

DEPARTMENT OF TRANSPORT**GENERAL NOTICE 1882 OF 2023****DRAFT SECOND AMENDMENT TO THE NATIONAL LAND TRANSPORT REGULATIONS, 2009**

The following draft regulations are hereby published for public comments in terms of section 8(2) of the National Land Transport Act, 2009 (Act No. 5 of 2009). All interested persons are invited to submit comments relating to them within 30 days from the date of publication hereof to:

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NATIONAL LAND TRANSPORT ACT 5 OF 2009 – AMENDMENT OF REGULATIONS**NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)
SECOND AMENDMENT OF THE NATIONAL LAND TRANSPORT
REGULATIONS, 2009**

The Minister of Transport, after consultation with the MECs, has made the regulations in the Schedule under sections 8(1)(a), (w) and (cc), 54(5) and (6) and 82(1) of the National Land Transport Act, 2009 (Act No. 5 of 2009).

SCHEDULE**Definitions**

1. In these regulations, unless the context indicates otherwise, a word or expression that is defined in the Act or the Regulations has the same meaning in these regulations, and—

“the Act” means the National Land Transport Act, 2009 (Act No. 5 of 2009); and

“the Regulations” means the National Land Transport Regulations, 2009 published under Notice R.1208 of 17 December 2009 as amended by Notice R.399 of 14 May 2010 and as further amended from time to time.

Explanatory note

2. In these amending regulations words in square brackets indicate omissions from the Regulations and words underlined with a solid line indicate insertions in those Regulations.

Amendment of regulation 17

3. Regulation 17 of the Regulations is hereby amended by-
- (a) replacing paragraph (d) of sub-regulation (1) with the following:
- “(d) the route or routes or area or areas of operation for which the applicant has applied as reflected in the application form.
- (b) inserting the following sub-regulation after sub-regulation (3):

“(3A) The regulatory entity must make details concerning that applications in sub-regulation (1) available for inspection by interested persons at the offices of the entity and on the Website used by the entity and supply such details by electronic mail (e-mail) to any person who requests them in writing within seven days of the request.”

Amendment of regulation 25

4. Regulation 25 of the Regulations is hereby amended by replacing sub-regulation (1) with the following:

“(1) Where an operating licence was issued for more than 30 days and the holder wishes to renew it, the holder must apply [not later than 30 days] before expiry of the licence for its renewal, provided that a grace period of 21 days after the date of expiry of the licence will be granted for such application to be made.”

Amendment of regulation 26

5. Regulation 26 of the Regulations is hereby amended by adding the following sub-regulation:

“(3) The authorization must specify that it is valid for the period determined by the regulatory entity, which date is specified in the authorization, and which period may not be longer than six months from the date that the authorization was issued.”

Amendment of regulation 27

6. Regulation 27 of the Regulations is hereby amended by replacing the introductory portion of sub-regulation (3) thereof with the following:

“(3) Where such a decal was issued to a holder in terms of the Act, the Transition Act or a previous law that holder may not operate the vehicle for a public transport service on a public road—“

Amendment of regulation 30

7. Regulation 30 of the Regulations is hereby amended by replacing sub-regulation (1) thereof with the following:

“(1) An application for accreditation as a tourist transport operator under section 82 of the Act must be lodged by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2, subject to regulation 34A.”

Amendment of regulation 32

8. Regulation 32 of the Regulations is hereby amended—

(a) by replacing paragraph (a) of sub-regulation (1) with the following:

“(a) Whether the applicant complies with section 81(2) of the Act and these regulations, based on the applicant’s past record as an operator, *inter alia* as regards safety and compliance with legislation, but without discriminating against persons [operators] who are new to [in] the industry, and with due regard to the need to promote small business and persons previously disadvantaged by unfair discrimination;”

(b) by replacing paragraph (d) of sub-regulation (1) with the following:

“(d) that the applicant has a programme of maintaining and servicing all vehicles operated or to be operated by the applicant, that is acceptable to the NPTR either—

(i) by producing records of regular servicing by an acceptable garage or service centre or mechanic; or

(ii) in appropriate cases, by [suitably qualified] adequately trained or experienced staff of the operators in workshops or other facilities that have been inspected and approved by or on behalf of the NPTR;”

Insertion of regulation 34A in the regulations

9. The following regulation is hereby inserted in the Regulations after regulation 34:

“Applications for operating licences for tourist transport services

34A. (1) A person who—

(a) has not yet been accredited under section 82(4) of the Act; and

(b) has not yet applied for accreditation, and

(b) wishes to operate tourist transport services by means of vehicles for which operating licences have not yet been issued,

must apply simultaneously for accreditation in terms of regulation 30 and for the necessary operating licences in terms of section 54 of the Act by completing form 5AA as shown in Schedule 1 and paying the application fee specified in Schedule 2 and supplying the documents contemplated in regulation 35(3).

(2) An operator who already holds operating licences authorizing tourist transport services but has not yet been accredited under section 82(4) of the Act-

- (a) may continue to operate such vehicles in terms of such licences, but
- (b) must apply for accreditation if he, she or it has not already done so without delay to avoid being barred from operating such services when the Minister determines the date contemplated in section 81(1) of the Act.

(3) An operator contemplated in sub-regulation (2) who wishes to renew an operating licence contemplated in that sub-regulation, must apply simultaneously for renewal of the licence in terms of regulation 25 and for accreditation in terms of regulation 30.

(4) Where the NPTR refuses an application for accreditation, the operator must-

- (a) cease to operate tourist transport services forthwith; and
- (b) submit any operating licences held by him, her or it which authorize tourist transport services to the NPTR for amendment or cancellation, as the case may be, within 21 days of the date that such accreditation was refused, subject to sub-regulation (6) and (7).

(5) Where an operating licence authorizes services other than tourist transport services in addition to tourist transport services, the NPTR must carry forward the authorisations for all the relevant services when issuing a new operating licence; provided that the validity period of the new licence must be aligned with the period of validity of the operator's accreditation.

(6) When cancelling an operating licence in terms of sub-regulation (5)(b) the NPTR must follow the procedure contemplated in section 79(4) of the Act, reading in the necessary changes.

(7) Where an operator contemplated in sub-regulation (5) has lodged an appeal, or a review application in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), to a competent court or tribunal, as the case may be, against the decision to refuse accreditation, sub-regulation (5) will not apply unless the appeal or review application is withdrawn or is dismissed by the court or tribunal."

Amendment of regulation 35

10. Regulation 35 of the Regulations is hereby amended by-

- (a) replacing sub-regulation (1) thereof with the following:

“(1) When accrediting an operator under section 82(4) of the Act, the NPTR must verify the validity and authenticity of the particulars and documents relating to the operator’s vehicles as supplied on the application form for accreditation, and if satisfied that the vehicle or vehicles comply with section 84(3) of the Act, must certify such vehicle and issue an operating licence for it if proper application has been made for such licence as contemplated in regulation 35A(1) [in the manner set out in sub-regulation (5)].”

- (b) replacing sub-regulation (2) thereof with the following:

“(2) An accredited operator may apply for certification of and issuing of an operating licence for additional vehicles under section 84 of the Act by completing the application form shown as Form 5AA in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2, and such an application may be lodged electronically.”

- (c) by inserting the following sub-regulation after sub-regulation (2) thereof:

“(2A) An accredited operator may not operate a vehicle that has been certified in terms of sub-regulation (1) or (2), unless and until an operating licence has been issued for the vehicle in terms of regulation 36.”

- (d) by replacing the introductory portion of sub-regulation (3) with the following:

“(3) [The applicant] An accredited operator applying for an operating licence contemplated in sub-regulation (2) must submit with the application-”

Amendment of regulation 36

11. Regulation 36 of the Regulations is hereby amended-

- (a) by replacing sub-regulation (1) with the following:

“(1) Where the NPTR has certified a tourist transport vehicle in terms of section 84 of the Act and regulation 35 for an operator that has been accredited in terms of section 81 of the Act, such accredited operator must apply for an operating licence for that vehicle to operate tourist transport as contemplated in regulation 35, by completing Form 5AA in Schedule 1.

- (b) by inserting the following sub-regulation after sub-regulation (1):

“(1A) On compliance by the operator with sub-regulation (1) and regulation 35(1) and (2), the NPTR [it] must issue an operating licence for the [that] vehicle, which will replace any permit or operating licence already issued for that vehicle.”

- (c) by replacing sub-regulation (3) with the following:

“(3) When issuing an operating licence to an operator who is accredited in terms of section 81 of the Act, that operator must submit to the

NPTR any permit or operating licence previously issued for the relevant vehicle which authorizes services other than tourist transport services, and the NPTR must include such authorizations in the licence issued pursuant to the accreditation, subject to regulation 34A(5)."

Amendment of regulation 38

12. Regulation 38 of the Regulations is hereby amended by replacing the following for sub-regulation (1) thereof:

"(1) If satisfied that the applicant is accredited and that the vehicle complies with the requirements set out in these Regulations and [regulation 32(1)] section 84(3) of the Act, and after proper application for an operating licence having been made in terms of regulation 34A(1) or 36(1) as the case may be, the NPTR must issue an operating licence to the applicant within 14 days of the application having been made, subject to all granting requirements having been met, and [the same day if the application was lodged before 12:00, or on the following day if it was lodged on or after 12:00,] subject to sub-regulation (2)."

Amendment of regulation 42

13. Regulation 42 of the Regulations is hereby amended:

(a) by replacing the following for paragraph (a) of sub-regulation (1) thereof:

"(a) Where applicable a contract between the operator and the school or other educational institution or department or a certified copy thereof, or a letter from the principal or authorized administrative officer of [the] such institution [approving] confirming that the operator [and] will provide the transport, a copy of which must be kept in each vehicle being used for such a service;"

(b) by replacing the following for the introductory portion of sub-regulation (4) thereof:

"(4) As from a date to be published by the Minister in the Gazette, all vehicles used for scholar transport must—"

(c) by the repeal of sub-regulations (6) and (7) thereof;

Replacement of regulation 49

14. The following regulation is hereby substituted for regulation 49 of the Regulations:

“49. (1) The Department may amend the forms shown in Schedule 1 [or the fees specified in Schedule 2] from time to time without the need to amend these regulations.

(2) The fees specified in Schedule 2 must be increased on 1st April each year after this sub-regulation comes into operation, i.e. with effect from the beginning of the relevant financial year, according to any increase reflected in the Consumer Price Index as published from time to time.”

Amendment of Schedule 1

15. Schedule 1 to the Regulations is hereby amended:

(a) by including the following in the list of forms after Form 5A:

“Form 5AA Application by accredited tourist transport operator for an operating licence”

(b) by inserting the following form after Form 5A:

Short title and commencement

16. These regulations are called the Second Amendment of the National Land Transport Regulations, 2009.



TRANSPORT

Department:
Transport
REPUBLIC OF SOUTH AFRICA

FORM 5AA

DEPARTMENT OF TRANSPORT

National Public Transport Regulator

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

APPLICATION FOR OPERATING LICENCE FOR TOURIST TRANSPORT SERVICES

A. Particulars of applicant

Name of applicant: (Company, close corporation, partnership, trust or other legal entity or full names if a sole proprietor)

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Type of identification:

RSA identity document	Temporary identify certificate	
Passport	Foreign identity document	
Founding statement	Partnership agreement	
Certificate of incorporation	Letters of authority (trust)	
Other (specify)		

Identity/passport/business registration number:

Trade name (if applicable):

Type of business:

Postal address and code:

Street address (if different from postal address) (to be used as *domicilium citandi et executandi*):

.....

Telephone number(s) and code:

E-mail address (if any) :

Income tax registration number:

[Attach original tax clearance certificate or pin]

Accreditation number (if already accredited)

[Copy of Accreditation Certificate to be attached if applicable]

Contact person (full names, telephone number(s) and e-mail address if applicable):

.....

B. Particulars of vehicles for which operating licences are required:

[Certified copies of service records to be supplied]

Vehicle 1

Vehicle registration number:

Vehicle identification number (VIN):

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Vehicle 2

Vehicle registration number:

Vehicle identification number (VIN):

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Vehicle 3

Vehicle registration number:

Vehicle identification number (VIN):

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

[In the case of more vehicles, provide the same particulars on a separate sheet or sheets. C.

Declaration

[Declaration to be made by the operator or his/her/its authorized representative]

I, the undersigned (full names)

Certify that the information supplied in this application form is true and correct.

Accept that if any of such information is found to be false, the application will be rejected and I may be disqualified from applying for operating licences in the future and my accreditation may be cancelled in terms of section 83 of the Act.

Signature Date

D. For office use

Details captured in OLAS on (date)

OLAS reference number

Amount paid R.....

Full names of official

Signature of official Date

E. Checklist for office use

Application form properly completed	
Copy of accreditation certificate (if applicable)	
Proof of registration and licensing of each vehicle	
Proof of roadworthy certificate for each vehicle	
Copies of service records for each vehicle	

Replacement of Schedule 2

14. Schedule 2 to the Regulations is hereby replaced by the following:

“SCHEDULE 2: TABLE OF FEES

Regulation	Description	Fee
2(1), 3(1), 6(1), 7(1), 10(1), 11(1), 15(2), 16(1)	Application for new operating licence, or for renewal, amendment, transfer or conversion of an operating licence or permit	R600,00
6(6)	Submission of application to the NPTR in terms of section 21(4) of the Act	R600,00
17(4)(b) and (c)	Inspection of documents or requesting copies	R100,00 per request
17(4)(d)	Providing copies	R2,00 per folio
20	Application for temporary operating licence	R100,00
26	Application for written authorization to replace a vehicle temporarily	R100,00
28, 36(8)	Application for duplicate operating licence or decal	R600,00
29(3)	Notification of courtesy service to NPTR	R600,00
30(1), 35(1)	Application for accreditation, or renewal of accreditation of a tourist transport operator or for amendment of conditions of accreditation	R2 000,00