

REPUBLIC OF SOUTH AFRICA

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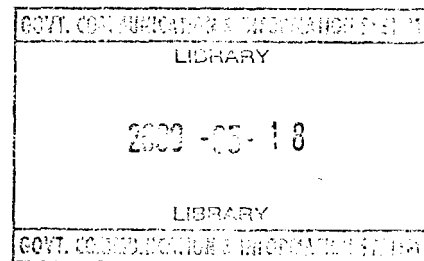
# NATIONAL LAND TRANSPORT TRANSITION BILL

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*(As amended by the Select Committee on Public Services (National Council of Provinces))  
(The English text is the official text of the Bill)*

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**(SELECT COMMITTEE ON PUBLIC SERVICES)**



**[B 5B—2000]**

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## AMENDMENTS AGREED TO

### NATIONAL LAND TRANSPORT TRANSITION BILL [B 5–2000]

#### CHAPTERS 1 TO 4

1. To omit “permissions boards” and to substitute “boards”.
2. To omit “permissions board” and to substitute “board”.
3. To omit “permissions” and to substitute “operating licences”.
4. To **omit “a permission” and to substitute “an operating licence”**.
5. To **omit** “permission” and to substitute “operating licence”.

#### CLAUSE 1

1. On page 6, in line 16, to omit “for” and to substitute “primarily in relation to”.
2. On page 6, in line 17, to omit “taxi-services” and to substitute “taxi-type services”.
3. On page 6, after line 30, to insert:
 

(iii) “board” means the public transport licensing board established for a province in compliance with section 30 to perform the functions mentioned in that section;
4. On page 8, in line 21, to omit “an” and to substitute “any”,
5. On page 9, after line 7, to insert:
 

(xLviii) “operating licence” means a public transport operating licence required by section 33 and granted and issued in accordance with Part 16;

(xLix) “operating licence strategy” means a transport plan consisting of an operating licence strategy contemplated in section 24;
6. On page 9, from line 16, to omit paragraph (xL).
7. On page 9, from line 17, to omit paragraph (Li).
8. On page 9, from line 21, to omit paragraph (Lii).
9. On page 9, in line 48, after “reward,” to insert:
 

whether the service is subject to a contract or not, and
10. On page 9, in line 49, to omit “operated in terms of a commercial service contract” and to substitute “a scheduled service”.
11. On page 9, in line 50, to omit “operated in terms of a subsidised service contract” and to substitute:
 

an unscheduled service, which includes a minibus taxi-type service

12. On page 9, from line 51, to omit paragraph (c).
13. On page 9, in line 56, to omit paragraph (g).
14. On page 9, in line 57, to omit paragraph (h).
15. On page 10, in line 26, after “with” to insert “disabilities”.

#### CLAUSE 4

1. On page 11, from line 41, to omit subsection (1) and to substitute:
  - (1) The following principles apply with regard to the determination, formulation, development and application of land transport policy in the Republic:
    - (a) Public transport services—
      - (i) are aimed at providing affordable transport to the public;
      - (ii) are so designed as to achieve—
        - (au) integration of modes;
        - (bb) cost-efficiency and service quality;
        - (cc) the optimal allocation and utilisation of available resources;
        - (old) market development;
      - (iii) are so designed as to have—
        - (aa) value to the customer; and
        - (bb) the least harmful impact on the environment;
      - (iv) are so designed that appropriate modes should be selected and planned for on the basis of where they have the highest impact on reducing the total systems cost of travel, and this decision should be informed by an appropriate assessment of the impact on the customer and anticipated customer reaction to such change;
      - (v) are planned so that customer needs must be met by facilitating customer reaction to system changes in the planning process and by maximizing the integration of such services;
      - (vi) are planned where possible so that subsidies are aimed to assist currently marginalised users and those who have poor access to social and economic activity,
    - (b) All role-players must strive to achieve an effective land transport system through integrated planning, provision and regulation of infrastructure and services and diligent and effective law enforcement.
    - (c) Public transport services, facilities and infrastructure must be so provided and developed as to integrate the different modes of land transport.
    - (d) Safety and effective law enforcement must be promoted as vital factors in land transport management and regulatory systems, and the efforts in this regard of all competent authorities and functionaries must be co-ordinated to prevent duplication.
    - (e) For the purposes of land transport planning and the provision of land transport infrastructure and facilities, public transport must be given higher priority than private transport.
    - (f) Scarce resources available for the provision of land transport must be used optimally.
    - (g) Investment in infrastructure and operations must promote economic, financial, technical and environmental sustainability.
    - (h) Effectiveness and efficiency must be promoted in the provision and operation of land transport services and administering land transport matters.

- (i) Co-ordination of institutional functions in land transport must be promoted.
- (j) Land transport functions must be integrated with related functions such as land use and economic planning and development through, among others, development of corridors, and densification and infilling, and transport planning must guide land use and development planning.
- (k) The needs of special categories of passengers must be considered in planning and providing public transport infrastructure, facilities and services, and these needs should be met as far as may be possible by the system provided for mainstream public transport.
- (l) The participation of all interested and affected parties, including vulnerable and disadvantaged persons, in transport planning must be promoted, taking into account that people must have the opportunity to develop the understanding, skills and capacity necessary to achieve equitable and effective participation.
- (m) The computerised land transport information systems of the national government, provinces, municipalities and transport authorities must be compatible with one another and must be so designed as to allow mutual access as well as access by the systems of the provinces' boards and the systems of planning authorities, subject to section 6.
- (n) All spheres of government must promote public transport and the flow of interprovincial transport and cross-border road transport.
- (o) The principle of user charging or cost recovery from direct users must be applied wherever appropriate and possible, in that such users should pay for all or most of the costs related to the service or activity in question.

#### CLAUSE 5

1. On page 12, from line 30, to omit "avoiding duplications of effort" and to substitute "avoid duplication of effort and resources".
2. On page 13, in line 1, to omit "meeting demand" and to substitute "satisfying user needs".
3. On page 13, after line 32, to insert:
  - (e) in consultation with the MECs, prescribe criteria and a methodology for the rationalisation of public transport services as contemplated in sections 24, 25 and 50(1)(a); and
  - (f) prescribe a process to be followed for offering alternative services in the place of existing services to holders of operating licences or permits under section 50.

#### CLAUSE 10

1. On page 15, in line 32, after "operational" to insert " , financial".
2. On page 15, in line 33, to omit "cadastral" and to substitute "point-to-point".
3. On page 15, in line 40, after "person" to insert:
 

separate from the participating municipality or municipalities
4. On page 16, in line 15, after "communities" to insert " , organised labour".

5. On page 16, in line 22, to omit “(6)” and to substitute “(7)”.

#### CLAUSE 12

1. On page 17, in line 21, to omit “competent” and to substitute “nominated”.

#### CLAUSE 13

1. On page 17, in line 44, after “(2)” to insert “Subject to the approval of the governing body,”.

#### CLAUSE 15

1. On page 18, in line 37, after the first “to” to insert “provinces, municipalities or”.

#### CLAUSE 16

1. On page 19, in line 2, after the first “to” to insert “municipalities or”.
2. On page 19, in line 3, to omit “, and achieving the objects thereof”.
3. On page 19, after line 13, to insert:

(4) Where a transport authority is established and becomes responsible for the function mentioned in section 10(13)(f), the MEC must transfer to that transport authority a share, to be determined after consultation with the Minister and the transport authority, of the amount appropriated by Parliament for the relevant province in the Division of Revenue Act for that function for that specific financial year.

#### CLAUSE 18

1. On page 19, in line 50, to omit “demand” and to substitute “utilisation”.

#### CLAUSE 19

1. On page 20, in line 38, to omit “planning authority” and to substitute:  

transport authority and core city, and every municipality required to do so by the MEC,

#### CLAUSE 24

1. On page 23, in line 39, to omit “demand” and to substitute “utilisation”.

#### CLAUSE 25

1. On page 24, in line 27, to omit “demand” and to substitute “needs”.

#### CLAUSE 26

1. On page 24, in line 52, to omit “planning authority” and to substitute:  
     transport authority and core city, and every municipality required to do so by the MEC,

#### CLAUSE 27

1. On page 25, in line 40, to omit “aspect of airport” and to substitute “aspects of airports”.

#### CLAUSE 30

1. On page 27, in line 54, to omit “(2)” and to substitute “(3)”.

#### CLAUSE 31

1. On page 28, after line 18, to insert:  
     unless the Minister, in consultation with the MECs, provides otherwise for special categories of vehicles by notice in the *Government Gazette*, to cater for exceptional cases in rural areas, or exceptional cases in relation to tourist or courtesy services
2. On page 28, from line 21, to omit “unless it is a vehicle contemplated in subsection (1 )” and to substitute:  
     , except by a foreign carrier as defined in section 1 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), unless it is a vehicle contemplated in subsection (1) and unless the Minister, in consultation with the MECs, provides otherwise for special categories of vehicles by notice in the *Government Gazette*, to cater for exceptional cases in rural areas, or exceptional cases in relation to tourist or courtesy services

#### CLAUSE 32

1. On page 28, in line 40, after “(6),” to insert:  
     a permit authorizing services by means of a minibus may be converted to an operating licence for a minibus, even if the number of authorised passengers increases, but
2. On page 28, in line 43, after the first “the” to insert “permit or”.

#### CLAUSE 33

1. On page 29, in line 14, to omit “permission” and to substitute “operating licence”.

#### CLAUSE 37

1. On page 29, from line 50, to omit “, except where provincial laws or regulations made by the MEC provide for exemptions from this requirement”.

2. On page 30, in line 3, to omit “larger”.
3. On page 30, in line 3, after “vehicle” to insert “which is more than 15 per cent larger”.
4. On page 30, in line 4, after the third “the” to insert “MEC, subject to subsection (2),”.
5. On page 30, after line 6, to insert:

(2) In the case of applications contemplated in paragraph (b) of subsection (1), and subsection (2) of section 41, where the applicant has already applied for a permit as contemplated in subsection (2)(c) of that section, the board may, instead of stating such particulars in the notice in the *Government Gazette*, state that such particulars are available for inspection at the board’s offices, if it posts the particulars on a notice board at its offices in a prominent position for the relevant period.

#### NEW CLAUSE

1. That the following be a new Clause:

##### **Special procedures for legalisation**

**41.** (1) Despite other provisions of this Act, the MEC, in consultation with the Minister, may prescribe regulations providing that the board must grant operating licences to public transport operators for minibus taxi-type services whose associations applied for their registration on or before 30 June 1997, subject to subsection (2), where such operators have not been able to apply for or obtain permits in the past due to reasons beyond their control such as inability of the government to process applications, unfair discrimination or lack of information and understanding of the relevant processes.

(2) Regulations under subsection (1) may provide—

- (a) that the board must grant the operating licence if the applicant complies with criteria set by the MEC in the regulations, in consultation with the Minister, but subject to the following:
  - (i) The board must consider the matters set out in section 83(1);
  - (ii) the vehicle to which the application relates, must be registered in the name of the applicant;
  - (iii) the applicant must be a member of a registered or provisionally registered association, which applied for registration on or before 30 June 1997;
  - (iv) the routes in respect of which the applicant’s association was **registered, must have been verified in the manner prescribed by the MEC;**
  - (v) **the board must submit the application to the relevant planning authority for recommendations on the matters set out in section 83(1)(b),** and must consider those recommendations, subject to section 39(5);
  - (vi) the applicant must have applied for the operating licence on or before a date set by the MEC in the regulations, in consultation with the Minister;
- (b) for special procedures and forms in respect of applications contemplated in this subsection;