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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1053.

15 June 1977.

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

No. 78 of 1977: Urban Transport Act, 1977.

No. 1053.

15 Junie 1977.

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

No. 78 van 1977: Wet op Stedelike Vervoer, 1977.

Act No. 78, 1977

URBAN TRANSPORT ACT, 1977.

ACT

To promote the planning and provision of adequate urban transport facilities; for that purpose to provide for the establishment of certain transport funds, metropolitan transport areas and metropolitan transport advisory boards and for the preparation and implementation of urban transport plans; and to provide 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. In this Act, unless the context otherwise indicates—

- (i) "Administrator" means an Administrator acting on the advice and with the consent of the executive committee of which he is a member; (i)
- (ii) "approved transport plan" means any transport plan approved by the commission under section 6; (v)
- (iii) "board" means a Metropolitan Transport Advisory Board appointed in terms of section 12; (xii)
- (iv) "commission" means the National Transport Commission mentioned in section 3 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948); (vii)
- (v) "core city" means a core city as contemplated in section 4; (vi)
- (vi) "fund" means the Urban Transport Fund established in terms of section 8; (iii)
- (vii) "guide plan committee" means a guide plan committee established under section 6A (1) of the Environment Planning Act, 1967 (Act No. 88 of 1967); (iv)
- (viii) "local authority" means an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or any other institution or body recognized by the commission as a local authority for the purposes of this Act, in so far as it is so recognized; (xi)
- (ix) "metropolitan transport area" means any area declared as such under section 3; (viii)
- (x) "Minister" means the Minister of Transport; (ix)
- (xi) "National Institute" means the National Institute for Transport and Road Research of the Council for Scientific and Industrial Research mentioned in section 2 of the Scientific Research Council Act, 1962 (Act No. 32 of 1962); (x)
- (xii) "officer", in relation to the commission, means an officer or employee provided in terms of section 12 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), to assist the commission in the performance of its functions; (ii)
- (xiii) "transport fund" means a Consolidated Metropolitan Transport Fund established by section 18. (xiii)

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Administrator in relation to metropolitan transport area where two or more provinces involved.

Establishment of metropolitan transport areas.

Core city.

Functions of commission in respect of objects of this Act.

2. If any metropolitan transport area consists of portions of two or more provinces, the Administrator of a relevant province who is agreed upon mutually by the Administrators concerned or, failing such agreement, one of the Administrators concerned designated by the Minister, shall be the Administrator in relation to such metropolitan transport area for the purposes of this Act.

3. (1) The Minister may on the recommendation of the commission, made after consultation with the Administrator or Administrators concerned, by notice in the *Gazette*—

- (a) declare any area consisting of the area or areas under the jurisdiction of one or more local authorities, or any portion thereof and any other adjoining area, to be a metropolitan transport area with effect from such date as may be specified in the notice;
- (b) from time to time include the area or any portion of the area under the jurisdiction of any local authority or any other area in, or exclude any area from, any metropolitan transport area;
- (c) withdraw any notice issued under paragraph (a) or (b).

(2) If by virtue of the provisions of subsection (1) (a) or (b) any metropolitan transport area consists of any area not under the jurisdiction of any local authority, such area shall for the purposes of this Act be deemed to be a portion of the area under the jurisdiction of such local authority as the Administrator concerned may determine and which is included in such metropolitan transport area.

4. (1) The Minister shall, after consultation with the Administrator concerned, for every metropolitan transport area in which the areas, or any portion thereof, under the jurisdiction of two or more local authorities have been included, designate one such local authority as the core city.

(2) Where the area, or any portion thereof, under the jurisdiction of only one local authority has been included in a metropolitan transport area, that local authority shall be the core city for such metropolitan transport area.

5. (1) In order to achieve the objects of this Act, the commission shall, subject to the provisions of subsection (2)—

- (a) in any metropolitan transport area regulate and control the formulation and application of an urban transport policy which is in its opinion efficacious;
- (b) determine the functions of any authority concerned in the implementation of such policy;
- (c) ensure that any such authority implements such policy properly in all respects;
- (d) co-ordinate and supervise all matters concerning urban transport in the Republic;
- (e) by itself or in collaboration with or through the National Institute or any other person or authority—
 - (i) ensure that research in connection with urban transport matters is co-ordinated on a national basis;
 - (ii) do research or cause research to be done, or make any other investigation or cause any other investigation to be made, whether in the Republic or elsewhere, in connection with urban transport planning or traffic control or any other matter which in the opinion of the commission will promote the objects of this Act;
 - (iii) make or cause to be made any investigation in connection with transport matters with a view to the declaration of any particular area to be a metropolitan transport area;
- (f) consult with interested authorities and local authorities in order to ensure that adequate provision is made for any foreseeable increase or change in urban transport facilities needed, and in relation to any population group;
- (g) perform such other task falling within the objects of this Act as the Minister may impose upon the commission.

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(2) The commission shall perform its functions in terms of paragraphs (a), (b), (c) and (d) of subsection (1) only after consultation with the Administrator concerned and with the approval of the Minister.

(3) The commission shall cause records to be kept of the proceedings at every meeting held by it in connection with its functions in terms of this Act.

General powers
of commission.

6. (1) In order to perform its functions the commission may—

- (a) subject to the provisions of subsection (7), consider and approve a properly prepared transport plan in relation to any metropolitan transport area which has been submitted to it by any Administrator;
- (b) subject to the provisions of subsection (7), effect such alterations to any such plan as it may consider necessary, and withhold or discontinue the payment of moneys already made available for its implementation, after being so approved, if the commission has reason to believe that the contemplated purpose of such plan will be frustrated by the manner in which it will be implemented, but subject to any obligations the commission may have incurred in any such case;
- (c) purchase, hire or otherwise acquire, or hold, sell, exchange, let or otherwise dispose of or deal with, movable or immovable property for the purposes of this Act, including office accommodation for the commission or its officers for such purposes;
- (d) recommend to the Minister the introduction of legislation regarding any matter connected with urban transport or urban traffic control and which in the opinion of the commission will promote the objects of this Act;
- (e) take out insurance against any risk, loss or damage in connection with the exercise of its powers or the performance of its functions in terms of this Act;
- (f) prescribe the form or manner in which any transport study or plan or application or other matter is to be submitted, prepared or made to it in terms of this Act;
- (g) ensure that public passenger transport has preference in any urban traffic regulative system in any manner it may think fit;
- (h) ensure that persons undertaking public urban transport apply and regularly revise, to the satisfaction of the commission, management practices which in the opinion of the commission are appropriate and efficient;
- (i) with the approval of the Minister, take any other steps which in the opinion of the commission may be necessary to achieve the objects of this Act.

(2) Any approved transport plan shall, in respect of such portion of the metropolitan transport area concerned as may be agreed upon by the commission and the Administrator concerned, specify the ratio of the permissible floor space of any building to the area of the land upon which it has been or is to be erected, as provided by the town planning scheme concerned, and from such ratio there shall be no deviation without prior consultation with the commission.

(3) The Administrator concerned shall ensure that in respect of any building agreed upon by the commission and the Administrator and which is to be erected in any metropolitan transport area in terms of any town planning scheme, such provision is made for the loading and off-loading of goods as is adequate in the opinion of the Administrator and the commission.

(4) Any officer of the commission either generally or specially authorized thereto by it in writing may, subject to the provisions of subsection (5), for the information of the commission at all reasonable times examine or make copies of, or take extracts

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from, any book, statement or other document which refers or is suspected to refer to any public bus passenger transport service conducted in any metropolitan transport area and in respect of which a grant from the fund is made or has been applied for.

(5) If any officer referred to in subsection (4) is so requested, he shall, before exercising any power conferred upon him by that subsection, exhibit the written authority issued to him in terms of that subsection to any person who will be affected by the exercise of such power.

(6) If any Administrator or local authority fails to exercise or to perform any power or function conferred or imposed on him or it by or in terms of this Act, the Minister may, on the recommendation of the commission and after written notice to that Administrator or local authority, as the case may be, direct the commission to exercise or perform or cause to be exercised or performed such power or function, and the commission may recover from that Administrator or local authority the expenditure in connection therewith.

(7) If the commission and the Administrator concerned fail to agree on any aspect of a decision of the commission under subsection (1) (a) or (b), the commission shall refer such aspect to the Minister whose decision shall be final.

Transport studies,
investigations
and plans.

7. (1) Any Administrator may, after consultation with the commission, conduct or prepare or cause to be conducted or prepared a study, an investigation or a plan in relation to transport in respect of the area or areas under the jurisdiction of one or more specified local authorities with a view to the coming into being of a metropolitan transport area, and such study, investigation or plan shall be referred to the local authority concerned for its comments.

(2) That Administrator shall submit a transport plan so prepared to the commission for consideration and approval in terms of section 6 (1) (a) or (b), with a view to its implementation, if so approved, by the local authority or authorities concerned.

Establishment and
administration of
Urban Transport
Fund.

8. (1) The commission shall establish a fund, to be known as the Urban Transport Fund, into which shall be paid—

- (a) the amount of any contribution for which the commission is liable in terms of the provisions of the National Roads Act, 1971 (Act No. 54 of 1971), in relation to the construction of a throughway in the area under the jurisdiction of a local authority in any metropolitan transport area, if such throughway constitutes part of an approved transport plan which has been or will be put into operation in such metropolitan transport area;
- (b) moneys appropriated by Parliament for the fund;
- (c) interest on invested cash balances belonging to the fund;
- (d) any other moneys received by the commission in terms of or for the purposes of this Act.

(2) The commission shall administer the fund and shall defray from it, except in so far as Parliament may in relation to any specified approved transport plan in operation in, or in relation to any local authority of which the area under its jurisdiction has been included in, any metropolitan transport area, provide otherwise, and subject to the provisions of section 12 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), all expenditure incurred in connection with the exercise or performance of the powers or functions of the commission in terms of this Act or the regulations made thereunder.

(3) There shall be paid from the fund into the State Revenue Fund, at such times as may be determined by the Minister with the concurrence of the Minister of Finance, such amounts as may be so determined as recoverable amounts in respect of salaries or allowances paid to members of the commission in terms of section 5 of the said Transport (Co-ordination) Act, 1948, or in respect of

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expenditure incurred by the Secretary for Transport in terms of section 12 of the said Act or any other law in connection with the functions of the commission in terms of this Act.

(4) The commission shall annually submit to the Minister for his approval, estimates of expenditure to be defrayed from the fund, and shall make no payment from the fund except in accordance with estimates so approved or with the prior approval of the Minister.

(5) The commission may with the approval of the Minister invest moneys in the fund not immediately required by it.

(6) The commission shall keep proper accounts of all moneys accruing to or paid out of the fund, and such accounts shall be audited by the Auditor-General.

(7) (a) When any Administrator or any local authority collects moneys or pays moneys to the commission on behalf of the fund, the Administrator or local authority, as the case may be, shall in respect thereof submit annually to the commission, for inclusion in its own accounts, statements of account in such form as the Treasury after consultation with the Auditor-General may approve, which have been audited by the auditor of the province concerned or any person who acts as auditor of the local authority in terms of any law, as the case may be, and are supported by such auditor's or person's report and the necessary documentary evidence.

(b) For the purposes of an audit in terms of subsection (6), the Auditor-General shall accept the certificate of a provincial auditor or other person referred to in paragraph (a) of this subsection, and the statements of account and documentary evidence concerned, but the Auditor-General may, if he thinks fit, comment thereon in his report.

Loans to
commission.

9. (1) The Minister may from time to time, from moneys appropriated by Parliament therefor, grant loans to the commission for the purposes of this Act.

(2) The commission shall from the fund pay the interest on any loan so granted and redeem any loan so granted in such instalments and within such period as the Minister with the concurrence of the Minister of Finance may determine.

Utilization of
fund.

10. The commission may further in its discretion and on such conditions as it may think fit, from the fund—

(a) on request, make a grant, for the promotion of transport planning, to any Administrator or local authority for defraying a specified part of the cost involved in conducting or preparing a transport study, investigation or plan, provided—

(i) such Administrator or local authority has satisfied the commission that such study, investigation or plan will in general promote transport planning; and

(ii) the commission has first approved such study, investigation or plan and the estimated cost connected with the conducting or preparation thereof;

(b) defray a specified part of the expenditure incurred by the National Institute in connection with urban transport research;

(c) make a grant for the establishment and maintenance of a chair of transport engineering or transport economics, or any other subject directly connected with transport, at a university or other educational institution approved by it;

(d) make a grant to any person for training in transport engineering or transport economics or any other matter in relation to transport;

(e) make a grant for defraying a specified part of the cost of equipment, of land and of establishing road facilities and incidental facilities, in substitution for or for improving public passenger service facilities and re-

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- quired in terms of an approved transport plan, and for the use of land in connection therewith, provided the service concerned is not any suburban railway service referred to in paragraph (i);
- (f) make a grant to any person conducting in any metropolitan transport area a public passenger transport service, provided the service concerned is not subsidized by the State;
- (g) defray a specified part of the expenditure, incurred by any local authority, which is connected with the construction of a road constituting part of an approved transport plan;
- (h) defray a specified part of the cost of additional equipment required by any local authority for regulating and controlling traffic in a metropolitan transport area in terms of an approved transport plan;
- (i) contribute to an extent determined by it towards covering losses sustained in respect of any suburban railway service for the conveyance of specified classes of passengers;
- (j) provide subsidized transport for officers of the commission;
- (k) defray the cost or part of the cost incurred by any officer of the commission in using his private transport, with the prior approval of the commission, for the purposes of his official functions, at such tariff as the Secretary for Transport may from time to time determine in respect of the class of motor vehicle such officer so uses;
- (l) defray the cost or part of the cost of any publication or publicity material or any activity which in the opinion of the commission will promote the objects of this Act;
- (m) make a grant to any Administrator for defraying the cost incurred by any board in connection with the performance of its functions.

Chairman of board or boards.

11. If there is in any province one or more metropolitan transport areas, the Administrator concerned shall designate an officer of his administration as chairman of the board or boards concerned.

Appointment of Metropolitan Transport Advisory Boards.

12. For any metropolitan transport area the Administrator concerned shall appoint a Metropolitan Transport Advisory Board.

Constitution of a board.

13. (1) A board shall consist of—
- (a) the chairman designated in terms of section 11;
- (b) one member nominated by the commission;
- (c) one member nominated by the South African Railways Administration;
- (d) one member nominated by the Secretary for Community Development;
- (e) one member nominated by the Secretary for Bantu Administration and Development;
- (f) one member nominated by the Secretary for Planning and the Environment;
- (g) one member nominated by the Postmaster-General;
- (h) two members nominated by and in respect of the core city of the metropolitan transport area concerned, and one member nominated by and in respect of every other local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in such metropolitan transport area;
- (i) two members chosen by the Administrator concerned from persons nominated by such bodies as are in the opinion of the Administrator representative of organized commerce;
- (j) one member chosen by the Administrator concerned from persons nominated jointly by such bodies as are in the opinion of the Administrator representative of organized industry; and

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(k) one or more members who in the opinion of the Administrator concerned—

- (i) command special knowledge with regard to urban transport matters; or
- (ii) should be appointed to the board.

(2) The Administrator concerned shall designate one member of a board as deputy chairman.

(3) A member of a board, other than the chairman, shall be appointed for such period (not exceeding two years) and on such conditions as the Administrator concerned may in every particular case determine: Provided that such Administrator may, if in his opinion there exist sufficient reasons therefor, after consultation with the commission terminate the services of any such member at any time before the expiry of his period of office.

(4) If for any reason a vacancy occurs on a board, the Administrator concerned may in accordance with the provisions of subsections (1) and (3) appoint a person to fill the vacancy.

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

(6) No act or decision of a board shall be invalid by reason only of the fact that a person who was entitled to receive notice of a meeting of the board did not receive such notice, or by reason only of the fact that a person who was disqualified from being a member of the board, or in whose appointment there was some defect, acted as a member of the board when such act was performed or such decision was taken, whether or not such person's concurrence was necessary for the performance of that act or the taking of that decision.

(7) (a) At the request of a board, the Administrator concerned may from time to time appoint not more than two additional members to that board for a particular purpose on the ground of their special knowledge of the matter for the purpose of which they are appointed.

(b) A member so appointed shall hold office until the matter for the purpose of which he was appointed has been disposed of by the board.

Remuneration and allowances of members of a board.

14. (1) The remuneration and allowances of the members of a board, save the remuneration of any member who is in the service of the State, as determined by the Administrator concerned after consultation with the commission, shall be paid out of the transport fund concerned.

(2) A member of a board who is in the service of the State shall not be paid, in respect of services rendered by him, any remuneration in addition to his salary as a person in the service of the State, and such a member who is in the service of the State shall not be paid an allowance in respect of subsistence and travelling expenses at a rate higher than that applicable to him as a person in the service of the State.

(3) If the Minister, on the recommendation of the commission and after consultation with the Minister of Finance, is of opinion that a member mentioned in subsection (2), other than the chairman, devotes the whole or a substantial portion of his time to his functions as a member of a board, the Minister may, after such consultation, direct the board to refund to the State from the transport fund concerned the remuneration paid to such member as a person in the service of the State, or so much thereof as the Minister may after such consultation determine.

Meetings of a board.

15. (1) A board shall meet at such times and places as the chairman or, if he is absent, the deputy chairman may determine.

(2) The chairman or, if he is absent, the deputy chairman shall preside at all meetings of a board, and if both the chairman and the deputy chairman are absent from a meeting of a board, the members present shall elect a person from among themselves to preside at such meeting.

(3) The majority of the members of a board shall constitute a quorum for a meeting of the board.

(4) The decision of a majority of the members of a board present at a meeting of the board shall constitute a decision of the

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board, and in the event of an equality of votes on any matter, the person presiding at the meeting concerned shall have a casting vote in addition to his deliberative vote.

(5) A board shall cause records to be kept of the proceedings at every meeting held by it in connection with its functions in terms of this Act, and the Administrator concerned shall make them available to the commission on request.

Functions of a board.

16. (1) A board shall—

- (a) advise an Administrator on matters regarding transport in the metropolitan transport area concerned;
- (b) advise an Administrator on the determination or alteration of the limits of the metropolitan transport area concerned;
- (c) at the request of an Administrator conduct any study in relation to transport and advise that Administrator on the preparation of a transport plan by the local authorities of which the areas under their jurisdiction or of which any portion of the areas under their jurisdiction have or has been included in the metropolitan transport area concerned;
- (d) promote collaboration between such local authorities in order to effect the preparation of an efficacious transport plan;
- (e) promote the co-ordination of transport in the metropolitan transport area concerned, including the staggering of working hours;
- (f)
 - (i) submit to the Administrator concerned for his approval and make available to the commission its estimates, which shall be prepared on an annual basis;
 - (ii) make available to the Administrator concerned and the commission the estimates of the local authorities concerned, which shall be prepared on an annual basis and show all revenues and expenditure regarding transport in the metropolitan transport area concerned;
- (g) make recommendations to the Administrator concerned concerning the utilization of moneys made available from the fund for the implementation of any transport plan;
- (h) submit annual reports with regard to its functions to the Administrator concerned, who shall forward copies thereof to the commission.

(2) A board may appoint committees from among its members to perform on its behalf any of its functions.

(3) All administrative work in connection with the performance of the functions of any board, shall be performed by such persons of his administration and such other persons as may be made available by the Administrator concerned to such board.

Functions of a core city.

17. A core city shall—

- (a) in collaboration with the board appointed for its metropolitan transport area and any guide plan committee established in respect of its metropolitan transport area, give guidance in connection with the preparation of any contemplated transport plan for such area or, if directed thereto by the Administrator concerned, prepare such plan with such assistance or collaboration and on such conditions as may be determined by the Administrator after consultation with the commission;
- (b) implement any applicable approved transport plan in such manner as may be determined by the Administrator concerned after consultation with the commission;
- (c) give guidance to any other local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in its metropolitan transport area, in connection with the implementation of such part of any approved transport plan as may refer to such area or portion;

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- (d) if there is no such map, prepare a complete map of its metropolitan transport area and make it available to any interested person;
- (e) conduct such investigation in relation to the various aspects of transport as may from time to time be necessary, or as the Administrator concerned may after consultation with the commission request;
- (f) revise and bring up to date the applicable approved transport plan;
- (g) with a view to co-ordination concerning urban transport matters, maintain contact with any other local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in its metropolitan transport area, and with the South African Railways Administration;
- (h) conduct any investigation in connection with any scheme for amalgamating the revenues and expenditure of and the services rendered by, different transport undertakings in its metropolitan transport area;
- (i) assist the chairman of the board for its metropolitan transport area in preparing any report or estimate for consideration by that board;
- (j) administer the transport fund established by section 18 for its metropolitan transport area;
- (k) do such other work in connection with urban transport in its metropolitan transport area as the Administrator concerned may after consultation with the commission direct it to do.

Consolidated
Metropolitan
Transport Funds.

18. (1) For every metropolitan transport area there is hereby established a fund to be known as the Consolidated Metropolitan Transport Fund, into which shall be paid—

- (a) all moneys received in terms of sections 21 (2) and 22 (2) (a);
- (b) moneys granted by the Administrator concerned from a provincial revenue fund;
- (c) moneys granted by the commission out of the fund;
- (d) interest on cash balances belonging to the transport fund and invested with the approval of the commission;
- (e) moneys granted by a local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in the metropolitan transport area, with the approval or at the request of the commission, for the implementation of an applicable approved transport plan;
- (f) all other moneys which may accrue to the transport fund from any other source.

(2) The moneys in a transport fund shall be utilized to defray—

- (a) such cost as any local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in the metropolitan transport area concerned, may incur in performing its functions in terms of this Act, or such part of such cost as may be determined by the Administrator concerned with the approval of the commission;
- (b) the cost incurred by the Administrator concerned or any local authority in respect of the metropolitan transport area concerned in connection with the preparation of an applicable transport plan or the implementation of an applicable approved transport plan, or such part of such cost as the commission may determine;
- (c) any other expenditure incurred, as requested by the Administrator concerned with the approval of the commission, for the purposes of this Act;
- (d) the cost, as approved by the commission, incurred by the core city concerned in connection with the administration of the transport fund;
- (e) the remuneration and allowances payable in terms of section 14 to the members of the board concerned.

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Publication of approved transport plans.

19. (1) The commission shall after approving any transport plan or any alteration thereof, publish such particulars thereof as it may think fit by notice in the *Gazette*.

(2) As from the date of publication of any approved transport plan or any alteration thereof in terms of subsection (1), no person shall, unless authorized thereto by the Administrator concerned after consultation with the commission or authorized or required to do so in terms of any law or applicable town planning scheme, use any land or building which may be affected by such plan or alteration, for any purpose other than that for which it was used on the said date, or erect or make additions or alterations to any building on such land which in any way vary the ratio of the permissible floor space of the building in question to the area of the land on which it has been erected.

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Expropriation by local authority.

20. Notwithstanding the provisions of any other law, any local authority may, subject to the provisions of the Expropriation Act, 1975 (Act No. 63 of 1975), expropriate in a metropolitan transport area any land, including any real right in or over land but excluding State land and any real right in or over State land, necessary for the implementation of any applicable approved transport plan.

Levies by local authorities.

21. (1) Notwithstanding the provisions of any other law, any local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in any metropolitan transport area, may from time to time impose, in accordance with any applicable approved transport plan, levies determined or approved by the Administrator concerned, and which may differ from case to case, on—

- (a) specified classes of motor vehicles entering specified portions of the metropolitan transport area in the area under its jurisdiction at specified times;
- (b) land or buildings, except in so far as they are used or intended for private dwelling purposes and land or buildings of which the State is the owner, in the metropolitan transport area in the area under its jurisdiction;
- (c) the parking of motor vehicles in any buildings or premises in specified portions of the metropolitan transport area in the area under its jurisdiction;
- (d) parking-places for motor vehicles in such portions;
- (e) places where goods are off-loaded from or loaded onto motor vehicles in such portions.

(2) Amounts received by way of levy in terms of—

- (a) subsection (1) (a), (c), (d) and (e), shall once in a month be paid into the transport fund concerned;
- (b) subsection (1) (b), shall once in a year be paid into the transport fund concerned.

Further powers of local authorities.

22. (1) Notwithstanding the provisions of any other law, any local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in any metropolitan transport area, may in accordance with any applicable approved transport plan—

- (a) regulate the size, class or number of motor vehicles that may enter any specified portion of the metropolitan transport area in the area under its jurisdiction, and determine the time or times when any class of vehicle may enter any such portion;
- (b) regulate or prohibit the entry of any class of motor vehicle in any such portion during any specified period;
- (c) prohibit the loading or off-loading of goods motor vehicles in any such portion during any specified period or periods, and determine the time or times when such loading or off-loading may take place;

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(d) regulate or prohibit the provision of parking-places for vehicles in any building or premises in any such portion during any specified period.

(2) Any such local authority may, with the approval of the commission, let to any person the unoccupied part of land or of any building in any such portion which has been acquired in any manner for the purposes of any applicable approved transport plan, and shall pay the nett proceeds thereof into the transport fund concerned, unless such land (with or without improvements) was acquired or such building was erected by such local authority solely at its own expense.

Exercise of powers and performance of duties of local authorities.

23. Any Administrator may, with the approval of the commission, by himself exercise or perform or cause to be exercised or performed any power or duty conferred or imposed by this Act on any local authority, including a core city, and in that case any moneys payable from the fund or the transport fund concerned to such local authority may be utilized by the said Administrator for the purpose for which they are intended, and that Administrator may recover from such local authority any relevant cost for which it may be liable.

Delegation of powers.

24. (1) The commission may, subject to the approval of the Minister, delegate any power conferred on it by this Act to any member or officer of the commission, any Administrator or the deputy of a core city.

(2) Any Administrator may in writing delegate any power conferred on him by this Act to any person in the service of his administration.

Regulations.

25. (1) Any local authority referred to in section 21 (1) or 22 (1) may make regulations with reference to any matter mentioned in section 21 or 22.

(2) Subject to the provisions of subsection (1), the Minister may make regulations for achieving the objects and purposes of this Act.

(3) Any regulations made under this section may prescribe for any contravention thereof or failure to comply therewith penalties not exceeding a fine of five hundred rand or imprisonment for a period of six months.

State bound.

26. Save as by this Act expressly or by implication otherwise provided, the provisions of this Act and the regulations made thereunder shall bind the State except in so far as criminal liability is concerned.

Short title and commencement.

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