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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1049. 15 June 1977.

No. 1049. 15 Junie 1977.

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

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

No. 74 of 1977: Road Transportation Act, 1977.

No. 74 van 1977: Wet op Padvervoer, 1977.

# ACT

To provide for the control of certain forms of road transportation and for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 7 June 1977.)*

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

## Definitions.

1. (1) In this Act, unless the context otherwise indicates—
  - (i) "Administrator" includes the Administrator of the Territory; (i)
  - (ii) "authorized officer" means an inspector, any member of the South African Police, any member of the South African Railways Police Force in respect of any place whether within or beyond the limits of the railways as defined in section 1 (1) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), or of the harbours as defined in the said section, or any person in the service of a provincial administration or a local authority whose duty it is to inspect motor vehicles or licences for motor vehicles or to control traffic; (viii)
  - (iii) "board" means a local road transportation board established in terms of section 4; (xxix)
  - (iv) "bus" means a motor vehicle designed or adapted for the conveyance of more than nine persons (including the driver); (iii)
  - (v) "carrier" means a person whose business it is to convey persons or goods for reward; (xiii)
  - (vi) "class", in relation to persons, includes population group; (xiv)
  - (vii) "commission" means the National Transport Commission mentioned in section 3 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948); (xv)
  - (viii) "competent board", in relation to—
    - (a) an application for the grant, renewal, amendment or transfer of a permit, means a board which in terms of section 7 (1) (c) has jurisdiction to deal with such application;
    - (b) a permit issued by a board, means the board which issued such permit; (ii)
  - (ix) "decentralized industry" means a factory or workshop situated within an area declared to be a decentralized industrial area under section 2 (c); (vi)
  - (x) "distinguishing mark" means a distinguishing mark contemplated in section 24 (1) (e); (xix)
  - (xi) "exempted area" means an area declared to be an exempted area under section 2 (b); (xxxviii)

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- (xii) "exempted goods" means goods declared to be exempted goods under section 2 (d); (xxxix)
- (xiii) "goods" includes livestock; (ix)
- (xiv) "goods vehicle" means a motor vehicle designed or adapted for the conveyance of goods; (xxxvii)
- (xv) "hired motor vehicle" does not include a hired motor vehicle if the hirer is, in terms of the definition of "owner" in this subsection, its owner; (vii)
- (xvi) "holder", in relation to a permit, means the person in whose favour such permit was issued; (xi)
- (xvii) "inspector" means a road transportation inspector designated as such under section 11; (xii)
- (xviii) "local authority" means any institution, council or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes—
  - (a) the government of any territory which has been declared a self-governing territory within the Republic by or under any Act of Parliament;
  - (b) the government of any area for which a legislative assembly or a legislative council has been established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), or the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968);
  - (c) any Bantu territorial, regional or tribal authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951);
  - (d) any Bantu Affairs Administration Board established by the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971);
  - (e) the Bantu Resettlement Board established by the Bantu Resettlement Act, 1954 (Act No. 19 of 1954); (xxvi)
- (xix) "Minister" means the Minister of Transport; (xvi)
- (xx) "motor-car" means a motor vehicle designed or adapted for the conveyance of not more than nine persons (including the driver); (xvii)
- (xxi) "motor vehicle" means any vehicle (other than a motor bicycle) designed or adapted for propulsion or haulage on a road by means of any power other than human or animal power and without the aid of rails, and includes any trailer, but does not include such vehicle also designed or adapted exclusively for towing another vehicle, and not used for the conveyance of goods; (xviii)
- (xxii) "owner", in relation to a motor vehicle registered in any area under the law governing the registration of motor vehicles in force in that area, means the person who for the purposes of that law is its owner; (iv)
- (xxiii) "permit" means a public permit, private permit or temporary permit; (xxv)
- (xxiv) "private permit" means a private road carrier permit granted under section 18; (xxvii)
- (xxv) "province" includes the Territory, and "provincial" has a corresponding meaning; (xxviii)
- (xxvi) "public permit" means a public road carrier permit granted under section 13; (xxii)
- (xxvii) "public road" means any road declared or recognized as a public road under any law, and includes any road, street or thoroughfare or other place (whether a thoroughfare or not) to which the public or any section of the public has a right of access; (xxi)
- (xxviii) "railway service" means a transportation service operated over any line of railway constructed by or on behalf of the Railways Administration or any private person or any juristic person, by virtue of an Act of Parliament; (xxxiii)

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- (xxix) "regulation" means a regulation made under section 30;
- (xxx) "Republic" includes the Territory; (xxxi)
- (xxxi) "road transportation" means, subject to the provisions of subsection (2)—
- (a) the conveyance of persons or goods on a public road by means of a motor vehicle for reward;
  - (b) the conveyance of persons or goods on a public road by means of a motor vehicle in the course of any industry or trade or business;
  - (c) the conveyance of persons on a public road by means of a hired bus (excluding a hired bus if the hirer is, in terms of the definition of "owner" in this subsection, its owner);
  - (d) the conveyance of goods on a public road by means of a hired motor vehicle; (xxiii)
- (xxxii) "road transportation service" means a transportation service operated over a public road, by means of a motor vehicle and for reward, under a public permit; (xxiv)
- (xxxiii) "temporary permit" means a temporary road carrier permit granted under section 20; (xxxiv)
- (xxxiv) "Territory" means the territory of South West Africa; (v)
- (xxxv) "this Act" includes the regulations; (x)
- (xxxvi) "trailer" means a vehicle designed or adapted for the conveyance of persons or goods; (xxxii)
- (xxxvii) "transportation area" means an area declared to be a local road transportation area under section 2 (a); (xxxv)
- (xxxviii) "transportation facilities" means a railway service or road transportation service; (xxxvi)
- (xxxix) "unauthorized road transportation" means road transportation not authorized by any permit and includes road transportation undertaken by the holder of a permit otherwise than in accordance with the provisions of such permit. (xx)

(2) For the purposes of this Act, the conveyance of persons or goods contemplated in the definition of "road transportation" in subsection (1) shall be deemed not to include the following, namely—

- (a) the conveyance of farm products (excluding processed farm products of which the conveyance has been prohibited under section 2 (e)) by the producer thereof who is a farmer, by means of a motor vehicle of which he is the sole owner;
- (b) the conveyance by an individual farmer (including a partnership or company carrying on farming operations) by means of a motor vehicle of which he is the sole owner, of such farmer's farming requisites to a place situated within the Republic where he carries on farming operations and where he intends using them, or his farm labourers—
  - (i) from any place where they have been recruited to any place where he may require them in his farming operations; or
  - (ii) from any place where they are or have been employed in his farming operations to any other place where he may require them in his farming operations or where another farmer may require them in his farming operations, or to the place where they have been recruited; or
  - (iii) between any place where they have been or are to be so employed and the railway station or bus stop most convenient for their conveyance to any other place to which they are to be conveyed by rail or by bus or to the place where they are to be so employed; or
  - (iv) between any place where they have been recruited and the railway station or bus stop most convenient for their conveyance to any other place to which they are to be conveyed by rail or by bus,

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- and for the purposes of this paragraph labourers employed by a co-operative society, registered as such under the law relating to co-operative societies, of which such farmer is a member, or prisoners as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), who are or have been or are to be employed by a farmer in his farming operations, shall be deemed to be such farmer's farm labourers;
- (c) any conveyance (other than the conveyance of persons or goods for reward) by a local authority by means of a motor vehicle of which such local authority is the owner, within the area of its jurisdiction and between such area and any other area controlled by such local authority or in which it provides any public service or carries on any undertaking;
- (d) the conveyance by a local authority, by means of a motor vehicle of which such local authority is the owner, of prisoners as defined in section 1 of the Prisons Act, 1959, who are or have been or are to be employed by such local authority;
- (e) the conveyance, by means of a motor vehicle, of a patient to any place where he is to receive medical treatment from a person authorized to administer such treatment in terms of any law relating to the medical profession, or from any place where he has received such treatment;
- (f) the conveyance (including the towing), by means of a motor vehicle, of another motor vehicle which has become defective, to a place for its repair or storage, or of persons or goods who or which were being conveyed by means of such other motor vehicle at the time when it became defective, to that place or any other place, provided, if the conveyance of such persons or goods by means of such other motor vehicle at the time when it became defective constituted road transportation, such conveyance was authorized by a permit, and their conveyance by means of the first-mentioned motor vehicle is undertaken in accordance with the provisions of such permit and such permit is carried on such first-mentioned motor vehicle for production on demand to any authorized officer;
- (g) the conveyance by any person, by means of a motor vehicle of which he is the owner, of goods belonging to any other person, as a consideration for a similar reciprocal conveyance performed or to be performed by such other person, where the conveyance, if done by either party by means of a motor vehicle of which he is the owner, and in respect of his own goods, would not constitute road transportation;
- (h) the conveyance by or on behalf of any person, by means of a motor-car insured in terms of the Compulsory Motor Vehicle Insurance Act, 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;
- (i) the conveyance by or on behalf of any person, by means of a motor-car insured in terms of the Compulsory Motor Vehicle Insurance Act, 1972 (Act No. 56 of 1972), of any other person as a consideration for a similar reciprocal conveyance of the first-mentioned person performed or to be performed or on behalf of such other person by means of a motor-car so insured, if no other reward is received for such conveyance;

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- (j) the conveyance by an hotel of its own guests only and their personal effects between such hotel and the nearest or most convenient railway station, airways terminal, airport or port, by means of a motor vehicle identified in the manner prescribed by regulation and of which the hotel is the sole owner;
- (k) the conveyance, in the course of any industry or trade or business, of persons and goods (excluding the conveyance of an employee between his place of residence and his place of work) by means of a motor-car if no reward is received for such conveyance;
- (l) the conveyance of goods by means of a goods vehicle of which the carrying capacity does not exceed one thousand kilograms;
- (m) the conveyance, in connection with the performance of his duties, by an employee of the State or a State-aided body or a local authority, by means of a motor vehicle of which such employee is the owner and which is used by him in the performance of those duties, of any person in respect of whose conveyance that employee is entitled to receive any reward from the State or such State-aided body or local authority;
- (n) the daily conveyance of school children and teachers to or from the school which they attend, as well as the conveyance of school children and teachers for the purpose of sports or recreation or on holiday, sightseeing or educational tours by means of a bus of which such school is the sole owner or which, in terms of an agreement, is set apart for the use of that school;
- (o) the conveyance of any coffin or corpse, excluding the conveyance of coffins for the purpose of supplementing stock;
- (p) the conveyance for reward, by the Railways Administration by means of any goods vehicle of which it is the owner, of goods that have been or are to be conveyed by rail, between any railway station and any place situated within a radius of twenty-five kilometres from such railway station;
- (q) the conveyance at rail rates by the Railways Administration, by means of any goods vehicle of which it is the owner, of goods dispatched from or destined for a decentralized industry and which have been tendered to and accepted by it for conveyance by rail, from the railway station of dispatch to the railway station of destination;
- (r) the conveyance by the Railways Administration, by means of a motor vehicle of which it is the owner, of its employees or goods in the course of its business and otherwise than for reward;
- (s) the conveyance for reward, by a person who has been summoned to appear at any place as a witness in a criminal case, of any other person who has been summoned to appear as a witness in that case or in any other criminal case, whether at the same place and on the same day or at any other place or on any other day, to or from the place at which the person conveyed has been summoned so to appear, by means of a motor vehicle of which the first-mentioned person is the owner;
- (t) the conveyance for reward, by any person who has been summoned to appear at any place on any day to give evidence before any commission with reference to which the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), have been declared to be applicable, or before any body established under any law in terms of which that body is empowered to summon persons to appear before it to give evidence, to

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or from the place at which such person has been summoned to appear, of any other person who has been summoned to appear before such commission or body to give evidence on the same day and at the same place, by means of a motor vehicle of which the first-mentioned person is the owner;

(u) the conveyance for reward, by a person who is required to proceed to an appointed place for the purpose of undergoing any training or performing any service or duty in terms of the Defence Act, 1957 (Act No. 44 of 1957), or any regulation made thereunder, or who is returning from such a place after undergoing such training or performing such service or duty, of another person proceeding to that place for such a purpose or returning from that place after having proceeded to that place for such a purpose, by means of a motor vehicle of which the first-mentioned person is the owner;

(v) the conveyance in the manner prescribed by regulation by a decentralized industry in the course of its business of its own goods by means of one goods vehicle only, the carrying capacity of which does not exceed eight thousand kilograms and of which the decentralized industry is the owner, provided such goods vehicle is registered and identified in the manner prescribed by regulation;

(w) the conveyance in the manner prescribed by regulation of goods solely within the boundaries of an exempted area by means of a motor vehicle which is registered within such exempted area under the law governing the registration of motor vehicles in force in that area, provided such motor vehicle is identified in the manner prescribed by regulation;

(x) the conveyance of goods for reward by a carrier in the manner prescribed by regulation exclusively within an area with a radius of forty kilometres from such carrier's business address from where business is actually undertaken, 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;

(y) the conveyance, in the manner prescribed by regulation, by a person who carries on any industry or trade or business, of his own goods in the course of his industry or trade or business exclusively within an area with a radius of eighty kilometres from any place where he carries on such industry, trade or business, 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 is identified in the manner prescribed by regulation;

(z) the conveyance by means of a motor vehicle of exempted goods;

(aa) the conveyance of persons or goods by means of a motor vehicle from any place situated within the territory of the Transkei over the territory of the Republic to any place situated within the said territory of the Transkei, provided no persons or goods are loaded or unloaded while such motor vehicle operates over the territory of the Republic, and provided such conveyance is undertaken in accordance with an agreement which has been entered into between the respective governments of the Republic and the Transkei;

(bb) the conveyance of any person who must necessarily be conveyed in connection with any conveyance, whether of persons or of goods, which in terms of any preceding paragraph does not constitute road transportation.

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General powers of the Minister.

2. The Minister, acting upon the recommendation of the commission, may by notice in the *Gazette*—

- (a) declare any area defined in such notice to be a local road transportation area;
- (b) declare any area defined in such notice to be an exempted area;
- (c) declare any area defined in such notice to be a decentralized industrial area;
- (d) declare any goods defined in such notice to be exempted goods within the areas defined in such notice;
- (e) for the purposes of section 1 (2) (a) prohibit the conveyance of a specific processed farm product or of a specified kind or category of processed farm products;
- (f) declare any public road between any two places or areas or between any place and any area, and described in such notice, to be a transportation route and, with effect from a date specified in such notice, not being a date earlier than twenty-one days after the publication of the notice in the *Gazette*, prohibit the conveyance of goods between such places or areas or such place and such area, as the case may be, under any permit for the conveyance of goods issued under this Act, and notwithstanding anything to the contrary contained in any such permit, on any public road other than the road so declared to be a transportation route;
- (g) prohibit the conveyance of any goods, or of any specified kind or category of goods, under any permit for the conveyance of goods issued under this Act, and notwithstanding anything to the contrary contained in any such permit, on any specified day, or between specified hours of any day, within any specified area or over any specified route: Provided that no prohibition under this paragraph shall come into operation earlier than twenty-one days after the publication of the relevant notice in the *Gazette*;
- (h) for the purposes of section 27 appoint a committee in the manner and for the period and constituted as prescribed by regulation;
- (i) amend or withdraw any notice published under any preceding paragraph of this section.

General powers of the commission.

3. (1) The commission may—

- (a) investigate any matter relating to road transportation in the Republic and submit recommendations thereon to the Minister;
- (b) at the request of the Minister, investigate and report upon any other matter falling within the scope of this Act;
- (c) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act—
  - (i) any application for the grant of a permit made to it under this Act;
  - (ii) any application under this Act for the renewal, amendment or transfer of a permit granted by it;
  - (iii) any application under this Act referred to it by a board in terms of section 7 (2);
- (d) refer any application mentioned in paragraph (c) (i) or (ii) to a competent board to be considered and decided upon or otherwise dealt with, by such board under the powers conferred upon it by this Act;
- (e) issue, in accordance with the provisions of this Act, any permit granted, renewed, amended or transferred by it;
- (f) perform the other functions assigned to it by this Act and, with the approval of the Minister, take such other



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steps as it may deem necessary for the proper administration of this Act;

(g) when the holder of a public permit applies for the raising of tariffs for the conveyance of persons by means of a bus, cause an inquiry to be instituted regarding the financial circumstances and operating practices of such holder 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.

(2) The commission may delegate to a board any of the commission's powers under this Act in regard to any matter in the transportation area for which such board was established or in any area outside that transportation area.

Establishment and  
constitution of  
boards.

4. (1) For each transportation area there shall be established a local road transportation board.

(2) A board shall consist of a chairman and two other members who shall be appointed by the Minister and who shall be persons who possess wide experience of, and have shown ability in, transport, industrial, commercial or financial matters or in the conduct of public affairs.

(3) Of the members of a board other than the chairman—

(a) one shall be a person appointed by the Minister after consultation with the Administrator of the province in which the transportation area in question, or the greater part of such area, is situated; and

(b) one shall be a person appointed by the Minister after consultation with the councils of such municipalities within the transportation area in question as have populations of not less than twenty thousand persons or, if there is no such municipality within that transportation area, a person selected by the Minister from among persons who in his opinion possess a thorough knowledge of the transportation requirements of that transportation area.

(4) (a) Any board shall at the request of the Minister co-opt during the Minister's pleasure one or more persons as a member or members of that board, and a member so co-opted may at the request of the chairman participate in any proceedings at any meeting of that board and cast a vote at such proceedings.

(b) Any such co-opted member shall hold office upon such conditions as to remuneration and otherwise, as the Minister may with the concurrence of the Minister of Finance determine when that member is co-opted.

(5) The chairman of any board may also be the chairman of any other board, and whenever the chairman of any board, or any person appointed under subsection (7) 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 the said subsection, to act as chairman at that meeting.

(6) (a) A member of a board who is in the full-time employment of the State, shall hold office during the Minister's pleasure, and any other member of such a board shall be appointed for such period not exceeding two years, and shall, subject to the provisions of this Act, hold office upon such conditions as to remuneration and otherwise, as the Minister may, with the concurrence of the Minister of Finance, determine when such member is appointed.

(b) Different periods or conditions may be determined under paragraph (a) in respect of the members of different boards or in respect of different members of any board.

(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

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any person whom he considers suitable to act in place of such member for such period, not exceeding twelve 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.

(8) A person appointed under subsection (7) to act in place of the holder of the office of chairman of one or more boards, shall be deemed to have been appointed to act as chairman of such of those boards as may be specified by the Minister when the appointment is made.

(9) A person whose period of office as a member of a board has expired, shall be eligible for reappointment.

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

Disqualifications for office as, and termination of office of, member of a board.

5. (1) No person shall be appointed or co-opted as a member of a board—

- (a) if he is an unrehabilitated insolvent; or
- (b) if he has been convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (c) if he is an employee of the Railways Administration; or
- (d) if he or any of his near relations is financially interested in any business of road transportation or is engaged in any activity connected with road transportation which, in the opinion of the Minister, is calculated to interfere with the impartial discharge by the member of the duties of his office.

(2) A member of a board (including a co-opted member) shall vacate his office—

- (a) if he becomes subject to any of the disqualifications for appointment or co-optation mentioned in subsection (1);
- (b) if he dies or is removed from office under subsection (3) or resigns by notice in writing addressed to the Minister.

(3) The Minister may remove from office any member of a board (including a co-opted member)—

- (a) who has failed to comply with a condition of his appointment or co-optation; or
- (b) who, in the opinion of the Minister, has been guilty of improper conduct or has regularly neglected his duties as a member or co-opted member of the board; or
- (c) who, in the opinion of the Minister, is unable to perform efficiently his duties as a member or co-opted member of the board.

Meetings and decisions of a board.

6. (1) Two members of a board shall form a quorum for any meeting of such board.

(2) The decision of any two members of a board present at any meeting thereof, shall constitute a decision of such board: Provided that if at any such meeting one or more members co-opted in terms of section 4 (4) participate under that section in any proceedings at that meeting, the decision of the majority of the members of the board present at that meeting, including that or those co-opted member or members, shall constitute the decision of the board in respect of those proceedings, and that in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(3) No act, direction or decision of a board shall be held to be invalid by reason only of the fact that, when such act was performed or such direction or decision was given, a casual vacancy existed on the board or a person disqualified under section 5 (1) from being a member or co-opted member of such board was such a member thereof, whether or not such person's concurrence was necessary to the performance of that act or the giving of that direction or decision.

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General powers  
of a board.

## 7. (1) A board may—

- (a) investigate, in the transportation area for which it was established, any matter falling within the scope of this Act, and submit recommendations thereon to the commission;
- (b) at the request of the commission, investigate any such matter in any other area indicated by the commission, and report thereon;
- (c) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act, any application made to it thereunder—
  - (i) for the grant of a permit authorizing road transportation within the transportation area for which such board was established;
  - (ii) for the grant of a permit authorizing road transportation which commences in the said transportation area and terminates but does not commence at any place or in any area outside that transportation area;
  - (iii) subject to the provisions of subsection (3), for the grant of a permit authorizing road transportation which commences in the said transportation area and also in any other transportation area, irrespective of where such transportation terminates;
  - (iv) subject to the provisions of subsection (3), for the renewal, amendment or transfer of any permit granted by it;
- (d) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act, any application referred to it by the commission under section 3 (1) (d);
- (e) issue, in accordance with the provisions of this Act, any permit granted, renewed, amended or transferred by it.

(2) A board shall, if so directed by the commission, refer to the commission, for consideration and decision thereupon by it, any application made to such board for the grant, renewal, amendment or transfer of a particular permit or of any permit belonging to a category indicated by the commission.

(3) A board acting otherwise than under powers delegated to it under section 3 (2), shall not grant an application for a permit authorizing road transportation which commences also in a transportation area other than that for which such board was established, or for the renewal or transfer of such a permit, or for any amendment of such a permit affecting the conducting of such road transportation within such other transportation area, except with the concurrence of the board established for such other transportation area.

(4) For the purposes of this section road transportation shall be deemed to commence at any place where goods are loaded onto or persons board any motor vehicle by means of which such road transportation is effected, for the purpose of being conveyed to any other place, and to terminate at such other place.

Appeal to the  
commission  
against act,  
direction or  
decision of a  
board.

8. (1) Save as otherwise provided in this Act, any person affected by any act, direction or decision of a board may, in the manner prescribed by regulation, within twenty-one 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.

(2) The commission shall receive and, subject to the provisions of subsection (3) and the regulations, consider any appeal lodged with it in terms of subsection (1) and may, in its discretion—

- (a) reject the appeal and confirm the act, direction or decision appealed against; or
- (b) uphold the appeal, set aside the act, direction or decision appealed against, and—
  - (i) substitute therefor any other act, direction or decision which the board concerned could have performed or given; or

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- (ii) remit the matter which gave rise to the appeal to the board concerned for consideration afresh; or
  - (c) uphold the appeal partially and vary the act, direction or decision appealed against.
- (3) The chairman of the commission or a member thereof nominated by the chairman, may, in his discretion—
- (a) grant an application for condonation of the late filing of a notice or appeal, provided such appeal is lodged in the manner prescribed by regulation within forty-two days after the board concerned performed the act or gave the direction or decision appealed against, or refuse it;
  - (b) grant or refuse an application to suspend the operation of an act, direction or decision of a board appealed against;
  - (c) set aside an act, direction or decision of a board appealed against and remit the matter to the board concerned for consideration afresh.
- (4) Any act, direction or decision of the commission under subsection (2) (b) (i) or (c) shall, except for the purposes of subsection (1), be deemed to be an act, direction or decision of the board against whose act, direction or decision the appeal was brought.

Procedure.

9. (1) The commission or a board may, for the purpose of dealing with any matter before it in terms of this Act—
- (a) in its discretion, but subject to the provisions of sections 25 (2) (b) and 28, allow any person affected by or interested in such matter, or the duly authorized representative of such a person, to appear before it and—
    - (i) to give evidence or make oral representations relevant to such matter; or
    - (ii) to call witnesses and lead evidence on any question relevant to such matter; or
    - (iii) to question any person who testified as a witness in such matter;
  - (b) by written notice prescribed by regulation and served in the manner so prescribed, require any person to appear before it to give evidence or to produce any book, plan or other document or article in his possession or under his control;
  - (c) call upon any person present in or at the place where such matter is dealt with by the commission or board, to appear before it to give evidence or to produce any book, plan or other document or article which such person has with him;
  - (d) question any person appearing before it as a witness;
  - (e) refuse to hear any person appearing before it as a witness who refuses to be sworn or to be affirmed.
- (2) The person presiding at a meeting of the commission or a board at which any person appears as a witness as contemplated in subsection (1), may administer an oath or affirmation to the person so appearing.
- (3) A member of the commission or a board exercising or performing under section 20 (5) any power or duty of the commission or the board concerned, and a member of the commission who conducts an enquiry under section 28, shall for the purpose of such power or duty or such enquiry have the powers conferred by this section on the commission or a board and the person presiding at a meeting of the commission or a board, respectively.

Staff of a board.

10. The Secretary for Transport shall, subject to the laws governing the public service, provide the staff necessary to assist any board in the performance of its functions.

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Designation of inspectors.

11. The Secretary for Transport may designate any officer or employee of the Department of Transport as a road transport inspector, whose powers and duties shall be prescribed by regulation.

Application in respect of a public permit.

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 a temporary permit, may 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.

(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.

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

Disposal of application in respect of a public permit.

13. (1) Subject to the provisions of this Act, the commission or a board shall receive and consider any application for or in respect of a public road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—

- (a) grant such application in full; or
- (b) grant such application in part; or
- (c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or
- (d) refuse such application.

(2) (a) The commission or a board may refuse to consider any application for the grant, amendment or transfer of a public permit made by any person if a previous application by that person, which in the opinion of the commission or the board concerned had the same or substantially the same object as the first-mentioned application, was considered and refused by the commission or a competent board within the period of six months preceding the date on which such first-mentioned application is received in the office of the commission or the board concerned.

(b) For the purposes of paragraph (a) a refusal by any board to concur under section 7 (3) in the grant, renewal, amendment or transfer of a public permit by another board shall, in relation to any application made to the first-mentioned board, be deemed not to be a refusal of an application by it.

(c) No appeal shall lie to the commission against any act, direction or decision performed or given by a board under paragraph (a).

Publication of application in respect of a public permit.

14. (1) The commission or a board shall, before considering any application for the grant, amendment or transfer of a public permit, and may, before considering any application for the renewal of such a permit, publish full particulars of such application in the *Gazette*.

(2) Any interested person may, in the manner and within the time prescribed by regulation, submit representations to the commission or the board concerned, as the case may be, objecting to or supporting an application published under subsection (1), and the commission or board concerned shall allow any such person who, within the time so prescribed, submits representations objecting to an application, to inspect and make copies, free of charge, of the completed application form of the applicant, together with any other document which the applicant has submitted with his application form.

(3) The commission or a board shall, before granting a public permit authorizing the regular conveyance of persons for reward within the area of jurisdiction of a municipal council, city council

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or town council, or amending such a permit by altering the points between which or the route or routes upon which the motor vehicle to which the permit relates may be used in road transportation, afford the municipal council, city council or town council concerned an opportunity to submit representations, in the manner and within the time prescribed by regulation, in regard to the points between which and the route or routes upon which such motor vehicle may be so used and in regard to any other condition which may be applied to a permit.

(4) The commission or a board shall, before it—

(a) grants a public permit which authorizes the regular conveyance of persons for reward; or

(b) amends a public permit which authorizes the regular conveyance of persons for reward, by altering the points between which or the route upon which the motor vehicle to which the permit relates, may be used in road transportation,

give the Railways Administration the opportunity of furnishing in the manner and within the time prescribed by regulation, information regarding any new railway service, within the area to which the permit mentioned in paragraph (a) relates, or between the points or over the route mentioned in paragraph (b), which has been planned or is contemplated by the Railways Administration.

Matters to be taken into consideration in disposing of an application in respect of a public permit.

15. (1) In deciding whether an application for the grant, renewal, amendment or transfer of a public permit shall be granted or refused, and in determining any conditions and requirements to which any such permit shall be made subject, the commission or a board shall take into consideration—

(a) the extent to which the transportation to be provided is necessary or desirable in the public interest;

(b) the requirements of the public for transportation within the area or along the route or between the points in or over or between which the applicant proposes to operate;

(c) the existing transportation facilities available to the public in that area or over that route or between those points;

(d) any new railway service which has been planned or is contemplated for the conveyance of persons within that area or over that route or between those points;

(e) the co-ordination of all forms of transportation, including transportation by rail, on an economically sound basis and with due regard to the public interest;

(f) the ability of the applicant to provide in a manner satisfactory to the public the transportation for which such permit is sought;

(g) any previous conviction of the applicant for an offence in terms of this Act, and any other failure by the applicant as an operator of road transportation;

(h) the existence of any prohibition, limitation or restriction imposed by law on the use of motor vehicles in any area or on any street or road on the route on which the applicant proposes to operate;

(i) any representations duly submitted in connection with the application;

(j) the class of persons to which the applicant belongs and the class or classes of persons to be served by the transportation service for which such permit is sought;

(k) any recommendation made by the committee appointed under section 2 (h);

(l) any report or document drawn up as a result of an inquiry contemplated in section 3 (1) (g);

(m) any other factors which, in the opinion of the commission or the board concerned, may affect the question whether it is desirable to grant such application or to attach or vary any such condition or requirement.

(2) (a) When an applicant applies for a public permit to undertake road transportation within an area or over a route or between two or more points already served by existing transportation facilities, the onus shall be upon the applicant of proving that—

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- (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
  - (ii) the tariff at which payment for such existing transportation facilities is to be made is unreasonable: Provided that railway tariffs shall, for the purposes of this section, be deemed to be reasonable; or
  - (iii) having regard to the circumstances, it will be expedient in the public interest to grant him the permit; or
  - (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
  - (v) he has the ability to provide in a manner satisfactory to the public the transportation for which the permit is sought.
- (b) When an applicant applies for a public permit to undertake road transportation in circumstances not contemplated in paragraph (a), the onus shall be upon the applicant of proving that—
- (i) there is a need for such transportation within the area or along the route or between the points in or over or between which he proposes to undertake such transportation; and
  - (ii) he has the ability to provide in a manner satisfactory to the public the transportation for which such permit is sought.

(3) In granting any application for a public permit, the commission or a board may give preference to an applicant who belongs to the same class as the majority of the persons to be served by the transportation service for which a permit is sought.

(4) The commission or a board may at the request of the holder of a permit in respect of whom an inquiry contemplated in section 3 (1) (g) was instituted, refuse to disclose to any interested person any report or document prepared as a result of such inquiry, or any part thereof.

(5) For the purposes of this section—

- (a) an association of persons or a body corporate or unincorporate, including any company registered under the law relating to companies, shall be deemed to be a person of the class determined by the commission or the board concerned, as the case may be, and the commission or such board may, in so determining a class, have regard to the classes of persons who are members of, or have an interest in, such association or body;
- (b) transportation shall be deemed to be capable of being co-ordinated with existing transportation facilities if such transportation is to be provided to or from a place or area situated on or along a route, or included in an area, served by such existing transportation facilities.

Period of a public permit.

16. (1) The commission or a board may grant or renew a public permit for an indefinite period or, in its discretion, for such fixed period as it may determine.

(2) If at the date on which a public permit granted for a fixed period expires, an application for its renewal is pending before the commission or competent board, such permit shall continue in force until the application has been disposed of.

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

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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);

(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,

may in the manner prescribed by regulation apply to the commission or competent board for the grant of a private road carrier permit authorizing such conveyance by him on a public road.

(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.

Disposal of application in respect of a private permit.

18. (1) Subject to the provisions of this Act, the commission or a board shall receive and consider any application for or in respect of a private road carrier permit made or referred to it thereunder, and may thereafter, in its discretion but subject to the provisions of subsections (2) and (3)—

(a) grant such application in full; or

(b) grant such application in part; or

(c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or

(d) refuse such application.

(2) Any interested person—

(a) who applies therefor within the period prescribed by regulation, shall be allowed by the commission or board concerned, as the case may be, to inspect the completed form of application of the applicant, together with any other document which the applicant has submitted with his form of application, and to make copies thereof, free of charge;

(b) may in the manner and within the time similarly prescribed, submit representations to the commission or the board concerned, as the case may be, objecting to or supporting any application mentioned in subsection (1), and the commission or such board shall take any representations so submitted into account in disposing of such application.

(3) The commission or a board shall not under this section grant any application unless it is satisfied (the onus of proving which being upon the applicant)—

(a) that the applicant carries on the industry, trade or business in relation to which the application is made, at the place or places specified in the application, as contemplated in section 17 (1);

(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 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.

(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 shall be made subject, the commission or a board shall take into consideration the provisions of section 15 (1) (b), (c), (e) and (l).



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Period of a private permit.

19. (1) The commission or a board may grant or renew any private permit for an indefinite period or, in its discretion, for such fixed period as it may determine.

(2) If, at the date on which a private permit granted for a fixed period expires, an application for its renewal is pending before the commission or the competent board, such permit shall continue in force until the application has been disposed of.

Application for a temporary permit and disposal thereof.

20. (1) Any person may 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 road transportation of a temporary nature and upon a particular date or in connection with a particular occurrence.

(2) Subject to the provisions of this Act, the commission or a competent board shall receive and consider any application for a temporary road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—

(a) grant such application in full; or

(b) grant such application in part; or

(c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or

(d) refuse such application.

(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.

(4) The commission or a board may grant a temporary permit for such fixed period not exceeding fourteen days as it may determine.

(5) The powers and duties of the commission or a competent board in terms of this section may, notwithstanding anything to the contrary contained in this Act, in such circumstances, or in respect of such categories of applications for temporary permits, as may be prescribed by regulation, be exercised or performed on its behalf by its chairman or any of its members nominated for that purpose by its chairman.

Issue of a permit, and provisions thereof.

21. (1) Subject to the provisions of subsection (2), the commission or a board shall issue, in such manner as may be prescribed by regulation, any permit granted, renewed, amended or transferred by it in terms of this Act.

(2) The commission or a board shall not issue any public permit granted, renewed, amended or transferred by it in terms of this Act, unless—

(a) it is satisfied that every motor vehicle in respect of which such permit was so granted, renewed, amended or transferred, is suitable for the class of road transportation for which it is to be used; and

(b) in respect of each such motor vehicle a certificate of fitness issued under the law relating to the licensing and registration of motor vehicles in the province in question, on or after a date determined in the manner prescribed by regulation, or a copy of such a certificate authenticated in the manner so prescribed, has been submitted to it.

(3) Any permit issued by the commission or a board shall specify the following, namely—

(a) the name of the holder and his address, including, in the case of a holder who carries on any road transportation business, his business address, and in the case of a private permit, the address at which or a description of the place or places where, the industry, trade or business in respect of which the private permit was granted, is carried on;

(b) the period for which it was granted, if granted for a fixed period;

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- (c) the nature or class or classes of road transportation in respect of which it was granted, and the class or classes of persons or the class or classes of goods which may be conveyed under such permit or the class or classes of persons whose goods may be so conveyed, as the commission or board may in each case in its discretion determine;
- (d) the registration number, make, year of manufacture, type and seating or carrying capacity of the motor vehicle in respect whereof it is issued;
- (e) the points between and the route or routes upon which or the area or areas within which the motor vehicle to which it refers may be used in road transportation, and if any restriction is imposed in connection with any transportation upon any portion of such route or routes or in any area or areas or in any portion of such area or areas, the points between or the area within which such restriction shall be applied and the conditions thereof;
- (f) the manner in which tariffs, if approved or laid down by the commission or board, and which may in the discretion of the commission or board differ in respect of different classes of persons, shall be published or exhibited.

(4) In any permit issued by the commission or a board it may direct the holder thereof—

- (a) to operate any motor vehicle to which the permit relates, according to a specified time table as approved or laid down by the commission or such board upon the grant of the permit or as altered from time to time in the manner prescribed by regulation;
- (b) to employ for the operation of any motor vehicle to which the permit relates, only a specified class or specified classes of persons;
- (c) to furnish the commission or such board with the name and address of every person authorized to advertise on behalf of such holder;
- (d) to comply with any requirement or condition imposed under any other provision of this Act.

(5) Notwithstanding the provisions of sections 24 (2) and 42, the commission or a board may, and a board shall, if the commission so directs, in any public permit issued by it for the conveyance of more than one class of person, specify the following, namely—

- (a) the portion or portions of the motor vehicle to which such permit relates which shall be set aside for the conveyance of any such class or classes of persons; and
- (b) the form and manner in which the holder of such permit shall display on such motor vehicle a notice specifying the portion or portions so set aside; and
- (c) the conditions on which the holder of such permit or any of his employees acting on his authority may, if authorized thereto in terms of such permit, vary any portion so set aside:

Provided that no matter shall be specified in terms of paragraph (a) or (c) in a public permit issued in respect of a motor vehicle which has been or will be operated regularly within the area of a local authority in terms of that permit, unless that local authority has been given an opportunity to submit representations in regard thereto in the manner and within the time prescribed by regulation.

Records of permits.

22. The commission and each board shall keep at its place of business a copy of every permit issued by it in terms of this Act and of every amendment made to any such permit, and shall allow any person who is in any way affected by such a permit or amendment, to inspect it and make copies of it free of charge.

Additional authority conferred by a permit.

23. Any permit shall, in addition to the transportation expressly authorized by it, authorize also the conveyance of any person necessary in connection with such expressly authorized transportation.

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Duties of the holder of a permit.

24. (1) The holder of a permit shall—
- (a) except where the commission has directed otherwise, carry the permit on the motor vehicle to which it relates, and produce it on demand to any authorized officer;
  - (b) keep the permit in such a condition that all letters and figures on it are clearly legible and, if the permit is damaged or ceases to be clearly legible, apply for a duplicate in the manner prescribed by regulation;
  - (c) in the case of a public permit or private permit (except such a permit issued in respect of such classes of road transportation as the commission or the board concerned may in its discretion determine), cause the name, address and nature of the business of such holder, and, in the case of a public permit issued for the conveyance of only one class of persons, a notice specifying such class of persons, to be borne on the motor vehicle to which the permit relates, in a conspicuous place, in such manner as may be prescribed by regulation or in such other manner as the commission or the board concerned may in any particular case approve in writing;
  - (d) exhibit such other particulars as may be prescribed by the commission or the board concerned in its discretion;
  - (e) in the case of a public permit or a private permit, affix and keep affixed in the manner prescribed by regulation, a distinguishing mark on any motor vehicle used in road transportation in terms of such permit.

(2) A permit issued by the commission or a board under this Act—

- (a) shall not authorize the holder thereof to undertake road transportation over any public road within the area of jurisdiction of a municipal council, city council or town council, if it is unlawful under any ordinance, regulation or by-law in force in such area, or as a result of any action taken by such municipal council, city council or town council under any such ordinance, regulation or by-law, to use a motor vehicle on that road or to undertake on that road any transportation of the class to which such permit relates;
- (b) shall not exempt the holder thereof from the obligation to comply with any requirement imposed upon him under any other law or under any licence or permit issued by any other authority.

Withdrawal, suspension or variation of a permit.

25. (1) Subject to the provisions of subsection (2), the commission or a competent board may at any time—

- (a) withdraw, or suspend for such period as it may deem fit, any public permit or private permit granted by it—
  - (i) if the holder of such permit or any employee of such holder has been convicted of any offence under this Act or under any law relating to motor vehicles or the regulation of traffic, or, in the case of such a holder who carries on a road transportation business, of a contravention or failure to comply with the provisions of any determination, agreement, award, licence or exemption which relates to remuneration for work or hours of work and which is in terms of any law binding upon such holder as an employer, and upon his employees in such business; or
  - (ii) if, in the opinion of the commission or the board concerned, the holder of such permit has not carried out faithfully the conditions or requirements of such permit; or
- (b) in its discretion withdraw, or suspend for such period as it may deem fit, any permit, if the circumstances under which such permit was granted have materially changed; or

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(c) 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).

(2) The commission or a board shall not under subsection (1) withdraw or suspend any public permit or any private permit, or cancel or vary any condition or requirement of, or add any condition or requirement to, or amend, the authority contained in any such permit, unless—

(a) at least twenty-one days' written notice of its intention to do so, together with the reasons therefor, has been given to the holder of such permit by registered or certified post; and

(b) such holder has been given an opportunity, either personally or through his duly authorized representative, to appear before the commission or the board concerned and adduce evidence and submit representations in regard to the proposed action; and

(c) in the case of a public permit authorizing the 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.

Withdrawal or amendment of a public permit on establishment of railway service.

26. (1) If a railway service is established between any two places or areas after the grant by the commission or a board of a public permit which authorizes the conveyance of persons between the places or areas in question, the commission, acting with the approval of the Minister but without being obliged to give prior notice to any other person, may by written notice to the holder of such permit—

(a) withdraw such permit; or

(b) amend such permit by withdrawing or curtailing the authority conferred by it for the said conveyance, on the ground of the establishment of such railway service, and with effect from a date not earlier than six months after such railway service commences operations.

(2) A notice under subsection (1) shall be sent to the holder concerned by registered or certified post, and shall require him to submit his claim for compensation under subsection (4), setting out in detail how the amount claimed is made up and substantiated by three separate sworn appraisements, to the commission not later than ninety days after the date on which the withdrawal or amendment of his permit becomes effective or within such further period as the commission may allow.

(3) If a public permit has been withdrawn or amended under subsection (1), no public permit which will have the effect of replacing or substantially replacing the transportation which was authorized under such permit before its withdrawal or amendment, shall be granted under this Act unless the commission is of the opinion that it is in the public interest to grant such a permit.

(4) Any person who was or is the holder of a public permit withdrawn or amended under subsection (1), shall be entitled to compensation in terms of this section for the loss he has suffered or is likely to suffer as a result of the withdrawal or amendment.

(5) The amount of such compensation shall, subject to the provisions of subsection (6), be determined by the Minister with the concurrence of the Minister of Finance, but shall not include any amount for the loss of possible profits in respect of any period more than twelve months subsequent to the date with effect from which the permit was withdrawn or amended.

(6) If any person entitled to claim compensation under subsection (4) is not prepared to accept the amount determined under subsection (5) and offered to such person in settlement of his claim, the amount of such compensation shall be determined

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by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), by an arbitrator or arbitrators appointed in the manner prescribed by regulation.

(7) Interest at such rate as may, on the date upon which the permit concerned was withdrawn or amended, be applicable to loans in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall with effect from such date be payable on the amount of compensation determined in terms of subsection (5) or (6), as the case may be.

Functions of  
certain committee.

27. Before any railway service is established as contemplated in section 26 (1) and whenever the contemplated transportation service concerned has been approved by the competent authority, the committee appointed under section 2 (h) may, irrespective of whether a notice has been sent in terms of section 26 (2), consult with the holder concerned and any other interested person and exercise or perform any of the powers or duties prescribed by regulation in relation to the change-over, contemplated in section 26, from road transport to transport by rail.

Withdrawal or  
substitution of  
a public permit  
after inquiry.

28. (1) Whenever the Minister has reason to believe that, in order to bring about improvements in transportation facilities within any area or over any route, or for any other reason, it may be expedient in the public interest that any public permit be withdrawn or that any such permit be withdrawn and in lieu thereof one or more such permits be issued to a person other than the holder of such permit, the Minister may cause a public inquiry in regard to the position to be instituted by the commission or by a member of the commission.

(2) Notice of such an inquiry shall be given in the manner prescribed by regulation, and all interested persons shall be afforded an opportunity to attend and to be heard at the inquiry.

(3) The commission or the member thereof concerned shall in connection with the institution of the inquiry have due regard to the provisions of section 15 (1).

(4) After consideration of the report submitted to him in pursuance of any such inquiry and, in the case of an inquiry instituted by a member of the commission, of a recommendation by the commission, the Minister may, subject to the provisions of subsection (5), direct—

(a) that the permit which was the subject of the inquiry be withdrawn; or

(b) that such permit be withdrawn and that in lieu thereof one or more public permits be issued to a person or persons other than the holder of such permit,

and any such direction shall take effect upon a date to be determined by the Minister and notified in writing to the persons concerned, not being less than one month or more than twelve months after the date of the notification.

(5) The Minister shall not give any direction under subsection (4) unless—

(a) if any such permit is to be withdrawn and no public permit is to be issued in lieu thereof to any other person, the person or persons (to be designated by the Minister) providing transportation within the area or over the route in or over which transportation is being provided by the person whose permit is to be withdrawn; or

(b) if any such permit is to be withdrawn and one or more public permits are to be issued in lieu thereof to any other person or persons, that other person or those other persons,

have given an undertaking to the satisfaction of the Minister to compensate the person whose permit is to be withdrawn for the loss he is likely to suffer as a result of the withdrawal of that permit.

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(6) The amount of the compensation payable in terms of subsection (5) shall, in the absence of agreement between the parties concerned, be determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), by an arbitrator or arbitrators appointed in the manner prescribed by regulation, but shall not include any amount for the loss of possible profits in respect of any period more than twelve months subsequent to the date of withdrawal of the permit in question.

Lapsing of certain permits.

29. (1) If the commission or the competent board has by written notice sent by registered or certified post to the holder of a public permit or a private permit required him, at any time after the issue of the permit, to commence the road transportation in respect of which the permit in question was granted, before a date specified in such notice or such later date as the commission or the board concerned may allow in writing, the permit in question shall lapse on the date so specified or, as the case may be, on such later date, unless the commission or that board has in writing declared itself satisfied that such holder has commenced such road transportation before the date in question.

(2) (a) A private permit shall lapse upon the holder ceasing to carry on the industry, trade or business in respect of which the permit was granted, at the place or places specified in such permit in accordance with the provisions of section 21 (3) (a).

(b) If two or more places are specified in such permit as aforesaid and the holder ceases to carry on such industry, trade or business at any of those places while continuing it at the other or others, the authority conferred by such permit with reference to the place or places where the industry, trade or business is no longer carried on, shall lapse.

(3) (a) If any person acquires, without the prior approval, obtained in the manner prescribed by regulation, of the commission or the competent board, a controlling interest in a company after a public permit has been granted or issued to such company, such granting of such permit shall, notwithstanding the provisions of section 21, lapse, or such permit which has been issued shall lapse with effect from the date of such acquisition of a controlling interest, as the case may be.

(b) Any permit which has lapsed in terms of paragraph (a), together with the distinguishing mark required in respect of any motor vehicle to which that permit relates, shall within seven days after the permit has so lapsed, be returned by the company to which it was issued by registered or certified post to the commission or competent board, as the case may be.

(c) In considering an application for the approval of the acquisition of a controlling interest in a company to which a public permit has been granted or issued, the commission or the competent board shall take into account—

(i) whether such acquisition is likely to create any monopolistic situation which will not be expedient in the public interest;

(ii) any other permit held by the applicant;

(iii) the interests which the applicant has in any other transportation undertaking;

(iv) the interests which the applicant has in any other company, partnership, industry, trade or business;

(v) the provisions of section 15 (1);

(vi) any other factor which in the opinion of the commission or board may affect the question whether it is desirable to grant such application.

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- (d) Any company which contravenes any of the provisions of paragraph (b), shall be guilty of an offence and on conviction liable to a fine not exceeding fifty rand.
- (e) For the purposes of paragraph (a) the expression "controlling interest", in relation to a company, means any interest held in that company by any other company by virtue of which such other company is, in relation to the first-mentioned company, a controlling company as defined in the Companies Act, 1973 (Act No. 61 of 1973), and includes any like interest held in that company by any natural person.

Regulations.

## 30. (1) The Minister may make regulations—

- (a) with reference to—
  - (i) the information to be submitted with any application to the commission or a board for the grant, renewal, amendment or transfer of any permit;
  - (ii) the procedure to be followed by the commission or a board in dealing with any such application;
  - (iii) the information to be submitted with any appeal to the commission against an act, direction or decision of a board;
  - (iv) the information to be supplied by a board to the commission or the appellant in connection with any such appeal, and the manner in which and time within which such information shall be supplied;
  - (v) the procedure to be followed by the commission in dealing with any such appeal;
- (b) requiring the payment of fees in connection with—
  - (i) any application to the commission or a board for the grant, renewal, amendment or transfer of a permit; or
  - (ii) any appeal to the commission against an act, a direction or a decision of a board; or
  - (iii) the issue by the commission or a board of any permit, distinguishing mark or other document or any duplicate thereof,
 and prescribing the amount of any such fee, the circumstances in which any amount paid by way of such fee shall be forfeited or refunded in whole or in part, the amount of any such partial refund and the circumstances in which any amount so paid may in the discretion of the commission or a board be forfeited in whole or be refunded in whole or in part;
- (c) requiring the payment of an annual fee in respect of any permit granted or renewed for an indefinite period or for a period in excess of twelve months, and prescribing the amount of any such fee and the times at which and manner in which it is to be paid;
- (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 or appeal in question or issue the document in question, or to suspend or withdraw the permit in question;
- (e) prescribing the circumstances in which the commission or a board may issue without charge any permit or distinguishing mark or a duplicate thereof;
- (f) prescribing specifications and requirements to which any motor vehicle used in road transportation for the conveyance of persons or specified goods shall conform, and prohibiting the use in road transportation for such purpose of any motor vehicle which does not conform to such specifications or requirements;
- (g) prescribing the manner in which any distinguishing mark, identification, permit, notice or other document or writing which is required to be displayed or carried on

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- or in any motor vehicle in terms of this Act or any condition or requirement imposed thereunder, shall be so displayed or carried, and the position thereof on or in such motor vehicle;
- (h) empowering the commission or a board to require the surrender to it of a permit that has expired or lapsed or has been withdrawn or suspended in terms of this Act, or the production to it of any permit for its amendment;
  - (i) empowering authorized officers to seize by order of the commission or a board, any permit that has expired or has been withdrawn or suspended in terms of this Act;
  - (j) prescribing records to be kept by any person engaged in road transportation, and returns and information to be submitted by any such person to the commission or any board;
  - (k) prescribing the powers and duties of authorized officers, including the manner in which and the conditions upon which motor vehicles that are locked or sealed, may be forced open by authorized officers in order to inspect the load;
  - (l) empowering any inspector or any member of the South African Police to seize any motor vehicle suspected on reasonable grounds to have been used in unauthorized road transportation, and any goods upon such motor vehicle, and providing for the manner in which a motor vehicle and goods so seized shall be dealt with pending the disposal of criminal proceedings in respect of such unauthorized road transportation;
  - (m) prescribing the nature and form of any distinguishing mark, identification, permit, notice or other document or writing issued or required in terms of this Act, including the form, shape, size and colour of, and the information to be contained in, any such distinguishing mark, identification, permit, notice or other document or writing, or empowering the commission to prescribe the form thereof;
  - (n) prescribing fees or allowances payable to any person who has been required under section 9 (1) (b) to appear before the commission or a board to give evidence or to produce any book, plan or other document or article;
  - (o) prescribing or otherwise dealing with any matter which in terms of any other provision of this Act is required to be or may be prescribed or otherwise dealt with by regulation;
  - (p) generally for the better carrying out of the provisions and objects of this Act.

(2) The Minister shall not under subsection (1) (b), (c) or (n) prescribe any fee or allowance or any circumstance in which any fee shall or may be refunded or the amount of any refund, except with the concurrence of the Minister of Finance.

(3) Regulations made under subsection (1) may prescribe for any contravention thereof or any failure to comply therewith, penalties not exceeding those prescribed by section 35.

(4) Different regulations may be made under subsection (1) in respect of different permits, areas, places, classes of motor vehicles, forms, classes of road transportation, circumstances in which, times during which or purposes for which any motor vehicle is used in road transportation.

Offences and prohibitions relating to road transportation.

31. (1) Any person who—
- (a) undertakes road transportation except under the authority of a permit authorizing such road transportation; or
  - (b) being the holder of a permit, undertakes road transportation otherwise than in accordance with the provisions of such permit, or contravenes or fails to comply with



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any condition or requirement thereof or any provision of section 24; or

(c) being the holder of a public permit authorizing the conveyance of persons or goods for reward—

(i) refuses without sufficient reason (the onus of proof whereof shall be upon him) to convey any person or goods which such permit authorizes him to convey; or

(ii) 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

(iii) claims or accepts for such conveyance any remuneration other than money; or

(d) being the holder of a permit authorizing the conveyance of goods, contravenes any prohibition contained in a notice published in the *Gazette* under section 2 (f) or (g), shall be guilty of an offence.

(2) The holder of a permit—

(a) shall not be convicted under paragraph (b) of subsection (1) in respect of any contravention of or failure to comply with a provision, condition or requirement of his permit if adherence to or compliance with the provision, condition or requirement in question would have constituted the offence contemplated in paragraph (d) of that subsection;

(b) shall not be convicted under paragraph (c) (i) of that subsection in respect of any refusal to convey if, at the time of such refusal, he had discontinued the road transportation authorized by his permit or any part of such road transportation after having given such notice as may be prescribed by regulation, and, where part only of such road transportation has been so discontinued, the refusal related to the part so discontinued.

(3) Whenever the holder of a permit is charged with having conveyed, by means of the motor vehicle to which that permit relates, any person whom he is not in terms of that permit authorized to convey or by virtue of any law obliged to convey, or with having conveyed in any portion of the motor vehicle to which that permit relates, any person who is not a member of a class of persons for the conveyance of whom that portion has in terms of that permit been required to be set aside, it shall be a defence to the charge to prove that—

(a) the person so conveyed entered that vehicle or that portion of such vehicle, as the case may be, without the knowledge of or in spite of objection by the conductor or other person in charge of such vehicle, and refused or failed on being requested thereto by that conductor or other person to leave that vehicle or that portion of such vehicle, as the case may be, and that such conductor or other person reported the circumstances together with the name and address of the person so conveyed, to a police officer or, if that person refused on demand to furnish his name or address, made a statement to that effect to a police officer, at the first reasonable opportunity; or

(b) the said conductor or other person could not reasonably have known that the person so conveyed was not a member of a class of person whose conveyance in that vehicle or in that portion of such vehicle, as the case may be, was authorized in terms of that permit.

(4) No person shall, without authority in writing granted by the commission or a board, make known whether by means of a notice published in a newspaper or in any other manner—

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- (a) that he is willing to undertake road transportation, unless he is the holder of a permit which authorizes such conveyance; or
  - (b) that any other person is willing to undertake road transportation, unless such other person is the holder of a permit which authorizes such conveyance and the first-mentioned person has been authorized by such other person to advertise his willingness to undertake such conveyance, and the advertisement in question discloses the name of such other person.
- (5) Any person who contravenes any provision of subsection (4), shall be guilty of an offence.

Offences by persons not authorized to be conveyed by the holder of a public permit.

32. (1) Any person (except a person whom the holder of a public permit is in terms of that permit authorized to convey or by virtue of any law obliged to convey) who enters the motor vehicle to which that permit relates in spite of objection by the conductor or other person in charge of that vehicle or who, having entered any such vehicle, refuses or fails to leave it on being requested to do so by that conductor or other person, may be forcibly removed therefrom by a police officer, and shall in addition be guilty of an offence and on conviction liable to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months.

(2) Any person (except a person who is a member of a class of persons for whose conveyance any portion of a motor vehicle has been set aside in accordance with the conditions specified in any public permit issued in respect of that vehicle) who enters that portion in spite of objection by the conductor or other person in charge of that vehicle, except for the purpose of gaining access to a portion of such vehicle which has not been so set aside for the conveyance of persons other than persons of the class to which he belongs, or for the purpose of alighting from such vehicle, or who, having so entered any such portion, refuses or fails to leave it on being requested to do so by that conductor or other person, may be forcibly removed therefrom by a police officer, and shall in addition be guilty of an offence and on conviction liable to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months.

Offences generally.

33. Any person who—

- (a) with intent to deceive, makes any writing falsely purporting to be a permit or other document issued under this Act, or alters or defaces or mutilates or adds anything to a permit or other document issued under this Act; or
- (b) knowing that any such writing is not a permit or document issued under this Act, or that any permit or other document issued under this Act has been altered, defaced, mutilated or added to in contravention of the provisions of paragraph (a), utters such writing, permit or other document or uses it for the purposes of this Act; or
- (c) except as specially provided in this Act, transfers any permit or distinguishing mark, without the consent in writing of the commission or the competent board, to any motor vehicle or person other than a motor vehicle or person referred to or named in such permit or distinguishing mark; or
- (d) not being an inspector, by words, conduct or demeanour pretends that he is an inspector; or
- (e) wilfully obstructs or hinders or interferes with an inspector in the exercise of his powers or the performance of his duties; or

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- (f) without sufficient reason (the onus of proof whereof shall be upon him) fails or refuses to appear before the commission or a board or a member thereof after having been required under section 9 (1) (b) or (c) to do so, or, having so appeared, fails or refuses to answer to the best of his knowledge any question lawfully put to him or to produce any book, plan or other document or article which he has been so required to produce; or
- (g) in connection with any application, appeal, inquiry or investigation under this Act makes any false statement, whether orally or in writing, knowing it to be false,
- shall be guilty of an offence.

Act or omission of a manager, agent or employee of the holder of a permit.

34. (1) Whenever any manager, agent or employee of the holder of a permit does or omits to do any act which it would be an offence under this Act for such holder to do or omit to do, then, unless such holder proves that—

- (a) he did not connive at or permit such act or omission; and
- (b) he took all reasonable measures to prevent an act or omission of the nature in question; or
- (c) an act or omission, whether legal or illegal, of the character of the act or omission charged did not under any conditions or in any circumstances fall within the scope of the authority or the course of the employment of such manager, agent or employee,

such holder shall be deemed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and for the purposes of paragraph (b) the fact that he forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he took all reasonable measures to prevent such act or omission.

(2) Whenever any manager, agent or employee of any such holder does or omits to do any act which it would be an offence under this Act for such holder to do or omit to do, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he were such holder.

Penalties.

35. Any person convicted of an offence under this Act for which no other penalty is expressly provided, shall be liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months.

Forfeiture.

36. (1) The court convicting any person of an offence under this Act involving the undertaking of unauthorized road transportation, may declare the motor vehicle used in such transportation and any goods conveyed thereon without authority, or the convicted person's rights in such motor vehicle or goods, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the motor vehicle or goods in question, if it is proved that such other person did not know that the said motor vehicle was being or would be used in unauthorized road transportation or that he could not prevent such use, or that such other person did not know that the transportation of the said goods constituted or would constitute unauthorized road transportation or that he could not prevent the undertaking of such transportation.

(2) Section 50H (4) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply with reference to any forfeiture under subsection (1) of this section.

Effect of third or subsequent conviction of certain offences.

37. (1) If any person who was convicted on two or more occasions of an offence involving the undertaking of unauthorized road transportation (whether under section 31 (1) or under the corresponding provisions of a law repealed by section 47) is convicted of such an offence committed within three years after the date of the last previous conviction, the commission or a board may, and a board, if so directed by the commission, shall—

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- (a) by notice in writing sent by registered or certified post, summarily withdraw any permit held by that person and issued by the commission or the board concerned; and
- (b) during such period as the commission or the board concerned may deem fit, or where such board is acting under a direction given by the commission, during such period as the commission may indicate or until the commission directs otherwise, and irrespective of whether or not any permit held by that person has been withdrawn under paragraph (a), refuse to consider any application for the grant or transfer of a permit to him or to a company of which he is a director, or for the renewal of a permit held by him or such a company.

(2) For the purposes of subsection (1) any conviction of a company of an offence mentioned in that subsection shall be deemed to be a conviction also of every person who was a director of that company at the time of the commission of the offence in question.

Presumptions,  
and proof of  
certain facts.

38. (1) In any prosecution under this Act—

- (a) any person who has conveyed any person or any goods by means of a motor vehicle, or who has permitted the conveyance by such means of any person in addition to the driver of the motor vehicle, or of any goods, shall be presumed thereby to have undertaken road transportation, unless the contrary is proved;
- (b) if it is proved that any person was or any goods were conveyed in contravention of the provisions of section 31 (1) (a) by means of a particular motor vehicle, the owner of that motor vehicle shall be presumed to have so conveyed such person or goods, unless it is proved that he was not the driver of the motor vehicle at the time of the conveyance in question and did not authorize or permit the use of the motor vehicle for such conveyance;
- (c) if it is proved that any goods were conveyed in contravention of the provisions of section 31 (1) (a), the consignor and the owner of such goods, and any person who acted on behalf of such consignor or owner, shall be presumed so to have conveyed such goods, unless it is proved that such consignor, owner or person did not know that such goods were being so conveyed or could not prevent such goods from being so conveyed;
- (d) any person in whose possession any writing falsely purporting to be a permit issued under this Act is found, or in whose possession any permit which has been altered, defaced, mutilated or added to in contravention of the provisions of section 33 (a) is found, shall be presumed to have made such writing or to have altered, defaced, mutilated or added to such permit, unless the contrary is proved.

(2) Any document which purports to be a permit issued under this Act, or a copy of such a permit certified as a true copy by a person who purports to be an officer of the commission or board which issued the original permit, shall on its production by any person in any prosecution under this Act, be admissible in evidence and be *prima facie* proof that it is such a permit which has been validly issued under this Act, or that it is a true copy of such a permit, as the case may be, and that every statement contained therein is correct.

(3) Any document which states that a motor vehicle described therein is, under the relevant law relating to the registration of motor vehicles, registered in the name of a person named therein, and which purports to have been issued by the authority charged with the registration of motor vehicles under the said law at the place where such motor vehicle is registered thereunder, shall on its production by any person in any prosecution under this Act, be admissible in evidence and be *prima facie* proof of the correctness of the statements contained therein.

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Jurisdiction.

39. A magistrate's court shall have jurisdiction to impose any penalty provided for in this Act.

Limitation of liability.

40. No civil or criminal proceedings shall be instituted or continued in any court of law against—

- (a) any authorized officer or the employer of any authorized officer by reason of any act done in good faith by any authorized officer or the employer of any authorized officer in terms of this Act;
- (b) the holder of a public permit or any employee of such holder who is in charge of the motor vehicle to which such permit relates, by reason of any act done in good faith by such holder or employee in order to give effect to any condition or requirement, contained in that permit, relating to the conveyance in such vehicle or any portion thereof of a particular class of persons.

Finance.

41. (1) All moneys received by the commission or a board under this Act shall be paid into the State Revenue Fund, and all expenditure incurred in the administration of this Act shall be defrayed from moneys appropriated by Parliament out of that fund: Provided that any expenditure incurred in connection with the performance of the functions of an authorized officer, shall be defrayed by the employer of such authorized officer.

(2) The provisions of the proviso to subsection (1) shall apply *mutatis mutandis* in respect of any expenditure incurred in connection with the performance of the functions of an authorized officer in terms of any law repealed by section 47.

Relation of Act to other laws.

42. The provisions of this Act shall be additional to and not in substitution of any other law relating to motor vehicles.

Application of Act by proclamation in respect of conveyance to or from a country or territory bordering on the Republic.

43. (1) The State President may by proclamation in the *Gazette*—

- (a) declare that the provisions of sections 17 and 18 shall apply with such additions, exceptions, amendments and adjustments and subject to such conditions or requirements as may be set out in the proclamation, to any application made to the commission or a competent board by a person who carries on any industry, trade or business, or an industry, trade or business of a class or category specified in the proclamation, in a country or territory bordering on the Republic and specified in the proclamation; or
- (b) direct the commission and any competent board to grant, notwithstanding anything to the contrary contained in this Act but subject to such conditions or requirements as may be set out in the proclamation or as the commission or the board concerned may deem fit to impose, any application made to it for a public permit or temporary permit for the conveyance, over a route specified in the proclamation, between a railway station so specified which is situated in the Republic and any place so specified which is situated at or near the border between the Republic and any other country or territory and which is a port of entry as defined in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972), of persons proceeding to or from, or of goods destined for or emanating from, such other country or territory.

(2) The State President may by proclamation in the *Gazette* at any time amend or repeal a proclamation issued under subsection (1).

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(3) Any reference in this Act to a private permit shall be construed as including a reference to a private permit granted under section 18 as applied under subsection (1) of this section.

Agreement with government of country or territory bordering on the Republic.

44. (1) The Minister may enter into an agreement with the government of any country or territory bordering on the Republic with reference to—

- (a) the manner in which and conditions upon which inhabitants of such a country or territory shall apply to the commission or a board for the grant, renewal, amendment or transfer of permits;
- (b) the procedure to be followed by the commission or a board upon the receipt of an application referred to in paragraph (a) and the factors to be taken into account in deciding whether such application shall be granted or refused and also in determining the conditions and requirements to which such permit shall be made subject;
- (c) the circumstances in which and the conditions on which permits may or shall be granted to inhabitants of such a country or territory for the conveyance of persons or goods from one such country or territory to another such country or territory over the territory of the Republic,

and when an agreement has been so entered into with the government of such a country or territory, any application in respect of a permit received by the commission or a board from an inhabitant of a country or territory concerned in terms of such agreement shall, notwithstanding anything to the contrary contained in this Act, be disposed of in terms of such agreement.

Extent to which State is bound.

45. The provisions of this Act shall apply in respect of any road transportation operated by the Railways Administration, except the conveyance by the Railways Administration by means of a motor vehicle of which it is the owner, of goods within its area of jurisdiction as defined in section 1 (1) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).

Application of Act to South West Africa.

46. The provisions of this Act and any amendment thereof shall apply also in the Territory, including the Eastern Caprivi Zipfel.

Repeal of laws.

47. Subject to the provisions of section 48, the laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

Transitional provisions.

48. (1) (a) Subject to the provisions of subsections (2) and (3), any local transportation area or local road transportation board proclaimed or established, and any appointment, designation, regulation, notice or document made, published or issued, or any other thing done, under any provisions of a law repealed by section 47, shall be deemed to have been declared, established, made, published, issued or done under the corresponding provisions of this Act.

(b) For the purposes of paragraph (a)—

- (i) any motor carrier certificate or exemption from the obligation to take out a motor carrier certificate, which was issued under a law repealed by section 47, and which, according to the nature of the road transportation authorized by it, could be granted and issued under this Act as a public permit or a private permit or a temporary permit, shall be deemed to be a public permit or a private permit or a temporary permit, as the case may be, granted and issued under the relevant provisions of this Act; and
- (ii) any application for the issue or grant of such a certificate or exemption which has not been dis-

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posed of at the commencement of this Act, shall be deemed to be an application under this Act for the grant of the appropriate permit.

(2) The Minister, acting upon the recommendation of the commission, may at any time by notice in the *Gazette* and with effect from a date specified in such notice, terminate the validity of every certificate or exemption mentioned in subsection (1) (b) which was issued or granted for an indefinite period and which belongs to a class or category of such certificates or exemptions specified in such notice.

(3) The commission or a board may, and a board, if so directed by the commission, shall, by notice in writing sent by registered or certified post to the holder of a certificate or exemption mentioned in subsection (1) (b) (irrespective of whether it was issued or granted for a fixed period or for an indefinite period), withdraw such certificate or exemption with effect from a date specified in such notice.

(4) The commission or a board may, if it deems it expedient to do so—

(a) in the case of a certificate or exemption mentioned in subsection (1) (b) of which the validity has been terminated by a notice under subsection (2) or which has been withdrawn by a notice under subsection (3), at the request in writing of the holder of such certificate or exemption made before the date specified in the relevant notice as the date of the termination or withdrawal, or within such period after that date as the commission or the board may allow; or

(b) at the request in writing of the holder of a certificate or an exemption so mentioned, made at any time; or

(c) after having duly considered, in accordance with the provisions of this Act, any application for the renewal, amendment or transfer of a certificate or an exemption so referred to,

issue, in substitution for the certificate or exemption in question, an appropriate permit subject to such conditions or requirements as the commission or the board concerned may deem fit, as if such request or application, as the case may be, were an application for the grant of such permit duly made, published and considered under the relevant provisions of this Act.

(5) The provisions of subsections (2), (3) and (4) shall not be construed as limiting any power conferred on the Minister or the commission or a board in respect of any permit or any application for or in respect of any permit by any other provision of this Act, or as requiring the giving of prior notice, or an opportunity to be heard, to any person affected by their application, and the fact that the validity of a certificate or an exemption has been terminated under subsection (2), or any certificate or exemption has been withdrawn under subsection (3), shall not prejudice any application for the grant of a permit made by the person who was the holder of the certificate or exemption in question.

Short title and commencement.

49. This Act shall be called the Road Transportation Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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**Schedule****LAWS REPEALED**

No. and year of law	Short title	Extent of repeal
Act No. 39 of 1930 ...	Motor Carrier Transportation Act, 1930 .....	The whole.
Act No. 31 of 1932 ...	Motor Carrier Transportation Amendment Act, 1932	The whole.
Act No. 20 of 1934 ...	Motor Carrier Transportation Amendment Act, 1934	The whole.
Act No. 29 of 1935 ...	Motor Carrier Transportation Amendment Act, 1935	The whole.
Act No. 14 of 1936 ...	Motor Carrier Transportation Amendment Act, 1936	The whole.
Act No. 15 of 1937 ...	Motor Carrier Transportation Amendment Act, 1937	The whole.
Act No. 15 of 1941 ...	Motor Carrier Transportation Amendment Act, 1941	The whole.
Act No. 50 of 1949 ...	Motor Carrier Transportation Amendment Act, 1949	The whole.
Act No. 44 of 1955 ...	Motor Carrier Transportation Amendment Act, 1955	The whole.
Act No. 52 of 1957 ...	Motor Carrier Transportation Amendment Act, 1957	The whole.
Act No. 42 of 1959 ...	Motor Carrier Transportation Amendment Act, 1959	The whole.
Act No. 15 of 1966 ...	Motor Carrier Transportation Amendment Act, 1966	The whole.
Act No. 22 of 1967 ...	Motor Carrier Transportation Amendment Act, 1967	The whole.
Act No. 80 of 1971 ...	General Law Amendment Act, 1971 .....	Section 11.
Act No. 82 of 1972 ...	Motor Carrier Transportation Amendment Act, 1972	The whole.
Act No. 23 of 1974 ...	Motor Carrier Transportation Amendment Act, 1974	The whole.
Act No. 88 of 1976 ...	Motor Carrier Transportation Amendment Act, 1976	The whole.