

REPUBLIC OF SOUTH AFRICA

NATIONAL LAND TRANSPORT BILL

[B 51B—2008]

*(As agreed to by the Select Committee on Public Services
(National Council of Provinces))*

[B 51C—2008]

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**AMENDMENTS ADOPTED BY THE
SELECT COMMITTEE ON PUBLIC SERVICES IN A
MEETING HELD ON 12 NOVEMBER 2008**

NATIONAL LAND TRANSPORT BILL
[B 51B—2008]

1. On page 2, in line 27, to omit, “*Special division in*”.
2. On page 2, in line 30, to omit, “and staffing”.
3. On page 3, in line 1, before “*National*” to insert, “*Institutional arrangements:*”.
4. On page 3, in line 5, before “*Provincial*” to insert, “*Institutional arrangements:*”.
5. On page 3, in line 11, to remove clause 26 from Chapter 3 and place it under chapter 2.
6. On page 3, in line 28, to omit, “Cancellation of operating licenses in”.

CLAUSE 1

1. On page 5, in line 16, to omit, “95” and to substitute “86”.
2. On page 5, in line 24, to omit, “39” and to substitute “37”.
3. On page 5, in line 34, to omit, “76” and to substitute “67”.
4. On page 5, in line 36, to omit, “52” and to substitute “43”.
5. On page 6, in line 16, to omit, “95” and to substitute “86”.
6. On page 6, in line 25, to omit, “45” and to substitute “36”.
7. On page 6, in line 36, to omit, “78” and to substitute “69”.
8. On page 6, in line 40, to omit, “74” and to substitute “65”.
9. On page 6, in line 47, to omit, “75” and to substitute “66”.
10. On page 7, in line 12, to omit, “35” and to substitute “27”.
11. On page 7, in line 14, to omit, “155 (6)” and to substitute “155”.
12. On page 7, from line 16, to omit, “municipal public transport” means public transport contemplated in section 11(1)(c) and any other function assigned to the municipality under section 11(2) or (3);”
13. On page 7, from line 38, to omit the definition of **participating municipality**.
14. On page 7, in line 55, to omit “44” and substitute “35”.
15. On page 7, in line 59, to omit, “27” and to substitute “23”.

16. On page 8, in line 41, after “otherwise afford”, to insert, “or where services are subsidised for other reasons, for example to encourage public transport usage, relieve traffic congestion, or to support land use and transport integration”.
17. On page 8, from line 45, after “tendered contracts”, to omit, “or where services are subsidised for other reasons, for example to encourage public transport usage, relieve traffic congestion, or to support land use and transport integration”.

CLAUSE 2

1. On page 9, from line 20, after “transport system”, to omit, “to complete the process of transformation and restructuring the land transport system”.
2. On page 9, in line 23, to omit, “policies,”.

CLAUSE 5

1. On page 10, from line 29, omit sub clause (6), and substitute for the following:

“(6) When a province or municipality cannot or does not fulfill an executive obligation in terms of matters relating to public transport, the Minister may intervene by taking the appropriate steps to ensure the fulfillment of that obligations, including issuing a directive to the provincial executive or municipal council, describing the extent of the failure to fulfill its obligations and stating any steps required to meet its obligations and the provincial executive or municipality must comply with such directive.”

CLAUSE 6

1. On page 10, in line 38, to omit, “, transport authority”.
2. On page 10, in line 47, to omit, “, transport authority”.
3. On page 10, from line 55, to omit, “the National Public Transport Regulator, and each Public Regulatory Entity and designated planning authority”, and substitute “regulatory entities”.
4. On page 10, in line 58, to omit “(6)”, and to substitute “(5)”.

CLAUSE 7

1. On page 11, from line 10, to omit sub clause (3).

CLAUSE 8

1. On page 11, in line 40, to omit “traffic”.
2. On page 12, in line 11, to omit “expired”.
3. On page 12, in line 15, to omit “public”.
4. On page 12, from line 11, sub clauses (aa) to (cc), must be indented in line with sub clause (z) for proper formatting of the Bill.

5. On page 12, after line 21, to insert a new sub clause 2, in the following:

“(2) Before making any regulations contemplated in subsection (1), the Minister must publish a draft of such regulations for public comment in the Gazette, and must consider any comments received in response to such publication.”

CLAUSE 9

1. On page 12, in line 55, to omit “, transport authorities”.

CLAUSE 10

1. On page 13, in line 20, before “regarded”, to omit “is” and to substitute “are”.

CLAUSE 11

1. On page 14, in line 8, to omit “object”, and to substitute “objects”.
2. On page 14, in line 59, to omit “the provision”, and to substitute “that there is provision”.
3. On page 15, in line 19, omit “through”, and to substitute “through-ticketing and”.
4. On page 15, in line 28, at the end, to omit “,” and to insert “in the prescribed manner;”

CLAUSE 17

1. On page 17, in line 10, to omit, “*division in*”.
2. On page 17, in line 17, to omit, “consist” and to substitute “consists”.

CLAUSE 20

1. On page 18, after line 18, to insert two new sub clauses in the following:

“(3) The prescribed quorum of members of the National Public Transport Regulator contemplated in subsection (2) must take decisions of that Regulator.

(4) The Department must allocate staff as a dedicated unit to assist that Regulator in the performance of its functions.”

CLAUSE 21

1. On page 18, from line 26, to omit, “designated planning authorities in particular”, and to substitute, “municipalities in relation to their land transport functions”.
2. On page 18, in line 42, to omit, “designated planning authorities”, and to substitute, “municipalities”.
3. On page 18, from line 46, to omit, “designated planning authorities”, and to substitute, “relevant planning authorities”.

CLAUSE 23

1. On page 19, in line 9, before “*Provincial Regulatory Entities*” to insert “*Institutional arrangements*”.
2. On page 19, in line 13, to omit “not more than four”.

HEADINGS

1. On page 19, from line 42, to omit,

“Part 6”
2. On page 20, after line 10, to insert the following:

“CHAPTER 3

FUNDING ARRANGEMENTS FOR LAND TRANSPORT”.

3. On page 19, in line 9, before “*Provincial Regulatory Entities*” to insert “*Institutional arrangements*”.

CLAUSE 28

1. On page 20, in line 42, to omit, “management”, and to substitute “movement”.

CLAUSE 29

1. On page 20, from line 54, to omit, “”, either directly or via the National Land Transport Fund”.
2. On page 21, after line 9, to insert a new sub clause, in the following:

“(4) Any conditions imposed must be framed in such a manner as to permit flexibility and ease of implementation, while requiring compliance with the principles of land transport policy as contemplated in section 4 of this Act.”

CLAUSE 30

1. On page 21, in line 16, to omit, “transport authorities or”.

CLAUSE 36

1. On page 23, from line 30, to omit, “”, transport authorities”.

CLAUSE 38

1. On page 25, in line 4, to omit “subsection (5)” and to substitute “paragraph (a)”.

CLAUSE 39

1. On page 25, in line 20, to omit, “**Cancellation of operating licenses in**”.
2. On page 25, in line 30, after “(1)”, to insert “and (2)”.

CLAUSE 42

1. On page 26, in line 5, to omit, “The contracting authority”, and to substitute, “Contracting authorities”.
2. On page 26, in line 19, to omit “the contracting authority” and to substitute “contracting authorities”.

CLAUSE 46

1. On page 27, in line 25, after “section”, omit “,”, and to insert, “or section 41”.

CLAUSE 48

1. On page 28, in line 3, after “must”, to insert, “request the relevant regulatory entity to”.
2. On page 28, in line 5, to omit, “designated”.

CLAUSE 49

1. On page 28, in line 25, to omit “56(1)”, and to substitute, “47(1)”.
2. On page 28, in line 32, before “20%”, to insert, “a”.
3. On page 28, in line 33, to omit, “more”, and to substitute, “variance”.
4. On page 28, in line 40, to omit “paragraph (b)(i), (ii) and (iii) apply”, and to substitute, “paragraph (b) applies”

CLAUSE 50

1. On page 28, in line 52, after “49”, to insert, “,”.

CLAUSE 56

1. On page 31, from line 33, to omit, “the municipality to which the operating licence function has been assigned or a Provincial Regulatory Entity, as the case may be,” , and to substitute, “the relevant regulatory entity”.

CLAUSE 57

1. On page 31, in line 55, to omit “Subject to section 55(6), where” , and to substitute “Where”.

CLAUSE 58

1. On page 32, in line 40, to omit “in terms of”, and to substitute “contemplated in”.

CLAUSE 72

1. On page 36, in line 48, to omit “62(g)”, and to substitute “53(1)(g)”.

CLAUSE 73

1. On page 37, in line 16, after “bus”, to insert, “or midibus”.

CLAUSE 77

1. On page 38, in line 25, after “**licence**”, to insert, “**or permit**”.
2. On page 38, in line 28, to omit “67”, and to substitute, “58”.

CLAUSE 81

1. On page 39, in line 47, to omit, “operated”, and to substitute, “that may be operated by the particular operator”.

CLAUSE 82

1. On page 40, in line 18, to omit “90(6)”, and to substitute, “81(7)”.

CLAUSE 83

1. On page 40, in line 46, to omit “81(6)”, and to substitute, “81(7)”.

CLAUSE 84

1. On page 41, in line 6, after “carried are”, to insert, “adequately”.
2. On page 41, from line 10 to omit “”, including, but not limited to, that the vehicle must be equipped with a sound system, air conditioning, kitchen equipment or other equipment determined by the entity considering the application, or a toilet where sections of a journey will exceed a prescribed distance”.

CLAUSE 86

1. On page 41, in line 39, after “(b)”, to insert, “a”.
2. On page 41, in line 46, to omit, “”, transport area”.
3. On page 41, in line 47, to omit “99”, and to substitute, “90”.

CLAUSE 89

3. On page 42, in line 47, to omit “to”.

4. On page 42, in line 50, to omit “on”, and to substitute, “in”.
5. On page 42, in line 53, to omit “on” and to substitute, “in”.
6. On page 42, in line 55, to omit “on” and to substitute “in”.
7. On page 43, from line 17, to omit “this Act or that law”, and to substitute, “those Acts”.

CLAUSE 90

1. On page 43, in line 37, to omit “41”, and to substitute, “50”.
2. On page 43, in line 46, after “operating licence”, to insert “or permit”.
3. On page 43, in line 48, to omit “another”, and to substitute, “other”.
4. On page 44, in line 18, to omit, “section 59”, and to substitute, “this Act”.

CLAUSE 93

1. On page 45, from line 51, omit sub-clause (1).
2. On page 46, in line 17, to omit “designated planning authority”, and to substitute, “municipality”.
3. On page 46, from line 27, to omit “under section 74”, and to substitute, “in terms of this Act”.
4. On page 46, after line 28, to insert a new sub clause, in the following:

“(6) Any transport authority established in terms of the Transition Act will cease to be a juristic person independent from the relevant municipality or municipalities, on a date to be determined by the Minister, and those municipalities must amend or restructure their administrations as soon as possible after the determined date, to bring them in line with this Act.”

CLAUSE 96

1. On page 46, in line 39, to omit “or transport areas”.

SCHEDULE

1. On page 47, in line 3, to omit “**103**”, and to substitute, “**94**”.