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# GENERAL NOTICE

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## NOTICE 243 OF 2013



Ministry of Transport and Public Works

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### INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA

#### Background and purpose of regulations

1. Between July 2012 and September 2012 a number of operators have been murdered in the greater Bellville area due to taxi-related conflict. The Department of Transport and Public Works have received numerous reports from various sources indicating growing tension and associated violent confrontations between minibus-taxi operators affiliated to the Bellville Taxi Association (BELTA), Durbanville Taxi Association and Bloekombos Wallacedene Taxi Association. Numerous attempts were made by the Department to resolve internal disputes within and between these associations. Mediators contracted by the Department have been dispatched to the affected areas to gather information and to meet with affected operators in the area. These attempts have been relatively fruitless and the situation on the ground remains highly volatile.
2. The executive committee of BELTA has also taken a decision to limit the number of vehicles per member regardless of whether the member holds valid operating licences for all the vehicles that he or she operates. This decision was implemented on 01 March 2013 and has resulted in renewed tension and shooting at the Bellville rank. The executive committee has been informed that this decision is patently irregular and in contravention of the Code of Conduct for minibus-taxi operators and the National Land Transport Act (Act 5 of 2009). Only an authorised office may remove or impound a vehicle and only a legitimate regulatory entity may suspend or withdraw an operating licence. Despite the caution from government, the decision was forcefully implemented. A government official was also accosted and physically assaulted by members of BELTA when trying to stop this illegal action. This shows flagrant disregard for the law, government processes and officials and this type of contemptuous behaviour will not be tolerated.

3. After carefully analysing the situation it is my considered view that the safety of passengers, operators, drivers and people entering the area is compromised by the on-going conflict between members of the mentioned associations. There is also the possibility that this tension will spread to surrounding areas and ultimately impact the entire metropolitan area. This should be averted and it is the intention of the Department to act decisively and to take action against offending operators.

#### **Proposed Action/Regulations**

4. As the MEC for Transport and Public Works in the Province of the Western Cape, I have already declared the area as a high-risk area in respect of taxi violence. A notice was published in the government gazette in October 2012 indicating my intention to proceed with certain actions and to invoke my powers in terms of section 91 of the National Land Transport Act (Act 5 of 2009) (NLTA) if the violence and intimidation in the greater Bellville area continues. After consultation with the relevant planning authority (in this case the City of Cape Town) I have decided to again give notice of my intention to take one or more or all of the actions listed below:
  - 4.1 To close all the routes (see paragraph 5 below) in the declared area for the operation of any type of public transport service (by members of affected associations) for a period of two months commencing on **22 April 2013**. The situation will be assessed at the end of the two-month period. Affected operators may not use any of the City-owned public transport facilities;
  - 4.2 To suspend any operating licence or permit authorising any of the services on a closed route or routes (for affected operators) in the declared area for the period mentioned in 4.1;
  - 4.3 To instruct that no person may undertake any of the services on a closed route or routes in the declared area or in terms of an operating licence or permit that has been suspended.
  - 4.4 I also reserve the right to close any minibus-taxi rank in the declared area including but not limited to Bellville Minibus-taxi Rank and the minibus-taxi facilities in Durbanville, Kraaifontein, Cape Gate, Bloekombos, Wallacedene, Eversdal, Welgemoed and Tygervalley. I may also opt to close certain loading lanes at the mentioned facilities.

5. The following network of routes will be closed for minibus-taxi operations:

Route Number	Origin	Destination	Association
1	Bellville	Durbanville	BELTA CATA
2	Bellville	Nyanga	BELTA CATA
4	Bellville	Mowbray	BELTA CATA
40	Bellville	Wallacedene	BELTA CATA
124	Bellville	Cape Town	BELTA CATA
255	Bellville	Cape Town	BELTA CATA
404	Bellville	Bloekombos	BELTA CATA
405	Bellville	Bloekombos	BELTA CATA
175	Bellville	Eversdal	BELTA CATA
319	Bellville	Eversdal	BELTA CATA
601	Bellville	Welgemoed	BELTA CATA
602	Bellville	Welgemoed	BELTA CATA
A76	Tygervalley	Bellville	BELTA CATA
F41	Bellville	Durbanville	BELTA CATA
F77	Bellville	Mitchells Plain	BELTA CATA
K93	Bellville	Du Noon	BELTA CATA
N73	Bellville	Du Noon	BELTA CATA
J33	Bellville	Century City via NI	BELTA CATA
J34	Bellville	Century City	BELTA CATA
*G37	Bellville	Gugulethu	BELTA CATA
*K57	Bellville	Crossroads	BELTA CATA
*K92	Bellville	Stellenbosch	BELTA CATA
*P54	Bellville	Cape Gate	BELTA CATA
*P55	Bellville	Tygervalley	BELTA CATA
*P56	Bellville	Vredeloof	BELTA CATA
*P72	Bellville	Samora Machel	BELTA CATA
*Q56	Bellville	Lower Crossroads	BELTA CATA
*F43	Bellville	Atlantis	BELTA CATA
*G30	Bellville	Umtata	BELTA CATA
*H56	Bellville	Hermanus	BELTA CATA
*H57	Bellville	Worcester	BELTA CATA
*J23	Bellville	East London	BELTA CATA

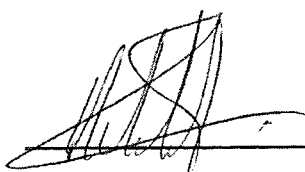
*K91	Bellville	George	BELTA CATA
*M42	Bellville	East London	BELTA CATA
*N91	Bellville	Cape Town	BELTA CATA
323	Durbanville	Bellville	Durbanville Taxi Association
309	Durbanville	Wallacedene	Durbanville Taxi Association
324	Durbanville	Zanddamplaas (Durbanville)	Durbanville Taxi Association
532	Durbanville	Klipheuwel Durbanville	Pad Durbanville Taxi Association
F58	Durbanville	Klipheuwel	Durbanville Taxi Association
F59	Durbanville	Durbanville	Durbanville Taxi Association
F60	Durbanville	Keibeas Farm	Durbanville Taxi Association
172	Bloekombos/Wallacedene	Bellville	BLOEWATA
173	Wallacedene	Bellville	BLOEWATA
F15	Bloekombos	Bellville	BLOEWATA
F16	Wallacedene	Bellville	BLOEWATA
467	Bloekombos	Bellville	BLOEWATA
548	Kraaifontein	Bellville	BLOEWATA
G98	Kraaifontein	Bellville	BLOEWATA
461	Bloekombos	Scottsville	
462	Scottsville	Bellville	BLOEWATA
459	Scottsville	Bellville	BLOEWATA
466	Bloekombos	Wallacedene	
468	Bloekombos	Durbanville	
317	Northpine	Bellville	BLOEWATA
335	Northpine	Bellville	BLOEWATA
337	Northpine	Bellville	BLOEWATA
544	Northpine	Bellville	BLOEWATA
556	Eikenfontein	Bellville	BLOEWATA
544	Northpine	Bellville	BLOEWATA
538	Brackenfell Station	Bellville	BLOEWATA
E89	Wallacedene	Durbanville	BLOEWATA
G13	Bloekombos	Kraaifontein Station	BLOEWATA
G14	Bloekombos	Durbanville	BLOEWATA
G81	Bloekombos	Shoprite Kraaifontein	BLOEWATA
L89	Wallacedene	Bloekombos	BLOEWATA

N83	Bloekombos	Cape Gate	BLOEWATA
N84	Wallacedene	Cape Gate	BLOEWATA
N87	Bloekombos	Cape Gate	BLOEWATA
Q84	Wallacedene	Brackenfell	BLOEWATA
Q85	Wallacedene	Brackenfell	BLOEWATA

6. The provision of public transport services on the closed routes or in declared areas by current operators constitutes an offence and a fine of R7000 or imprisonment, not exceeding 6 months, will be imposed. Vehicles will also be impounded if the terms and conditions of the regulations are breached. Please note that an offending operator also runs the risk of having his or her operating licence/permit withdrawn using the provisions of section 79 of the NLTA.
7. The situation will be assessed at the end of the two-month period to determine if affected associations and members are compliant with the Code of Conduct and Standard Constitution and whether or not the routes are considered safe for public transport usage.

**Comments/Representations by interested or affected parties**

8. All persons who have an interest in the matter or who are affected by such regulations may make written representations to the Department within a period of 48 hours from the date of this notice and may also request reasons for the proposed regulations.
9. Representations may be submitted to the Department of Transport and Public Works, 8<sup>th</sup> Floor, Dorp Street, Cape Town on or before **27 March 2013**.



**Robin Carlisle**

**MEC: Transport and Public Works**

**Western Cape Province**

**Date:** 18 - 3 - 2013