



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1452.

4 Julie 1990

No. 1452.

4 July 1990

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

—77 van 1990: Wysigingswet op Stedelike Vervoer, 1990.

No. 77 of 1990: Urban Transport Amendment Act, 1990.

## URBAN TRANSPORT AMENDMENT ACT, 1990

Act No. 77, 1990

## GENERAL EXPLANATORY NOTE:

- [                    ] Words in bold type in square brackets indicate omissions from existing enactments.
- \_\_\_\_\_ Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Urban Transport Act, 1977, so as to delete, define or further define certain expressions; to provide that regional services councils will in certain instances be core cities and may take over certain functions relating to urban transport; to provide for the entering into of agreements with the governments of self-governing territories; to extend the general powers of the South African Roads Board and its powers to utilize funds; to make other provision in connection with the appointment of Metropolitan Transport Advisory Boards, and to alter the constitution of a board; and to provide for the extension of the functions of a core city; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)*  
*(Assented to 21 June 1990.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 78 of 1977, as amended by section 1 of Act 109 of 1985**

1. Section 1 of the Urban Transport Act, 1977 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "Administrator" of the following definition:

"Administrator" means—

- (a) an Administrator **[acting on the advice and with the consent of the executive committee of which he is a member]** as defined in section 1 of the Provincial Government Act, 1986 (Act No. 69 of 1986);
- (b) for the purposes of sections 11, **[12]** 13, 14, 15 and 16 in the case where a regional services council is **[designated as a]** the core city, the regional services council concerned;";

(b) by the substitution for the definition of "approved transport plan" of the following definition:

"approved transport plan" means any transport plan approved by the **[commission]** roads board under section 6 and includes a programme in respect of—

- (a) the estimated maintenance required for the duration of the design life of any capital project included in the transport plan; or

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- (b) the estimated maintenance required for the duration of the design life or part thereof of any capital project not included in the transport plan but which could have qualified for a grant from the fund under section 10, and for which maintenance funding from the fund is required;”;
- 5 (c) by the deletion of the definition of “commission”;
- (d) by the substitution for the definition of “local authority” of the following definition:
- “local authority’ means—
- 10 (a) an institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), or any other institution or body recognized by the [commission] roads board as a local authority for the purposes of this Act, in so far as it is so recognized; and
- 15 (b) a regional services council;”;
- (e) by the deletion of the definition of “National Institute”; and
- (f) by the insertion after the definition of “regional services council” of the following definitions:
- 20 “roads board’ means the South African Roads Board established by section 2 of the South African Roads Board Act, 1988 (Act No. 74 of 1988);”;
- “self-governing territory’ means an area as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971).”.

**Amendment of section 3 of Act 78 of 1977**

- 25 2. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) [The] Notwithstanding the provisions of any other law, the Minister may on the recommendation of the [commission] roads board, made after consultation with the Administrator or Administrators concerned, by
- 30 notice in the *Gazette*—
- (a) declare any area consisting of the area or areas under the jurisdiction of one or more local authorities, or any portion thereof and any other [adjoining] area whether or not it adjoins such area or areas under
- 35 jurisdiction, to be a metropolitan transport area with effect from such date as may be specified in the notice;
- (b) from time to time include the area or any portion of the area under the jurisdiction of any local authority or any other area, in, or exclude any area from, any metropolitan transport area;
- (c) withdraw any notice issued under paragraph (a) or (b).”.

**40 Amendment of section 4 of Act 78 of 1977**

3. Section 4 of the principal Act is hereby amended by the addition of the following subsections:

- 45 “(3) In the case where a regional services council has been charged in terms of section 3 (1) (b) of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), with the function or any part thereof of land use and transport planning in a region where a metropolitan transport area has been declared in terms of this Act, the regional services council in question shall be the core city for every metropolitan transport area situated wholly within its region: Provided that a regional services council shall not become a core city unless it has been charged
- 50 with all the functions entrusted to a core city in terms of this Act.

- (4) A regional services council which is a core city may enter into an agreement with a local authority whose area of jurisdiction falls within the region of such regional services council, in terms of which that local authority may, on behalf of that regional services council, exercise or perform any
- 55 function or part thereof entrusted to a core city in terms of this Act.”.

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## Insertion of section 4A in Act 78 of 1977

4. The following section is hereby inserted after section 4 of the principal Act:

**“Agreement with self-governing territories**

5       **4A. (1) The Minister may enter into an agreement with the govern-**  
ment of any self-governing territory that the roads board, a board or a  
core city may exercise such powers, perform such functions and spend  
such money on behalf of or in any area within such self-governing  
territory, as may be agreed upon.

10       (2) For the purposes of this Act, any area referred to in subsection (1)  
shall as from the date of the agreement, on the conditions therein referred  
to and for the purposes of the agreement, be deemed to form a portion  
of any metropolitan transport area within the Republic as may be  
determined in the agreement.”

## Amendment of section 6 of Act 78 of 1977

15       5. Section 6 of the principal Act is hereby amended by the insertion after  
paragraph (f) of subsection (1) of the following paragraph:

“(fA) lay down guidelines for programmes in respect of maintenance and the  
periodic updating thereof;”.

## Amendment of section 10 of Act 78 of 1977

20       6. Section 10 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of the following paragraph:

“(b) defray a specified part of the expenditure incurred by **[the National  
Institute] any person or body** in connection with urban transport  
research;”;

25       (b) by the substitution for paragraphs (e) and (f) of the following paragraphs,  
respectively:

30       “(e) make a grant for defraying a specified part of the cost of equipment, of  
land and of establishing road facilities and incidental facilities, in  
substitution for or for improving public passenger service facilities and  
required in terms of an approved transport plan, and for the use of  
land in connection therewith **[provided the service concerned is not any  
suburban railway service referred to in paragraph (i)]**;

35       (f) make a grant to any person conducting in any metropolitan transport  
area a public passenger transport service **[provided the service con-  
cerned is not subsidized by the State]**”;

(c) by the insertion after paragraph (f) of the following paragraph:

“(fA) make a grant for defraying the costs incurred in respect of mainte-  
nance as provided for in a programme in respect of maintenance;”;  
and

40       (d) by the substitution for paragraph (k) of the following paragraph:

45       “(k) defray the cost or part of the cost incurred by any officer of the  
**[commission] roads board** in using his private transport, with the prior  
approval of the **[commission] roads board**, for the purposes of his  
official functions, at such tariff as the **[Secretary for] Director-  
General: Transport** may from time to time determine in respect of the  
class of motor vehicle such officer so uses;”.

## Substitution of section 12 of Act 78 of 1977

7. The following section is hereby substituted for section 12 of the principal Act:

**“Appointment of Metropolitan Advisory Boards**

50       **12. (1) Where no regional services council has become the core city in**  
terms of the provisions of section 4 (3), the Administrator concerned  
shall appoint a Metropolitan Transport Advisory Board.

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- 5 (2) If a regional services council is the core city, the regional services council may in its discretion appoint a Metropolitan Transport Advisory Board, and, in the case of the regional services council not appointing a Metropolitan Transport Advisory Board, the regional services council shall perform all functions entrusted to a board by or under this Act.”.

## Amendment of section 13 of Act 78 of 1977

8. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) A board shall consist of—
- 10 (a) the chairman designated in terms of section 11;
- (b) one member nominated by the roads board;
- 15 (c) not more than three members nominated by the Administrator from a list of persons nominated by the departments of State which in the opinion of the Administrator are concerned with urban transport, and the Provincial Administration concerned: Provided that a member, if any, nominated by the Provincial Administration, shall not be a member of the regional services council concerned;
- 20 (d) two members nominated by and in respect of the core city of the metropolitan transport area concerned, and one member nominated by and in respect of every other local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in such metropolitan transport area;
- 25 (e) not more than two members nominated jointly by such bodies, excluding the bodies referred to in paragraph (f), as in the opinion of the Administrator concerned are representative of organized commerce and industry in the metropolitan transport area concerned;
- 30 (f) not more than three members nominated jointly by such bodies as in the opinion of the Administrator concerned are representative of public transport operators, including public transport operators conveying passengers for hire or reward in the metropolitan transport area concerned;
- (g) one member who in the opinion of the Administrator concerned is representative of road and public transport users in the metropolitan transport area concerned;
- 35 (h) not more than two members who in the opinion of the Administrator concerned have special knowledge with regard to urban transport matters; and
- (i) such number of persons as may be agreed upon in terms of section 4A to represent any metropolitan transport area situated in a self-governing territory on the conditions stipulated in the agreement.”.

## 40 Amendment of section 17 of Act 78 of 1977

9. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (g) of the following paragraph:
- 45 “(g) with a view to co-ordination concerning urban transport matters, [maintain contact with] remain continually informed as to the transport problems, needs, policies and planning of any other local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in its metropolitan transport area, the Department of Transport, the Provincial Administration concerned and the operators and users of public transport within its metropolitan transport area [and with the South African Railways Administration];” and
- 50 (b) by the addition of the following paragraph:
- “(l) conduct a programme to involve the public, in the manner prescribed by regulation, in the planning of urban transport facilities.”.

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**Substitution of word in Act 78 of 1977**

10. The principal Act is hereby amended by the substitution for the word "commission", wherever it occurs, of the words "roads board".

**Short title and commencement**

5 11. This Act shall be called the Urban Transport Amendment Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.