

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain uneven numbered pages as the other language is printed on even numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1330.

6 Julie 1988

No. 1330.

6 July 1988

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

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

— 80 van 1988: Wet op Deregulering van Vervoer, 1988.

No. 80 of 1988: Transport Deregulation Act, 1988.

ACT

To repeal the Transport (Co-ordination) Act, 1948; and to provide for the continued existence of, and the continuation of certain functions by, the National Transport Commission; for the transfer of certain powers, functions and duties of the National Transport Commission to the South African Roads Board and for the vesting of certain property of that commission in that board; for the deregulation of road transportation; for the entering into agreements with the governments of certain countries or territories in connection with road transportation; and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 27 June 1988.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
- 5 (i) "board" means a local road transportation board established in terms of section 4 of the Road Transportation Act, 1977 (Act No. 74 of 1977); (vii)
- (ii) "Commission" means the National Transport Commission referred to in section 3 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948); (iii)
- 10 (iii) "country" means any country other than the Republic; (iv)
- (iv) "Minister" means the Minister of Transport Affairs; (v)
- (v) "road transportation" means road transportation as defined in section 1 (1) of the Road Transportation Act, 1977 (Act No. 74 of 1977); (vi)
- 15 (vi) "South African Roads Board" means the South African Roads Board established by section 2 of the South African Roads Board Act, 1988; (viii)
- (vii) "territory" means a self-governing territory as defined in section 38 (1) of the National States Constitution Act, 1971 (Act No. 21 of 1971); (i)
- (viii) "this Act" includes any regulation made thereunder. (ii)

Repeal of Act 44 of 1948, and savings

- 20 2. (1) Subject to the provisions of subsections (2) to (8), inclusive, the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), is hereby repealed.
- (2) Notwithstanding the provisions of subsection (1) the Commission shall continue to exist and shall remain a juristic person.
- (3) With effect from the date immediately following the date of the first ensuing
- 25 expiration, after the date of commencement of this section, of the term of office of the members of the Commission as it was constituted immediately prior to the said date of commencement, the Commission shall consist of so many members as the Minister may from time to time determine by notice in the *Gazette*, and its members shall be appointed by the Minister.
- 30 (4) Any appointment under subsection (3) shall be made by the Minister with due regard to the provisions of section 3 (4) of the Transport (Co-ordination) Act, 1948, as those provisions existed immediately prior to the commencement of subsection (1).

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(5) The members of the Commission who are appointed by the Minister in terms of subsection (3), shall be so appointed for a period not exceeding five years and shall, subject to the succeeding provisions of this section, hold office upon such conditions as the Minister may determine when making the appointments: Provided 5 that any member of the Commission shall upon the expiration of his term of office be eligible for reappointment by the Minister: Provided further that individual members of the Commission may be so appointed by the Minister for different periods and upon different conditions.

(6) The Director-General: Transport shall be the chairman of the Commission as 10 it continues to exist by virtue of the provisions of subsection (2) and is constituted by the Minister from time to time in terms of subsection (3).

(7) The provisions of sections 4, 5, 6 (1), (2), (5) and (6), 10 and 12 of the Transport (Co-ordination) Act, 1948, as those provisions existed immediately prior to the commencement of subsection (1), shall be applicable, *mutatis mutandis*, in 15 relation to the Commission as it continues to exist by virtue of the provisions of subsection (2) and is constituted by the Minister from time to time in terms of subsection (3).

(8) For the purposes of subsection (7) any reference—

- 20 (i) in section 4 (1) (d) of the Transport (Co-ordination) Act, 1948, to the State President; and
(ii) in sections 4 (4), 4 (5) and 10, respectively, of the last-mentioned Act to the Governor-General, shall be construed as a reference to the Minister.

Transfer of certain powers, functions and duties of National Transport Commission to 25 South African Roads Board and continuation by that Commission of certain functions

3. (1) With effect from the date of commencement of this section those powers, functions and duties which are conferred upon or entrusted to the Commission by or under the National Roads Act, 1971 (Act No. 54 of 1971), the National Road Safety Act, 1972 (Act No. 9 of 1972), and the Urban Transport Act, 1977 (Act No. 78 of 30 1977), shall be exercised and performed by the South African Roads Board and for the purposes of the said Acts the last-mentioned Board shall for all purposes be deemed to be the successor of the Commission.

(2) All powers, functions and duties conferred upon or entrusted to the Commission by or under any law, and which have not been transferred to any other 35 institution or body or are not exercised or performed by such other institution or body by or under this Act or any other law, shall continue to be exercised or performed by the Commission as it continues to exist by virtue of the provisions of section 2 (2) and is constituted by the Minister from time to time in terms of section 2 (3).

40 (3) In addition to the powers, functions and duties referred to in subsection (2), the Commission, as it continues to exist by virtue of the provisions of section 2 (2) and is constituted by the Minister from time to time in terms of section 2 (3), shall exercise such powers and perform such functions and duties as the Minister may from time to time confer upon it or entrust thereto by notice in the *Gazette*.

45 (4) For the purposes of the provisions of subsection (1) any reference to the Commission in any of the Acts referred to in that subsection, or in any document executed in connection with the application of those Acts, shall be construed as a reference to the South African Roads Board.

Vesting of certain property of National Transport Commission in South African 50 Roads Board

4. (1) The Minister may from time to time, after consultation with the Commission and the South African Roads Board, by notice in the *Gazette* declare that movable or immovable property which is specified by the Minister in such notice and of which the Commission has for the purposes of, or by virtue of the provisions of, the 55 National Roads Act, 1971 (Act No. 54 of 1971), or the Urban Transport Act, 1977 (Act No. 78 of 1977), acquired ownership, shall with effect from a date determined by the Minister in the said notice vest in the South African Roads Board.

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(2) The transfer to the South African Roads Board, by virtue of the provisions of subsection (1), of immovable property held or possessed by the Commission under any one deed or title deed, may, on written application by the South African Roads Board to the officer in charge of the relevant deeds registry, be effected by that officer by means of an endorsement on that deed or title deed.

(3) No transfer duty, stamp duty, office fee or other fee shall be payable by the South African Roads Board in connection with the effecting of a transfer referred to in subsection (2).

Deregulation of road transportation

5. (1) Subject to the provisions of subsection (3), the provisions of the Road Transportation Act, 1977 (Act No. 74 of 1977), in so far as they are applicable in relation to the conveyance of—

- (a) goods; or
- (b) persons,

shall cease to be in force with effect from a date determined by the Minister by notice in the *Gazette*.

(2) The date determined in terms of subsection (1) in respect of the matter referred to in paragraph (a) of that subsection may differ from the date so determined in respect of the matter referred to in paragraph (b) of that subsection: Provided that the date so determined in respect of the matter referred to—

- (a) in subsection (1) (a), shall not be a date prior to the date of commencement of an act of Parliament, other than the Road Transportation Act, 1977, having as one of its objects the maintenance of satisfactory standards in the conveyance of goods by means of road transportation; or
- (b) in subsection (1) (b), shall not be a date prior to the date of commencement of such other act of Parliament having as one of its objects the maintenance of satisfactory standards in the conveyance of persons by means of road transportation.

(3) The Minister may, subject to the provisions of subsection (4), by a notice issued in terms of subsection (1), declare that any provision specified in the notice, or all the provisions, of the Road Transportation Act, 1977, shall cease to be in force in relation to—

- (a) any class or classes of road transportation;
- (b) any person or goods or class or classes of persons or goods conveyed by means of road transportation;
- (c) road transportation within a particular area or within particular areas in the Republic; or
- (d) any kind or class of motor vehicle or kinds or classes of motor vehicles used in road transportation,

specified in the notice.

(4) The Minister may effect an abrogation in terms of subsection (3) of provisions of the Road Transportation Act, 1977, also on the basis of a combination of more than one of the elements referred to in paragraphs (a) to (d), inclusive, of that subsection.

(5) When any provision of the Road Transportation Act, 1977, ceases, in terms of subsection (1), to be in force, any proceedings under or by virtue of such provision, involving the Commission or a board and which have at that stage not yet been concluded, shall cease with effect from the date upon which that provision so ceases to be in force, and those proceedings shall be deemed not to have been instituted.

(6) In this section any word or expression which is not defined in section 1 but to which a meaning is assigned in the Road Transportation Act, 1977, shall bear the meaning so assigned thereto.

Road transportation agreements with other governments

(1) The State President may enter into an agreement with the government of a country or territory whereby arrangements are made with that government for the control and regulation of the transportation of persons or goods between the Republic and that country or territory.

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(2) An agreement referred to in subsection (1) and any amendment thereof shall be published by the State President by proclamation in the *Gazette*, shall come into force on the date of signature of the agreement or amendment or on the later date stipulated in the agreement or amendment and shall have the force of law, and the provisions thereof shall prevail in the case of conflict between such provisions and the provisions of this Act or any other law.

(3) The State President may by proclamation in the *Gazette*—

- (a) add to this Act any Schedule setting out the text of any agreement entered into under subsection (1);
- 10 (b) amend such Schedule so as to reflect any amendment of such an agreement; and
- (c) repeal such Schedule when the agreement in question has expired or is terminated.

(4) The Minister shall lay a copy of every proclamation issued by the State President under subsection (2), upon the Table in Parliament within 14 days after publication of such proclamation in the *Gazette* if Parliament is then in session, or if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.

Regulations

20 7. (1) The Minister may by notice in the *Gazette* make such regulations as he may deem necessary or expedient for carrying out and for giving effect to the provisions of any agreement entered into under section 6 or any amendment of such an agreement.

(2) Any regulation made under subsection (1) may—

- 25 (a) except in the case of a regulation contemplated in paragraph (b), be made with retrospective effect;
- (b) prescribe penalties for any contravention thereof or failure to comply therewith, but no such penalty shall exceed a fine of R10 000 or imprisonment for a period of five years, or both such fine and such imprisonment.

30 Short title and commencement

8. (1) This Act shall be called the Transport Deregulation Act, 1988, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.