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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1519.

1 Augustus 1980.

No. 1519.

1 August 1980.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg 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:—

No. 91 van 1980: Wysigingswet op Padvervoer, 1980.

No. 91 of 1980: Road Transportation Amendment Act, 1980.

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 Road Transportation Act, 1977, so as to further define the expressions "decentralized industry" and "Minister"; to qualify certain of the circumstances under which the conveyance of persons or goods shall not be deemed to be motor transportation; to empower the National Transport Commission at any time to cause an inquiry to be instituted into the financial circumstances and operating practices of any holder of a certain kind of public road carrier permit; to make further provision with regard to the appointment by the Minister of Transport Affairs of an alternate to a member of a local road transportation board who has recused himself in any particular matter; to circumscribe more precisely the right of appeal to the said commission against certain acts, directions or decisions of local road transportation boards; to determine that the coming into effect of certain tariff increases shall not be suspended under certain circumstances; to further determine the manner in which application shall be made for or in respect of any public road carrier permit, and the manner in which and the time within which representations objecting to certain applications shall be submitted to the said commission or the local road transportation board concerned; to permit holders of public road carrier permits for the conveyance of persons for reward on certain conditions to increase their tariffs for such conveyance in proportion to any increase in the price of petroleum fuel; to expressly empower the said commission and local road transportation boards to refuse to consider certain applications for or in respect of road carrier permits or representations objecting to certain of such applications, and in this respect to adjust the power to make regulations; to further regulate the publication of particulars of applications for or in respect of public road carrier permits; to empower the said commission and local road transportation boards to provide interested parties with copies of certain documents; to enable, and under certain circumstances to compel, the said commission and local road transportation boards in considering applications for or in respect of road carrier permits or in reconsidering any condition, requirement or authority contained in any road carrier permit, to give consideration to the promotion of economy in the use of petroleum fuel; to make other provision as to the burden of proof resting on applicants for certain public road carrier permits; to oblige any person carrying on any industry, trade or business to apply for a public road carrier permit authorizing his conveyance of his employees between their places of employment and their places of residence, and to enable such a person to apply for a private road carrier permit authorizing his conveyance of goods which

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he has undertaken to maintain, clean, renovate, repair or alter in the course of that industry, trade or business; to empower the said commission and a designated member thereof, and local road transportation boards and the chairmen thereof, to grant written permission for the temporary replacement, under certain circumstances, of a motor vehicle to which a public or private road carrier permit relates, and to compel the holder of the permit in question to keep that permit and that permission on the replacement motor vehicle and to produce them on demand to any authorized officer; to alter the circumstances under which local authorities are to be given an opportunity to submit representations in regard to certain proposed action by the said commission or the local road transportation board concerned in respect of certain public road carrier permits; to effect certain textual alterations; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 1 July 1980.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Road Transportation Act, 1977 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution in subsection (1) for the definition of “decentralized industry” of the following definition: Amendment of section 1 of Act 74 of 1977, as amended by section 1 of Act 93 of 1979.
- “‘decentralized industry’ means [a factory or workshop] any undertaking which is engaged in the manufacture of any article or part of any article and which—
- (a) is situated within an area declared to be a decentralized industrial area under section 2 (c) and which, prior to such declaration—
- (i) was situated elsewhere and had been transferred thereto; or
- (ii) was established in that area under any scheme of expansion of an undertaking which is not situated in that area; or
- (b) after an area has been declared to be a decentralized industrial area under section 2 (c), is established in that area; or
- (c) is situated in an area declared to be a decentralized industrial area under any law governing road transportation in any self-governing territory as defined in section 38 of the Black States Constitution Act, 1971 (Act No. 21 of 1971);”;
- (b) by the substitution in subsection (1) for the definition of “Minister” of the following definition: “‘Minister’ means the Minister of Transport Affairs;”;
- (c) by the substitution for paragraph (h) of subsection (2) of the following paragraph:
- “(h) the conveyance [by or on behalf of any person] of persons as contemplated in the definition of ‘lift club’ in section 1 (1) of the Compulsory Motor Vehicle Insurance Act, 1972 (Act No. 56 of 1972) [by means of a motor-car insured in terms of the Compulsory Motor Vehicle Insurance Act,

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- 1972 (Act No. 56 of 1972), of persons for the benefit of any other person, as a consideration for a similar reciprocal conveyance performed or to be performed by or on behalf of such other person, if no other reward is received for such conveyance];”;
- 5 (d) by the deletion of paragraph (i) of subsection (2);
- (e) by the insertion after paragraph (k) of subsection (2) of the following paragraph:
- 10 “(kA) the conveyance by any person who carries on any industry, trade or business, of his employees from any place where they perform any work in the course of that industry, trade or business to any other place where they are so to perform any work, by means of a motor vehicle of which he is the owner;”;
- 15 (f) by the substitution for paragraph (x) of subsection (2) of the following paragraph:
- 20 “(x) the conveyance [of goods] for reward, by a carrier [in the manner and on the conditions prescribed by regulation exclusively] within an area with a radius of 40 kilometres from such carrier’s business address from where business is [actually] actively undertaken, of goods offered within that area for conveyance, from any place within that area to any destination of those goods within that area or to any railway station within that area, by means of a motor vehicle which is identified in the manner prescribed by regulation and which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area, provided, in the case where the carrier concerned has more than one business address, the place from where the goods concerned are being conveyed and the said destination or railway station are not situated in any other such area;”;
- 25 (g) by the substitution for paragraph (y) of subsection (2) of the following paragraph:
- 30 “(y) the conveyance [in the manner and on the conditions prescribed by regulation] by a person who carries on any industry or trade or business, [of his own goods] in the course of [his] that industry or trade or business, [exclusively] within an area with a radius of 80 kilometres from any place where he actively carries on such industry, trade or business, of his own goods from any place within that area to any destination of those goods within that area or to any railway station within that area, by means of a motor vehicle of which such person is the owner, [and] which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area [provided such motor vehicle] and which is identified in the manner prescribed by regulation, provided, in the case where the said person carries on his industry, trade or business at more than one place, the place from where the goods concerned are being conveyed and the said destination or railway station are not situated in any other such area;”.
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2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (g) of subsection (1) of the following subsection: Amendment of section 3 of Act 74 of 1977.

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“(g) **When the holder of a public permit applies for the raising of tariffs for the conveyance of persons by means of a bus** at any time cause an inquiry to be instituted **regarding** into the financial circumstances and operating practices of **such holder** the holder of a public permit which authorizes the conveyance of persons by means of a bus, by **means of** a person appointed by it for that purpose and, if the holder is a company, also into any other company in a group of companies to which the holder belongs or of which the holder is the controlling company.”

3. Section 4 of the principal Act is hereby amended—

Amendment of section 4 of Act 74 of 1977.

(a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“Of the members of a board other than the chairman and subject to the provisions of subsection (7A)—”;

(b) by the substitution for subsection (5) of the following subsection:

“(5) The chairman of any board may, subject to the provisions of subsection (8) (b), also be the chairman of any other board, and whenever the chairman of any board, or any person appointed under subsection (7) or (7A) to act in place of such chairman, is unable to attend any meeting of that board, such chairman or person may designate any other member of that board, including any member appointed under any of the said **subsection** subsections, to act as chairman at that meeting.”;

(c) by the substitution for subsection (7) of the following subsection:

“(7) Whenever a member of a board vacates his office or is removed therefrom or is temporarily unable to perform his functions as such **or has recused himself**, the Minister may appoint any person whom he considers suitable, to act in place of such member for such period, not exceeding 12 months, as the Minister may deem necessary, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may determine with the concurrence of the Minister of Finance.”;

(d) by the insertion after subsection (7) of the following subsection:

“(7A) Whenever a member of a board has recused himself in any particular matter, the Minister may, without complying with the provisions of subsection (3), appoint any person whom he considers suitable, to act with regard to that particular matter in place of such member, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may determine with the concurrence of the Minister of Finance.”;

(e) by the addition to subsection (8) of the following paragraph, the existing subsection becoming paragraph (a):

“(b) A person appointed under subsection (7A) to act in place of any member of a board who is the holder of the office of chairman of two or more boards, shall be deemed to have been appointed to act, with regard to the particular matter referred to in that subsection, as chairman of the board charged with that matter.”; and

(f) by the substitution for subsection (10) of the following subsection:

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“(10) The Minister shall, save in the case of an appointment under subsection (7) or (7A), consult the commission before making any appointment under this section.”

5 4. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 8 of Act 74 of 1977.

“(1) Save as otherwise provided in this Act, any person who—

- 10 (a) has applied to a board for the grant, renewal, amend-
ment or transfer of any permit;
- (b) is the holder of any permit issued by a board;
- 15 (c) in the manner and within the time prescribed by regulation, submitted representations to the board concerned objecting to or supporting any application published under section 14 (1) or any application for the grant, renewal or amendment of a private permit,
- 20 and is affected by any act, direction or decision of [a] that board, may, in the manner prescribed by regulation, within 21 days after the said act was performed or the said direction or decision was given by the board concerned, appeal against such act, direction or decision to the commission.”

5. The following section is hereby inserted in the principal Act after section 8: Insertion of section 8A in Act 74 of 1977.

25 “Coming into operation of certain tariff increases not to be suspended pending judgment in court proceedings in connection with such increases.

30 **8A.** Whenever the commission or a board has, in the case of a public permit authorizing the conveyance of persons for reward, imposed a requirement or condition that such conveyance shall be undertaken at tariffs approved or laid down by the commission or that board, as the case may be, and the commission or the competent board thereafter on application in terms of section 12 (2), or the commission thereafter in the exercise of any power conferred upon it by section 8 (2) (b) (i) or (2) (c), amends that requirement or condition by increasing any of the tariffs so approved or laid down, the coming into operation of the tariffs so increased shall not be suspended pending final judgment in any proceedings in a court of law in connection with such amendment.”

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6. The following section is hereby substituted for section 12 of the principal Act: Substitution of section 12 of Act 74 of 1977.

40 “Application in respect of a public permit.

45 **12.** (1) Any person who desires to undertake any road transportation other than road transportation which may be authorized by the issue of a private permit or temporary permit, [may] shall apply in the manner prescribed by regulation to the commission or a competent board for the grant of a public road carrier permit authorizing him to do so.

50 (2) Any holder of a public permit may apply [in the manner prescribed by regulation] to the commission or the competent board, as the case may be, for the renewal or amendment of such permit, and any such application shall be made in the manner prescribed by regulation.

55 (3) Any person [may] who desires to take transfer of a public permit, shall apply in the manner prescribed by regulation and with the written consent of the holder of [a] the [public] permit in question, to the commission or the competent board, as the case may be, for the transfer of such permit to him.”

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7. The following section is hereby inserted in the principal Act after section 12:

Insertion of section 12A in Act 74 of 1977.

5 "Increase of certain tariffs prior to application for amendment of relevant public permit.

10 12A. Whenever the commission or a board has under any provision of this Act directed the holder of a public permit authorizing the conveyance of persons for reward, to comply with a requirement or condition, imposed by the commission or that board, as the case may be, that such conveyance shall be undertaken at tariffs approved or laid down by the commission or the said board, as the case may be, that holder may at any time after any increase in the price of petroleum fuel in the Republic, increase such tariffs by so much, but by not more than 10% of such tariffs, as will enable him to recover his increased expenditure on petroleum fuel resulting directly from that increase in the price of petroleum fuel, provided the said holder applies, within 10 days after the coming into effect of any tariff so increased, in accordance with the provisions of section 12 (2) to the commission or the competent board, as the case may be, for an appropriate amendment of the relevant permit."

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8. Section 13 of the principal Act is hereby amended—

Amendment of section 13 of Act 74 of 1977.

25 (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

30 "Subject to the provisions of this Act, the commission or a board shall receive and consider any application for for in respect the grant, renewal, amendment or transfer of a public road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—"; and

(b) by the insertion in subsection (2) of the following paragraphs after paragraph (b):

35 "(bA) The commission or a board may refuse to consider any application for the grant, amendment or transfer of a public permit or any representations objecting to such application if the applicant or the person who submits those representations, as the case may be, has not paid the fee prescribed by regulation in connection with that application or the said representations, as the case may be.

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(bB) The commission or a board shall not consider an application for the renewal of a public permit granted for a fixed period unless the application, together with the fee prescribed by regulation in connection with that application, has been received by the commission or the board concerned, as the case may be, before the date on which that permit expires."

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50 9. Section 14 of the principal Act is hereby amended—

Amendment of section 14 of Act 74 of 1977.

(a) by the substitution for subsection (1) of the following subsection:

55 "(1) The commission or a board—
(a) shall, before considering any application for the grant, amendment (other than an amendment referred to in paragraph (b)) or transfer of a public permit; and

(b) may, before considering any application for—
(i) the renewal of such a public permit; or
(ii) the amendment as contemplated in section 12A of such a permit; or
(iii) the amendment of such a permit so as to authorize the permanent replacement of a motor vehicle specified in that permit, by a

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motor vehicle of which the carrying capacity differs by not more than 20% from that of the first-mentioned motor vehicle,

5 publish in the *Gazette* **["full"]** such particulars of **["such"]** the application as may be prescribed by regulation **["in the *Gazette*"]**”;

(b) by the substitution for subsection (2) of the following subsection:

10 “(2) Any interested person who desires to submit representations to the commission or the board concerned, as the case may be, objecting to or supporting an application published under subsection (1), **["may"]** shall submit such representations in the manner and within the time prescribed by regulation **["submit representations"]** to the commission or **["the"]** that board **["concerned"]**, as the case may be, **["objecting to or supporting an application published under subsection (1)"]** and the commission or that board **["concerned"]**—

20 (a) shall allow any such person who, within the time so prescribed, submits representations objecting to an application, to inspect free of charge, and to make copies **["free of charge"]** of, the completed application form of the applicant, together with any other **["documents"]** document which the applicant has submitted with his application form, at the office of the commission or that board, as the case may be, where that application form or such other document is being kept; and

30 (b) may, at the request of any such person who so submits such representations, provide him with copies of the application form in question and of any such other document, on payment of the fee prescribed by regulation.”; and

35 (c) by the insertion after subsection (2) of the following subsection:

40 “(2A) The commission or a board shall, in the case of an application published under subsection (1), allow the applicant to inspect free of charge, and to make copies of, any representations objecting to or supporting his application at the office of the commission or that board, as the case may be, where those representations are being kept, and may, at the request of that applicant, provide him with copies of the representations referred to, on payment of the fee prescribed by regulation.”.

10. Section 15 of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

Amendment of section 15 of Act 74 of 1977.

50 “(c) the existing transportation facilities available to the public in that area or over that route or between those points, whether or not there will be a saving in the consumption of petroleum fuel resulting from the intended road transportation and, if there will be no such saving, whether or not justification exists, in all the circumstances of the case, for the consumption of petroleum fuel which the intended road transportation will occasion;”;

(b) by the substitution for subparagraph (i) of paragraph (a) of subsection (2) of the following subparagraph:

60 “(i) such existing transportation facilities are not satisfactory and sufficient to meet the transportation requirements of the public in that area or along that route or between those points; **["or"]** and”;

65 (c) by the insertion after subparagraph (i) of paragraph (a) of subsection (2) of the following subparagraph:

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“(iA) he has the ability to provide in a manner satisfactory to the public the transportation for which the permit is sought; and”;

- 5 (d) by the substitution for subparagraph (iv) of paragraph (a) of subsection (2) of the following subparagraph:
 “(iv) he belongs to the same class as the majority of the persons to be served by the transportation service for which the permit is sought, and that it is in the interests of such persons desirable to grant him the permit **[and]**.”; and
 10 (e) by the deletion in subsection (2) of subparagraph (v) of paragraph (a).

11. The following section is hereby substituted for section 17 of the principal Act: Substitution of section 17 of Act 74 of 1977.

- 15 “Application in respect of a private permit. 17. (1) Any person who carries on any industry or trade or business and who—
 (a) wishes to convey, in the course of such industry, trade or business, goods acquired or sold or otherwise disposed of by him, by means of a motor vehicle of which he is the owner, between any place where he carries on such industry, trade or business and any place situated outside any exempted area or outside any area mentioned in section 1 (2) (y);
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 25 (b) **[subject to the provisions of section 1 (2) (k), wishes to convey his own employees by means of a motor vehicle of which he is the owner—**
 (i) from any place where they are or have been employed in the course of such industry, trade or business to any other place where they are to be so employed; or
 (ii) between any place where they are to be or have been employed in the course of such industry, trade or business, and their place of residence]
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 35 wishes to convey any goods which he has undertaken to maintain, clean, renovate, repair or alter for any other person in the course of such industry, trade or business, by means of a motor vehicle of which he is the owner, between any place where he carries on such industry, trade or business and any place where he collects those goods in order so to deal with them or delivers those goods having so dealt with them,
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 45 **[may] shall in the manner prescribed by regulation apply to the commission or the competent board for the grant of a private road carrier permit authorizing such conveyance by him on a public road.**
 50 (2) Any holder of a private permit may **[in the manner prescribed by regulation]** apply to the commission or the competent board for the renewal or amendment of such permit, and any such application shall be made in the manner prescribed by regulation.”
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12. Section 18 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 60 “Subject to the provisions of this Act, the commission or a board shall receive and consider any application for **[or in respect]** the grant, renewal or amendment of a private road carrier permit made or referred to it thereunder, and may thereafter, in

Amendment of section 18 of Act 74 of 1977.

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its discretion but subject to the provisions of subsections (2), **[and] (3) and (4)**—”;

(b) by the substitution for subsection (2) of the following subsection:

- 5 “(2) Any interested person—
 (a) who applies therefor within the period prescribed by regulation—
 (i) shall be allowed by the commission or the
 10 board concerned, as the case may be, to inspect free of charge the completed **[form of]** application form of the applicant, together with any other document which the applicant has submitted with his **[form of]** application form, and to make copies thereof **[free of charge]**, at the office of the commission or
 15 that board, as the case may be, where that application form or such other document is being kept;
 (ii) may be provided by the commission or that
 20 board with copies of the application form in question and of any such other document, on payment of the fee prescribed by regulation;

(b) **[may in the manner and within the time similarly prescribed, submit]** who desires to
 25 **submit** representations to the commission or the board concerned, as the case may be, objecting to or supporting any application mentioned in subsection (1), shall submit such representations to the commission or the said board, as the case may be, in the manner and within the time similarly prescribed, and the commission or **[such]** that
 30 board shall take any representations so submitted into account in disposing of such application.”;

(c) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

35 “(b) **[in the case of any application relating to the goods mentioned in section 17 (1) (a)]** that it would be unreasonable under the circumstances to expect the applicant to make use of any available
 40 railway service for the conveyance of the goods to which the application relates, notwithstanding that the railway tariffs concerned shall be deemed to be reasonable.”;

(d) by the substitution for subsection (4) of the following subsection:

45 “(4) In deciding whether an application for the grant, renewal or amendment of a private permit **[authorizing road transportation contemplated in section 17 (1) (b) (ii)]** shall be granted or refused, and in determining conditions and requirements to which any such permit
 50 shall be made subject, the commission or a board shall **[take into]** give consideration to the **[provisions of section 15 (1) (b), (c), (e) and (l)]** promotion of economy in the use of petroleum fuel.”; and

55 (e) by the addition of the following subsection:

60 “(5) The commission or a board shall not consider an application for the renewal of a private permit granted for a fixed period unless the application, together with the fee prescribed by regulation in connection with that application, has been received by the commission or the board concerned, as the case may be, before the date on
 65 which that permit expires.”

13. Section 20 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

Amendment of section 20 of Act 74 of 1977.

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5 “(1) Any person **[may]** who desires to undertake road transportation of a temporary nature, shall in the manner prescribed by regulation apply to the commission or a competent board for the grant of a temporary road carrier permit authorizing him to undertake such road transportation **[of a temporary nature and]** upon a particular date or in connection with a particular occurrence, and the onus of proving the necessity for the intended road transportation shall be upon the applicant.”; and

10 (b) by the substitution for subsection (3) of the following subsection:

15 “(3) The commission or a board shall not grant any application for a temporary permit if, in its opinion, reasonable transportation facilities exist by means of which the persons or goods in respect of which such permit is sought can be conveyed and if no justification exists, in all the circumstances of the case, for the consumption of petroleum fuel which the intended road transportation will occasion.”

14. The following section is hereby inserted in the principal Act after section 23:

Insertion of section 23A in Act 74 of 1977.

25 “Temporary replacement of motor vehicle to which permit relates.

23A. The commission or a member thereof designated by the chairman of the commission for that purpose, or the board which has granted the public or private permit concerned or the chairman of that board, may at will grant written permission for any motor vehicle the carrying capacity of which differs by not more than 20% from that of a motor vehicle to which any public or private permit relates, to be used for such fixed period not exceeding 21 days as it or he may determine, by the holder of the permit in question for the road transportation authorized by that permit, in place of the last-mentioned motor vehicle which has become defective or, due to an accident, has been temporarily withdrawn from service, and the first-mentioned motor vehicle shall thereupon, during the period referred to, for purposes of this Act be deemed to be the motor vehicle to which the permit in question relates.”

15. Section 24 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 24 of Act 74 of 1977.

45 “(a) except where the commission has directed otherwise, carry the written permission referred to in section 23A, if any, and the permit on the motor vehicle to which **[it relates]** they relate, and produce **[it]** **them** on demand to any authorized officer;”.

50 16. Section 25 of the principal Act is hereby amended—
(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

Amendment of section 25 of Act 74 of 1977.

55 “(c) if the commission or that board deems it necessary with a view to the promotion of economy in the use of petroleum fuel, or for any other reason, of its own accord cancel or vary any condition or requirement of, or add any condition or requirement to, or define, redefine, curtail or otherwise amend, the authority contained in any **[permit referred to in paragraph (a)]** **public or private permit granted by it.**”; and

60 (b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

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5 “(c) in the case of a public permit authorizing the daily conveyance of persons [by means of a bus] within or to or from the area of jurisdiction of a local authority, such local authority has been given an opportunity to submit representations, in the manner and within the time prescribed by regulation, to the commission or the board concerned in regard to the proposed action.”.

10 17. Section 30 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph: Amendment of section 30 of Act 74 of 1977.

15 “(d) prescribing the powers of the commission or a board upon the failure by any person to pay any fee prescribed under paragraph (b) or (c), including the power to refuse to consider the application (except an application referred to in section 13 (2) (bA) or (bB) or 18 (5)) or appeal in question or issue the document in question, or to suspend or withdraw the permission in question;”.

20 18. Section 31 of the principal Act is hereby amended— Amendment of section 31 of Act 74 of 1977.
(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

25 “(b) being the holder of a permit, undertakes road transportation otherwise than in accordance with the provisions of such permit, or, subject to the provisions of section 12A, contravenes or fails to comply with any condition or requirement [thereof] of a permit or any provision of section 24; or”; and

30 (b) by the substitution for subparagraph (ii) of paragraph (c) of subsection (1) of the following subparagraph:

35 “(ii) subject to the provisions of section 12A, makes any charge for such conveyance which is not in accordance with any tariff set forth in such permit or which he may have been required to publish in terms of such permit; or”.

19. This Act shall be called the Road Transportation Amend- Short title and commencement
ment Act, 1980, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.