NPTR.

(2) In granting a temporary operating licence, the NPTR may impose a condition that fares for other services must be displayed on or in relevant vehicles and in other places or by other methods.

(3) All fares must be displayed or quoted to passengers in South African rand.

(4) Relevant operators of public transport services must comply with such conditions for the duration of the Event.

Call centre

14. (1) The NPTR must establish a special call centre where complaints against holders of temporary permits or their drivers, or suggestions or other input from passengers and other interested persons can be received.

(2) Where a complaint against a holder or driver is received, the NPTR must where appropriate forthwith dispatch one or more inspectors to investigate within 24 hours, and take appropriate action to follow up the matter.

(3) Authorised officers investigating accident scenes at or in the vicinity of Event areas 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 24 hours.

Law enforcement

15. (1) 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, and these regulations.

(2) The NPTR 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 those Acts and regulations during the Event.

(3) 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.

Offences

16. 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.

Short title and commencement

17. 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*.