

NOTICE 537 OF 2013**DEPARTMENT OF TRANSPORT**

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT No. 7 OF 1998) (AS AMENDED):

PUBLICATION FOR COMMENTS: DRAFT REGULATIONS ON EXEMPTIONS FROM THE PAYMENT OF TOLLS ON THE GFIP TOLL ROADS

The Minister of Transport hereby publishes the draft regulations in the Schedule, *Regulations on Exemptions from the Payment of Tolls on the GFIP Toll Roads*, for comment in terms of section 58(4) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) (As amended).

Interested persons are invited to submit written comments on the draft Regulations within 30 days from the date of publication hereof to the Director-General, Department of Transport.

Comments may be sent to the following postal or e-mail addresses, or faxed to the following number:

Mr T H M Mphahlele
Department of Transport
Private Bag X193
PRETORIA
0001

exempt.regulations@dot.gov.za

Tel: 012 309 3481

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SCHEDULE
GOVERNMENT NOTICE
DEPARTMENT OF TRANSPORT

No. R

Date:

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT No. 7 OF 1998)

DRAFT REGULATIONS ON EXEMPTIONS FROM THE PAYMENT OF TOLLS

The Minister of Transport hereby, in terms of section 58(1)(d) of The South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) ("the Act") makes the regulations in the Schedule hereto.

SCHEDULE

Definitions

1. In these regulations, a word or expression that has been defined in the Act or the e-road Regulations has the same meaning and

"e-Road Regulations" means those regulations published by the Minister in terms of section 58(1)(dA) and (dC) read with sections 27(3)(a) and (b) of the Act and which relate to e-roads, the registration of users and the terms and conditions for the payment of e-toll;

"exempt emergency vehicle" means a vehicle that provides an emergency service and that is exempted by the Agency, in terms of section 27(1)(c) of the Act, from the liability to pay e-toll on an e-road or any portion of an e-road;

"exempt public transport vehicle" means a vehicle that provides a public transport service and that is exempted by the Agency, in terms of section 27(1)(c) of the Act, from the liability to pay e-toll on an e-road or any portion of an e-road;

“GFIP e-roads” means the roads declared for the Gauteng Freeway Improvement Project as specified in the relevant exemptions published by the Agency in relation to that Project; and

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

Information required and procedures applicable in respect of exempt public transport vehicles

2. (1) Exempt public transport vehicles must be registered with the Agency in accordance with the e-Road Regulations and these Regulations.

(2) Any person who elects to register a vehicle as an exempt public transport vehicle must provide the Agency–

(a) with the information contemplated in the attached Annexure A and in the manner contemplated in sub-regulation (4), by completing such Annexure and submitting the completed Annexure to an e-toll customer service centre together with the documents required in sub-regulation (5); and

(b) with an undertaking to comply with–

(i) the conditions of registration insofar as they apply to exempt public transport vehicles; and

(ii) the e-Road Regulations.

(3) The user of an exempt public transport vehicle on an e-road and who uses the exempt public transport vehicle for purposes or in circumstances other than for which the exemption was granted, will be liable to pay e-toll, as either–

(a) an alternate user; or

(b) if registered with the Agency in accordance with the e-Road Regulations, in accordance with the provisions applicable to such registration.

(4) With regard to registration and the completion of the annexure–

(a) a certified copy of the current vehicle licence certificate for each vehicle must be submitted with the Annexure or, in the case of registration of more than six

exempt public transport vehicles, the vehicle identification number and date of issue of the licence certificate;

(b) in the case of an articulated motor vehicle, a certified copy of the operating licence or permit or other particulars for both the truck-tractor and semi-trailer must be supplied to the Agency; and

(c) travel to a depot or base where the exempt public transport vehicle is kept when not in use must also be indicated (which are called positioning trips) on the map that is attached as a schedule to the Annexure.

(5) The following documents must accompany the Annexure for registration of an exempt public transport vehicle:

(a) A certified copy of the operating licence, licences, permit or permits issued for the vehicle in question in terms of the National Land Transport Act or recognized by that Act, or, in the case of registration of more than six exempt public transport vehicles the number, date of issue and expiry date thereof and/or a certified copy of the contract, as defined in the National Land Transport Act, if applicable;

(b) a certified copy of the current vehicle licence certificate for each vehicle or, in the case of registration of more than six exempt public transport vehicles, the vehicle identification number and date of issue of the certificate; and

(c) the schedule to the attached Annexure A indicating the routes to be used by the exempt public transport vehicle.

(6) When using an e-road on which an exempt public transport vehicle has been granted an exemption, the person driving or using the exempt public transport vehicle must at all times be in possession of the necessary operating licence or permit as required by section 50(1) of the National Land Transport Act, the original of which or a duplicate original must be available for inspection in the vehicle in terms of regulation 23(b) of the National Land Transport Regulations, 2009 promulgated in terms of the National Land Transport Act.

Information required and procedures applicable in respect of exempt emergency vehicles

3. (1) Exempt emergency vehicles must be registered with the Agency in accordance with the e-Road Regulations and these Regulations.

(2) Any person who elects to register a vehicle as an exempt emergency vehicle must provide the Agency–

(a) with the information contemplated in the attached Annexure A in addition to the documents contemplated in sub-regulation (3) in respect of each vehicle, by completing such Annexure and submitting the completed Annexure to the Agency, together with the vehicle identification number and the date of issue of the current licence certificate for each vehicle; and

(b) with an undertaking to comply with the conditions of registration insofar as they apply to exempt emergency vehicles and the e-Road Regulations.

(3) A certified copy of the current vehicle licence certificate for each exempt emergency vehicle must be submitted with the application or, in the case of registration of more than two exempt emergency vehicles, the particulars of each such vehicle.

(4) The user of an exempt emergency vehicle on an e-road and who uses the exempt emergency vehicle for purposes or in circumstances other than for which the exemption was granted, will be liable to pay e-toll, as either–

(a) an alternate user; or

(b) if registered with the Agency in accordance with the e-Road Regulations, in accordance with the provisions applicable to such registration.

Procedures applicable to all exemptions

4. (1) Where exemption has been granted by the Agency from the payment of e-toll on a particular e-road–

(a) the person who elects to register a vehicle with the Agency will be issued with an e-tag by the Agency for each vehicle, which e-tag will constitute

the means of identifying the vehicle in respect of which the exemption has been granted; and

(b) a document identifying the person who registered with the Agency, will be issued by the Agency, if so decided by the Agency, which document is neither renewable nor transferable and which must be kept in the vehicle or on the person of the user when using an e-road for which exemption has been granted.

(2) The e-tag issued by the Agency for each exempt vehicle—

(a) must be affixed to each vehicle which has registered with the Agency in the manner specified in the Specification Regulations issued by the Minister in terms of section 58(1)(dB) of the Act.

(b) must be affixed to the relevant vehicle or vehicle of the user, as applicable, and such vehicle may not enter the e-road for which exemption was granted by the Agency unless such e-tag is affixed to the relevant vehicle.

(3) The person who registers the vehicle with the Agency and for which exemption has been granted by the Agency must—

(c) within 14 days of changing his or her physical or postal address or any of the particulars supplied to the Agency at the time of registration, notify the Agency of his or her new address or such new particulars;

(d) notify the Agency within 24 hours after he or she becomes aware of the theft of the motor vehicle;

(e) furnish information regarding the exempted motor vehicle which is or may have been at any time in his or her possession to any traffic officer or national transport inspector, if requested to do so;

(d) notify the Agency of any declaration that the motor vehicle has been declared unfit for use within 24 hours after the motor vehicle has been declared unfit;

(e) notify the Agency within 24 hours of the e-tag becoming damaged or stolen or destroyed and re-apply for a new e-tag in terms of the e-Road Regulations;

(f) where he or she wishes to transfer the e-tag issued to him or her to another motor vehicle, submit the motor vehicle licence number, make and model or

a certified copy thereof to the Agency and request the transfer of such e-tag to the new motor vehicle; and

(g) ensure that the number plates of the motor vehicle that he or she is operating are affixed in the manner prescribed in regulation 35 of the National Road Traffic Regulations, 2000 and are clearly visible at all times.

(4) Registration will, subject to sub-regulation (5) below, be valid for three years from the date of registration of the exempt vehicle whereafter the registration lapses and the person who elects to register the vehicle as an exempt vehicle, must apply to the Agency for renewal of the registration not less than 30 days prior to the registration having lapsed by completing the attached Annexure A and supplying the required particulars and documents to the Agency.

(5) If the exempt emergency vehicle or exempt public transport vehicle registered with the Agency, in terms hereof, is stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit for use, the person who applied for registration of the vehicle must notify the Agency and supply the VLN or by telephoning an e-toll customer service centre, as contemplated in the e-Road Regulations, immediately on becoming aware that it was stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit for use.

(6) The person who applied for registration of the vehicle in respect of which exemption was granted must notify the Agency within 24 hours if a vehicle registered with the Agency changes ownership or if an application is made to transfer the relevant operating licence or permit, or if the operating licence or permit lapses or is cancelled.

(7) If the person who applied for registration of the vehicle in respect of which exemption was granted elects to replace a vehicle with another vehicle and the new vehicle would still qualify for the exemption granted by the Agency, then the person who applied for registration of the vehicle must apply for an e-tag for the new vehicle by completing the attached Annexure A and providing a certified copy of the vehicle licence certificate and other information required by the Agency, and the registration will not apply in respect of the new vehicle until the new e-tag issued by the Agency is affixed to the new vehicle in the manner prescribed in the abovementioned Specification Regulations and, in the case of an exempt public

transport vehicle, until the required operating licence for the new vehicle has been obtained.

(8) In the case where an exempt user does not comply with the requirements of sub-regulations (5), (6) and (7), the registration shall immediately lapse and the user of the vehicle shall be liable to pay e-toll as either—

(a) an alternate user; or

(b) if registered with the Agency in accordance with the e-Road Regulations, in accordance with the provisions applicable to such registration.

(9) The registration of a vehicle by the Agency may be withdrawn in terms of section 27(1)(f)(i) of the Act if—

(a) the e-tag is used for any purpose other than in connection with the exemption granted to the exempt vehicle;

(b) the vehicle which is exempt from the payment of e-toll enters an e-road for which exemption from the payment of e-toll has been granted without the e-tag properly affixed to the vehicle;

(c) the person using or driving the vehicle fails to comply with these regulations or the e-Road Regulations;

(d) the operating licence or permit, if applicable, on which exemption was granted lapses or is withdrawn or cancelled for any reason;

(e) the vehicle for which the exemption is granted is at any time not properly licensed or a valid roadworthy certificate has not been acquired for the vehicle as required by the National Road Traffic Act; or

(f) the person using or driving the vehicle tampers with or defaces a number plate on such vehicle in contravention of the National Road Traffic Act.

Short title and commencement

5. These Regulations are called the Regulations on Exemptions from the Payment of Tolls, 2013 and shall come into operation on the date of their publication in the *Government Gazette*.

Annexure A

LOGO

SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED (SANRAL)
SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT,
1998 (ACT NO. 7 OF 1998)

GAUTENG FREEWAY IMPROVEMENT PROJECT (GFIP): REGISTRATION FORM

PART A: TO BE COMPLETED BY PERSONS USING OR DRIVING EXEMPT PUBLIC TRANSPORT VEHICLES

1. Particulars:

Full names of person, company, partnership, corporation or other legal entity:

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Postal address and code:

Street address if different from postal address:

Telephone number(s) :

Fax number :

E-mail address :

Name of responsible person in the case of a juristic person:

Association of which applicant is a member (if applicable):

2. Type of identification (attach certified copy):

RSA Identity document		Temporary identity certificate	
Passport		Foreign identity document	
Founding statement		Certificate of incorporation	
Memorandum of understanding		Partnership agreement	

3. Particulars of operating licence or permit for each vehicle (attach certified copy):

Operating licence/ permit number:

Vehicle licence number as shown on the operating licence/permit

Regulatory entity that issued the licence or permit:

Date of issue: Date of expiry:

For registration of more than one exempt public transport vehicle please supply details on a separate sheet, and in the case of more than six vehicles complete the Excel spreadsheet provided by the Agency.

4. Type of service:

Minibus taxi-type service as defined in section 1 of the National Land Transport Act, 2009 (Act No 5 of 2009) (hereafter referred to as the NLTA) where the service is for commuting, as defined in the NLTA including for the transportation of scholars and private contract passengers (charter services) where such transportation is authorized by the same operating licence or permit that authorizes the commuter services (the definition reads as follows: "minibus taxi-type service" means an unscheduled public transport service operated on a specific route or routes or, where applicable, within a particular area, by means of a motor car, minibus or midibus");	
Contracted service, i.e. vehicles operated in terms of a contract with a contracting authority contemplated in section 56 of the NLTA	
Scheduled commuter public transport service, i.e. a regular, daily scheduled public transport service operating according to a time-table, including the transportation of scholars and private contract passengers (charter services) where such transportation is authorized by the same operating licence or permit that authorizes the commuter services	
Scholar service, i.e. a dedicated service for transporting scholars or students on a daily basis contemplated in section 72 of the NLTA for which an operating licence or permit is required in terms of the NLTA	

5. Vehicle details:

Single application		Bulk application	
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For registration of more than one exempt public transport vehicle please supply details on a separate sheet, and in the case of more than six vehicles complete the Excel spreadsheet provided by the Agency.

Vehicle type (as defined in the NLTA):

Motor car (less than 10 persons including the driver)	
Minibus (10 – 16 persons including the driver)	

Midibus (17 to 35 persons including the driver)	
Bus (more than 35 persons including the driver)	

Vehicle licence number :

Type of vehicle :

Make of vehicle :

6. Routes for which registration is sought

Please describe as well as indicate on the map attached hereto as a Schedule the route or routes for which the public transport service registration is sought. Positioning trips (i.e. trips from the operator's home, depot or base to where the trip starts, and back again when the trip ends) must also be shown. These routes must be authorised by a valid operating licence or permit, the particulars of which are provided in terms of paragraph 3 above.

PART B: TO BE COMPLETED BY PERSONS USING OR DRIVING EXEMPT EMERGENCY VEHICLES

1. Particulars:

Tick the relevant box:

Gauteng Provincial Government	
City of Johannesburg Metropolitan Municipality	
City of Tshwane Metropolitan Municipality	
Ekurhuleni Metropolitan Municipality	
Private ambulance (specify operator)	

Postal address and code:

Street address if different from postal address:

Telephone number(s) :

Fax number :

E-mail address :

Full names of contact person:

2. Particulars of vehicle(s)

Particulars of the emergency service vehicles for which registration is sought must be provided on the Excel spreadsheet supplied by SANRAL. The purpose for which the vehicle is used must be indicated on the Excel spreadsheet.

Declaration:

I, the undersigned (full names)

(a) undertake to comply with (i) the conditions of registration as they apply to exempt public transport vehicles or exempt emergency vehicles (as the case may be) and (ii) the e-Road Regulations; and

(b) certify that the information furnished in this application form is true and correct and hereby apply for exemption from the payment of e-toll in terms of the Exemption Notice published in *Government Gazette* no. of2013. (Notice No.) /other exemption on behalf of the abovementioned operator.

I accept that if the information supplied in this application is found to be false the application will be rejected and I may be disqualified from making a further application for exemption in respect of the GFIP e-roads.

For office use (to be completed by SANRAL GORT Operator):

Application number:

GORT Exemption number:

TAG number:

.....
Signature

.....
Date

Schedule: Map of GFIP routes on which applicant must indicate the desired route or routes for which registration is sought.

