

**DEPARTMENT OF TRANSPORT****NOTICE 2501 OF 2024****TRANSPORT APPEAL TRIBUNAL REGULATIONS, 2024****TRANSPORT APPEAL TRIBUNAL ACT, 1998 (ACT NO. 39 of 1998)**

The following draft Regulations are hereby published for public comment. All interested persons are invited to submit their comments within 30 days from the date of publication hereof to:

The Director-General  
Department of Transport  
Private Bag X193  
PRETORIA  
0001

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I, Lydia Sindisiwe Chikunga, the Minister of Transport, after consultation with the Transport Appeal Tribunal hereby, in terms of section 17 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998) (“the Act”) make the regulations in the Schedule hereto.

**Ms L S Chikuga MP**

**Minister of Transport**

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## Definitions

1. In these Regulations, any word or expression which is defined in the Act, the National Land Transport Act or the Cross-Border Road Transport Act has the same meaning and, unless the context indicates otherwise—

**“Act” or “the Act”** means the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998).

**“appeal”** means any appeal lodged with the Tribunal in terms of the National Land Transport Act, Cross-Border Road Transport Act or Transport Appeal Tribunal Act;

**“appeal fee”** means the fee prescribed in Annexure 2;

**“appellant”** means any person appealing to the Tribunal in terms of the National Land Transport Act, Cross-Border Road Transport Act or Transport Appeal Tribunal;

**“chairperson”** means the chairperson of the Tribunal appointed under section 5 of the Act and includes any member thereof who is acting as chairperson under that section;

**“Cross-Border Road Transport Act”** means the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998);

**“day”** means any day which is not a Saturday, Sunday, public holiday or falls between the date of 15 December to 15 January;

**“decision”** means when an appeal has been finalised and appellant either gets or forfeits the appeal lodging fees.

**“deliver”** means use of electronic mail, registered post and manually.

**“designated official”** means an officer in the Department of Transport whom the Director-General has designated in terms of section 16(1) of the Act to perform the administrative and secretarial work of the Tribunal or to undertake investigations;

**“directive notice”** means a directive issued to a party to an appeal in terms of regulation 4(1);

**“directive reply”** means a reply submitted to the Tribunal by a party to an appeal in terms of regulation 4(2);

**“entity”** means the regulatory entity as defined in the National Land Transport Act or the Regulatory Committee as defined in the Cross-Border Road Transport Act, as the case may be, against whose act, direction or decision an appeal has been lodged;

**“Integrated Transport Plans”** means an integrated transport plan contemplated in section 36 of the National Land Transport Act;

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

**“party to the appeal”** means and includes the following persons:

- (a) the appellant;
- (b) the aggrieved applicant in the application relating to the act, direction or decision of the regulatory entity in question, if not the appellant;
- (c) the holder of any operating licence or permit affected by the act, direction or decision of the regulatory entity if not the appellant or aggrieved applicant;
- (d) any other person interested in or affected by such act, direction or decision, and
- (e) any person who was a party to or participated in the process leading up to the act, direction or decision which is the subject matter of the appeal, either as an applicant, objector or a person who submitted representations, who has been identified as the appellant or a respondent in the notice of appeal or has been recognised as such by the Tribunal;

**“planning authority”** means a municipality that is a planning authority as defined in the National Land Transport Act;

**“ruling”** means the appeal is still pending before the tribunal.

**“serve”** means delivered to the person concerned by–

- (a) delivering a copy to the person personally;
- (b) leaving a copy at the place of residence or business of the person with a person apparently in charge of the premises who is apparently not less than 16 years of age;
- (c) delivering a copy to the place of employment of the person to a person who is apparently not less than 16 years of age;
- (d) in the case of a corporation, company or other juristic person by delivering a copy to a responsible employee thereof at its registered office or principal place of business or by affixing a copy to the main door of such office or place of business, or
- (e) by delivering a copy to an agent or representative appointed by the person to represent him, her or it at the proceedings before the regulatory entity, or
- (f) by sending a copy to the person by electronic mail to an e-mail address provided by the receiving person or his, her or its agent or representative.

### **Lodging of appeal**

2. (1) An appeal in terms of section 92 of the National Land Transport Act, section 34 of the Cross-Border Road Transport Act or section 1 of the Transport Appeal Tribunal, as the case may be, must be lodged in writing with the Tribunal after:
  - (a) being served on all parties to the appeal within 30 days of the date of the written notice whereby the relevant act, direction or decision of the relevant entity was communicated to the appellant or
  - (b) 30 days from the date when an appellant became aware of decision in the absence of written notice
  - (c) but not more than 90 days when the act, direction or decision was made.
- (2) The appellant must attach to the notice of appeal as an annexure a typed document setting out the grounds on which the appeal is based, which must refer to the applicable legislation where appropriate.
- (3) An appellant lodging such an appeal must first pay the appeal fee and then submit proof of payment to the Tribunal with the original and nine copies of the completed notice of appeal form TAT 01 in Annexure 1, together with the information and documents specified in that Form and proof of service to the parties in the lodged appeal.

- (4) An appellant must deliver a copy of the notice and accompanying documents by electronic mail, registered post, and manually to the other parties to the appeal and forward the proof of service to the Tribunal.
- (5) The appellant must also submit a copy of the notice of appeal and accompanying documents, to the planning authority or authorities in whose areas of jurisdiction the relevant road transport services are or will be provided and to any person who made representations or lodged an objection to the application to which the appeal relates, and provide proof of such service to the Tribunal.
- (6) Should the notice of appeal or lodging of the appeal not comply with the Act or these Regulations, the designated official receiving them must within 10 days of receipt of the notice of appeal send a notice to the appellant specifying details of the non-compliance and asking the appellant to comply within seven days of sending of the notice.
- (7) If the appellant does not comply with the notice referred to in sub-regulation (6) the Tribunal may, subject to the right of the appellant to apply for condonation in terms of section 13 (a) of the Act, remove the appeal from the appeal register if—
  - (a) in its view substantial information is missing from the notice of appeal;
  - (b) any of the required documents have not been attached to the notice of appeal, or
  - (c) the appeal fee has not been paid.
- (8) Where an appeal has not been removed from the appeal register in terms of sub-regulation (7), the designated official must allocate a reference number to the appeal and start the appeal proceedings.
- (9) Application for suspension of an act, direction or decision of the entity in terms of Section 13(b) of the Act, must be made in accordance with Regulation 7(2) hearing.

### **Appeal procedure: entity**

- 3.(1) The designated official must send a notice of the appeal to the relevant entity and attached documents by electronic mail, registered post, and manually within 10 days after date of receipt of the notice of appeal.

- (2) The relevant entity receiving such a notice of appeal must within 21 days after the date of receipt of the notice of appeal, forward to the Tribunal and to all parties to the appeal: —
  - (a) copies of all documents relating to the act, direction or decision appealed against;
  - (b) a copy of the original application form submitted to the entity;
  - (c) a copy of the portion of the Government Gazette wherein the application was published, if applicable;
  - (d) any written representations or objections lodged with it in regard to the application;
  - (e) any recommendations or comments received from planning authorities;
  - (f) any maps and route descriptions that were considered;
  - (g) a reference to any applicable ITPs that were considered, or reasons why applicable ITPs were not considered;
  - (h) a transcript of the proceedings before it;
  - (i) if applicable, copies of agreements relating to the application, and
  - (j) any further documents that were considered during the application process.
- (3) The relevant entity receiving such a notice of appeal must also within 21 days after the date of receipt of the notice of appeal, forward to the Tribunal and to all parties to the appeal its reasons in writing for the act, direction or decision appealed against.
- (4) The chairperson may, in any particular case, extend the period contemplated in sub-regulation (2) or (3) on the written request of the entity concerned, but not for more than 14 days.
- (5) The designated official must on receipt of documents contemplated in sub-regulations (2) and (3), verify with the parties as to whether they received the said documentation and if not, forward copies thereof to any person who made representations or lodged an objection to the application to which the appeal relates.
- (6) Thereafter, the designated official must request parties to the appeal to make and forward their comments on the response documentation received from the entity within 10 days and to serve their comments to the Tribunal and to all the parties to the appeal.
- (7) If the entity fails to provide the information set out in sub-regulations (2) or (3) within the period of 21 days prescribed in those sub-regulations, or any extended period granted in terms of sub-regulation (4), the Tribunal may:
  - (a) proceed to hear the appeal on the basis of the lodged notice of appeal and attached documents, or



- (b) issue summons in the form of Form TAT 03 shown in Annexure 1 to be served on the chairperson of such entity in accordance with section 14(1)(b) of the Act calling upon him or her to appear before the Tribunal and produce the documents referred to in sub-regulation (2) or (3), as the case may be.

#### **Appeal procedure: parties**

- 4. (1) The chairperson or a designated official may at any time after the filing of a notice of appeal in terms of regulation 2, issue a directive notice directing one or more of the parties to the appeal to send a directive reply that complies with sub-regulations (4) and (5).
- (2) The directive notice referred in subsection (1) should state and curtail issues for consideration at the appeal hearing, being such issues as determined by the chairperson or a delegated official and set out in the directive notice.
- (3) Must deliver such a reply if he or she or wishes to raise or rely on any grounds or issues at the appeal hearing, and must set out those grounds or issues in the directive reply.
- (4) A party who has been issued with a directive notice must respond to the directive reply to the Tribunal in writing within 10 days from the date of issue of the directive notice, provided that any party to the appeal may deliver such a directive reply despite not having received a directive notice from the Tribunal.
- (5) An appellant may at a hearing of an appeal rely only on the grounds and issues stated in the notice of appeal and may give only such evidence as was given before the relevant entity.
- (6) Parties to the appeal may at the hearing of the appeal also rely on the grounds and issues stated in writing in their directive reply and any grounds or issues that were given as evidence before the relevant entity.
- (7) An appellant who did not participate in the application, the outcome of which is the subject of an appeal, may at the hearing of the appeal rely only on the grounds stated in his or her notice of appeal and may give relevant evidence not given before the entity that considered the application.
- (8) Any party not cited or joined in the appeal proceedings and have an interest in the outcome of the appeal, may apply to be joined in the appeal proceedings at the discretion of the Tribunal.

- (9) A directive reply:
- (a) must respond to the questions in the directive notice and state the facts which are in dispute, admitted or rejected that are material to the appeal;
  - (b) must set out any other facts on which the parties propose to rely that are material to the appeal;
  - (c) must provide details of witnesses if any, that the parties intend to call during the appeal hearing;
  - (d) may attach a settlement agreement signed between the parties and;
  - (e) may provide for any other issues for consideration by the Tribunal.

#### **Appeal procedure: Tribunal**

5. (1) The Tribunal may at any stage of the appeal proceedings, in its own discretion and on application by the appellant or any other party to the appeal, allow any document submitted by any party to be amended upon such terms as the Tribunal considers just.
- (2) The Tribunal may allow, in special circumstances and on good cause shown, evidence not given before the relevant entity to be admitted.
- (3) The designated official must send any directive notice or directive reply sent to a party to the appeal or filed by such a party with the Tribunal, as the case may be, to all other parties to the appeal by electronic mail, registered post, and manually if they have not already received the same.
- (4) The Tribunal may grant an order on any point which appears to be an issue in the appeal to be determined as a preliminary issue, and may, in appropriate circumstances, decide on or dismiss the appeal in terms of section 12 of the Act based on its decision on such a preliminary issue.
- (5) If in the opinion of the Tribunal, the determination of a preliminary issue will substantially dispose of the entire appeal, the Tribunal may treat the hearing of the preliminary issue as the hearing of the appeal and may grant such an order by way of disposing of the appeal as it deems fit.
- (6) Any notice or reply filed by the parties to an appeal with the Tribunal must first be served on all other parties and proof of service must be furnished to the Tribunal.

- (7) A party who is in default of any of the provisions of these Regulations shall not be heard in respect of any issue raised in such Regulations except on good cause shown to the Tribunal for its failure to comply.
- (8) In the event a sitting of the Tribunal has partly heard the merits of an appeal and further hearings are needed to finalise the appeal, the Secretariat must ensure that the members who constituted the Tribunal continue to participate in subsequent sittings until the partly heard matters are finalised.
- (9) The exception to sub-regulation 8 above, would be circumstances wherein a member is permanently or temporarily unable to participate in Tribunal hearings.
- (10) Sub-regulation (8) does not apply to the hearing of preliminary issues.
- (11) A preliminary issue contemplated in sub-regulation (4) may be raised by any party to the appeal.
- (12) The Tribunal may in its discretion postpone the hearing of an appeal or alter the place of any hearing of the appeal.
- (13) If the Tribunal decides on or dismisses an appeal in terms of section 12 of the Act, or postpones an appeal or alters the place of any hearing in terms of sub-regulation (12), the designated official must notify all parties to the appeal of the Tribunal's decision in writing not later than 10 days after such decision.
- (14) Any irregularity resulting from a failure to comply with any provision of these Regulations before the Tribunal has reached its decision does not in itself render the proceedings void.
- (15) Any clerical mistake or error in any document recording a decision of the Tribunal, or any error arising in such a document from an incidental error or omission may be corrected by the person presiding at the proceedings in which the decision was made.
- (16) Before the commencement of any hearing of an appeal, members of the Tribunal must disclose any direct or indirect financial or personal interest that any of them may have in any matter before the Tribunal that may affect the impartiality of the member concerned.
- (17) The chairperson may at his or her discretion after consideration of all disclosures, if any, contemplated in sub-regulation (16) make a ruling for the member to be recused from such hearing or make any other ruling that will ensure the impartiality of the Tribunal.

**Time limit for appeal and condonation**

6. (1) A notice of appeal must be lodged with the Tribunal within 30 days from the date of the written notice whereby the act, direction or decision of the relevant entity was communicated to the Appellant, or
- (2) In the case of an appellant who did not receive such written notice, within 30 days of the date when the appellant became aware of the decision but not later than 90 days from the date on which the act, direction or decision appealed against was taken.
- (3) An appellant who fails to lodge an appeal within the period contemplated in sub-regulation (1) may apply to the Tribunal for condonation of the late filing of the notice of appeal in terms of section 13(a) of the Act, provided that:
- (a) the application for condonation is in writing and is lodged simultaneously with a duly completed notice of appeal with supporting documentation;
  - (b) the application for condonation is accompanied by a supporting affidavit setting out the reasons for the late filing of the notice of appeal, with supporting documentation, if any, and
  - (c) the notice of appeal, application for condonation and supporting affidavit, are received by the Tribunal not later than 90 days as contemplated in sub-regulation (1).
- (4) The Tribunal must consider an application for condonation prior to the hearing of the appeal whether the application is opposed or not.
- (5) A ruling by the Tribunal to condone an appellant's late filing of a notice of appeal allows the appeal to proceed as if it was properly filed.

**Suspension of the operation of the act, direction or decision appealed against**

7. (1) An appeal lodged before the TAT within a period of 30 days, after the date on which such an act, direction or decision was communicated to the appellant and the entity's decision is suspended automatically in accordance with the rules of common Law.
- (2) An application in accordance with Section 13(b) of the Act to suspend the operation of an act, direction or decision must be in writing and accompanied with:
- (a) a copy of the notice of appeal;

- (b) a copy of the application for condonation for late filing of the appeal made under regulation 6(3) where applicable;
  - (c) an affidavit by the appellant showing good cause for suspending the decision appealed against, and
  - (d) proof that the appellant has delivered a copy of the application to all parties to the appeal, either by means of an affidavit showing that the copy was delivered by hand to the relevant party or by proof that it was sent by registered post or e-mail.
- (3) Any party to an appeal may give written notice to the Tribunal that he, she or it opposes an application contemplated in sub-regulation (2), except where the chairperson has already granted or refused such an application in terms of section 13(b) of the Act, and the chairperson may set down the question of such suspension for hearing by the Tribunal as a preliminary hearing before hearing the merits of the main appeal.

#### **Appearance before Tribunal**

8. (1) The Tribunal may summon any person to appear before it in terms of section 14(1)(b) of the Act by completing Form TAT 03 in Annexure 1.
- (2) A summons contemplated in sub-regulation (1) must be signed by the chairperson or a delegated member and must be served by a sheriff contemplated in the Sheriffs Act, No. 90 of 1986 or an authorised officer as defined in section 1 of the National Land Transport Act, no. 5 of 2009.
- (3) The sheriff or authorised officer must transmit a return of service or non-service, as the case may be, to the designated official.
- (4) Any person who fails to comply with a summons is guilty of an offence as contemplated in section 15 of the Act.

#### **Right to Representation**

- 9.(1) A party to an appeal has the right to appear in person or to be legally or otherwise represented in proceedings before the Tribunal.
- (2) A party may be represented by either an attorney or advocate registered with the Legal Practice Council established by section 4 of the Legal Practice Act, 2014 (Act No. 28 of 2014), or any other person appointed by the party to the appeal that

is named and appointed by the power of attorney shown as Form TAT 02 in Annexure 1 or a similar document authorising such appointment.

- (3) The represented party must notify the Tribunal of any withdrawal or change in representation and provide new details for communication and service of documents.

### **Notification of hearing**

**10.(1)** The designated official sends a notice of a hearing at least 10 days before the hearing or such shorter period as may be agreed upon by all of the parties to the appeal, by electronic mail to:

- (a) The appellant or the representative of the appellant on record with the Tribunal;
- (b) the relevant entity;
- (c) all other parties to the appeal and
- (d) any person who has formally joined the proceedings.

(2) A notice contemplated in sub-regulation (1) must reflect—

- (a) the names of the appellant, the respondents and other party who has formally joined the proceedings;
- (b) the citation of the appeal, and
- (c) the date, time and venue of the hearing.

### **Postponement of proceedings, removal of appeal from roll and withdrawal of appeal**

**11.(1)** The chairperson may on application by any party to the appeal grant a written request for postponement of a hearing, and such a request must contain reasons for the request and must reach the Tribunal at least 10 days before the scheduled date of the hearing.

- (2) The chairperson may grant a postponement of the proceedings or remove the appeal from the roll upon good cause shown, either before or on the date of the hearing and may refuse the application for postponement or removal.
- (3) If a postponement is opposed, the chairperson may request the parties to the hearing to make representations within three days before ruling on the matter.

- (4) If the chairperson makes a decision to postpone proceedings or to remove the appeal from the roll, the designated official must give notice of such postponement or removal to all parties to the appeal, either telephonically or by e-mail, not later than three days after the Tribunal has taken that decision.
- (5) If an appellant requests withdrawal of the appeal less than 10 days before the date of the hearing of the appeal, the appeal fee shall be forfeited.

### **Proceedings at hearings**

- 12. (1) Save in the case of a preliminary issue raised in terms of sub-regulation 5(4), the chairperson must allow the appellant to present his, her or its case first, and thereafter the Tribunal must allow any other parties to the appeal to present their case, whereafter the appellant must be afforded an opportunity to respond to issues raised by such other parties.
- (2) The relevant entity, having filed the reasons for its decision in writing, may not make further representations unless requested to clarify a particular issue by the Tribunal as it is *functus officio* during the appeal proceedings.
- (3) The chairperson may allow any party to the appeal to tender evidence and to call witnesses, and the parties may be allowed to put questions to such witness at an appropriate time determined by the chairperson.
- (4) The chairperson may request any of the parties to an appeal to confirm documentation in their possession that they intend using during the hearing by sending a notice to that party, who or which must respond within five days of receipt of that notice.

### **Hearing of appeal in absence of parties**

- 13.(1) Where a notice of a hearing has been served in terms of regulation 10, the Tribunal may hear an appeal in the absence of the appellant or any other party to the appeal if:
  - (a) The Tribunal is satisfied that the reasons provided to it by the appellant or other party are not of such a nature as to necessitate his or her attendance;
  - (b) The appellant or other party has indicated to the Tribunal that he or she does not wish to be present at the hearing;

- (c) The appellant or any other party fails to attend the hearing without providing reasons at all or provides reasons that are unacceptable to the Tribunal;
  - (d) the issues involved are of such a nature that the Tribunal may take a decision without hearing the appellant or other party;
  - (e) the appellant or other party has submitted documents of a vexatious or frivolous nature,
  - (f) the appellant or other party has applied for unwarranted or unnecessarily repetitive postponements of the hearing, or
  - (g) the appeal was removed from the roll on two or more previous occasions and the Tribunal considers it in the interests of justice to dispose of the matter.
- (2) Where the Tribunal proceeds with a hearing in the absence of the appellant or any other party to the appeal, the Tribunal may consider and deal with the appeal on the strength of the information available to it at the time of the hearing.

#### **Combined hearings**

14. The Tribunal may decide that two or more appeals must be heard together where the parties to the appeal have so agreed, and where:
- (a) some common question of fact or law will arise, and
  - (b) in the opinion of the Tribunal it will be practical and appropriate to proceed with the appeals at the same time,

#### **Records of proceedings**

15. (1) The Tribunal must keep a record of every appeal lodged, every document relating thereto and a summary of the proceedings and minutes of its hearings relating thereto, by means of shorthand notes or electronically.
- (2) The records referred to in this regulation must be disposed in accordance with the National Archives and Record Service of South Africa Act, 1996 (Act No. 43 of 1996).
- (3) Records may be kept as hard copy, microfilm or in electronic format: provided that no such record may be stored in a format that can be changed from the original format without the use of encryption codes.



## Decisions of Tribunal

16. (1) The Tribunal must within 21 days after the parties to the appeal have closed their cases or such extended period as may be determined by the Tribunal, finalise the decision of the hearing, but not later than 30 days after the parties have closed their cases.
- (2) The Tribunal must within 10 days from the date the Tribunal has finalised its decision, notify the relevant entity and the parties to the appeal about the decision of the Tribunal.
- (3) A decision of the Tribunal must be conveyed in writing by e-mail to the parties to the appeal and must include full particulars of the Tribunal's decision with reasons and set out whether the appeal fee or any part thereof is to be refunded or forfeited by the appellant.
- (4) Where the Tribunal issues a directive to an entity in terms of section 12(5) of the Act, it must notify the Director-General in terms of section 12(6) of the Act by completing and sending Form TAT 04 in Annexure 1 and requesting the Minister, MEC or municipal council, as the case may be, to intervene in the matter.

## Fees

17. (1) The appeal fees contemplated in section 11 of the Act are prescribed in Annexure 2.
- (2) Where the Tribunal:
- (a) dismiss an appeal in terms of section 12(1)(a) of the Act, the appeal fee will be forfeited;
  - (b) upholds an appeal in terms of section 12(1)(b) of the Act, the appeal fee or any part thereof as decided by the Tribunal must be refunded to the appellant;
  - (c) partially upholds an appeal in terms of section 12(1)(c) of the Act, the appeal fee or any part thereof, may be refunded to the appellant at the discretion of the Tribunal.
- (3) Where an appeal lodged with the Tribunal is withdrawn by the appellant less than 10 days before the hearing date, the appeal fee will be forfeited.

- (4) Where the chairperson of the Tribunal refuses an application for condonation of the late filing of an appeal in terms of section 13(a) of the Act, the appeal fee must be refunded to the appellant.
- (5) Where any act, direction or decision of the entity against which an appeal is lodged is set aside and referred back to the entity for reconsideration by the Tribunal in terms of section 12(1)(b)(ii) of the Act, the appeal fee must be refunded to the Appellant.
- (6) Any person summonsed in terms of section 14(1)(b) of the Act to appear before the Tribunal in order to give evidence or to produce a book, plan or other document or object must be paid the witness fees that are paid to any witness attending or summonsed to give evidence in a civil case before a magistrate's court, subject to sub-regulation (7).
- (7) No witness fees are payable to a state employee who attends a hearing in the course of his or her duties.

### **Repeal of Regulations**

- 18. The Transport Appeal Regulations, 2012 published under Notice No. 26 of 17 January 2013 are hereby repealed.

### **Short title and commencement**

- 19. These Regulations are called the Transport Appeal Tribunal Regulations, 2024, and come into operation on the date of their publication in the *Government Gazette*.

## **ANNEXURE 1: FORMS**

<b>FORM TAT 01</b>	<b>NOTICE OF APPEAL</b>
<b>FORM TAT 02</b>	<b>SPECIAL POWER OF ATTORNEY</b>
<b>FORM TAT 03</b>	<b>SUMMONS</b>
<b>FORM TAT 04</b>	<b>DIRECTIVE TO REGULATORY ENTITY OR REGULATORY COMMITTEE IN ACCORDANCE WITH SECTION 12(5) OF THE ACT</b>
<b>FORM TAT 05</b>	<b>WITHDRAWAL OF APPEAL</b>



## TRANSPORT APPEAL TRIBUNAL ACT 39 OF 1998

### FORM TAT 01: NOTICE OF APPEAL

(**PLEASE NOTE:** The notice of appeal recorded on this form TAT 01 must be completed in full, a clear answer must be furnished to each question and the Form must be submitted to the Tribunal in compliance with the Transport Appeal Tribunal Regulations, 2024, and to comply with the General Provisions in clause 8 below.)

**(PLEASE TICK WHERE APPROPRIATE)**

Provincial Regulatory Entity (PRE)	National Public Transport Regulator (NPTR)	Municipal Regulatory Entity (MRE)	Regulatory Committee of the Cross-Border Road Transport Agency (C -BRTA)	Other (specify)
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**IN RESPECT OF: (PLEASE TICK WHERE APPROPRIATE)**

<b>MINIBUS</b>	<b>MIDIBUS</b>	<b>BUS</b>	<b>OTHER (SPECIFY)</b>
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OPERATING LICENCE NUMBER & EXPIRY DATE	DATE OF DECISION	DATE DECISION COMMUNICATED	REASONS PROVIDED
STATE IF THE APPLICATION NEW			YES / NO
APPLICATION FOR ADDITIONAL ROUTES			YES / NO
OTHER			YES / NO

**2. DETAILS OF APPELLANTS (PLEASE TICK WHERE APPROPRIATE)****SURNAME AND NAMES**

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**REGISTERED NAME OF COMPANY/CLOSE CORPORATION (CC) OR OTHER ENTITY**

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Identity/passport number (Attach copy of identity document/card/passport)

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Registration number (Attach copy of the company's Certificate of Incorporation, proof of registration of close corporation, certificate of registration of trust or other)

---

Street address

---

---

---

Postal address

---

---

---

Business tel. no.

---

Cell no.

---

E-mail address

---

Vehicle Type (type of vehicle involved in the act, direction or decision appealed against):

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**N.B:** (If there is more than one appellant, details must be set out in an annexure clearly marked as an annexure and attached)

**3. NAME OF THE ENTITY THAT GAVE THE ACT, DIRECTION OR DECISION APPEALED AGAINST (FIRST RESPONDENT) AND OTHER RESPONDENTS**

2.1 Name of entity: \_\_\_\_\_

2.2 Names of other respondents:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_ (Add more if applicable)

**4. APPLICATION FOR CONDONATION AND/OR SUSPENSION – WHERE APPLICABLE (PLEASE TICK WHERE APPROPRIATE)**

CONDONATION		SUSPENSION	
YES	NO	YES	NO
(It is essential that the condonation and/or suspension application/s are set out in full with reasons as an annexure clearly marked “Annexure to Condonation/Suspension Application” (whichever is applicable, or both) and attached hereto.)			
Was the Appeal to the Tribunal lodged within 30 days from the date of act, direction or decision notice to the appellant?		YES	NO
If not, how many days is the appeal outside the 30 days required to lodge an Appeal?			
Was the Appeal to the Tribunal lodged within 30 days of the appellant being aware of the act, direction or decision by the entity?		YES	NO
If not, how many days is the appeal outside the 30 days required to lodge an Appeal?			

**5. TYPED GROUNDS OF APPEAL INCLUDING REFERENCES TO APPLICABLE LEGISLATION MUST BE ATTACHED AS AN ANNEXURE AND MARKED “ANNEXURE: GROUNDS OF APPEAL”**

**6. DETAILS OF THE APPELLANT'S REPRESENTATIVE: SURNAME AND NAME**

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**Note:** An appointment letter must be attached on FORM TAT02 or a similar letter, as well as a resolution appointing the representative in the case of a company or other juristic person.

Contact Details of representative:

Telephone number: \_\_\_\_\_ Cell phone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**7. DECLARATION**

I HEREBY CONFIRM THE CONTENTS OF THE NOTICE OF APPEAL.

SIGNED:..... NAME IN PRINT:.....

DATE:..... CAPACITY: .....

**8. GENERAL REQUIREMENTS:**

The Notice of Appeal to comply with the following requirements:

- 1.1. The Appellants must include an index of the Notice of Appeal and all attached annexures and bind the documents together.
- 1.2. Page numbers must be inserted in clear, bold black ink e.g. 1, 2, 3, 4, etc.
- 2 All information must be completed and where not applicable this must be clearly indicated.
- 3 All documents must be typed and neatly bound.
- 4 Failure to comply with the provisions contained herein may result in the Appeal being removed from the Appeal Register in terms of regulation 2(7) of the Regulations.
5. Details of the parties' representatives must be clearly indicated inclusive of their capacity, with a resolution in the case of a juristic person, as provided in clause 6 above.
6. A completed Power of Attorney on Form TAT 02 for the representative must be attached if applicable.

**PLEASE NOTE: IF THE SPACE PROVIDED IN THIS FORM IS INSUFFICIENT, FURTHER DETAILS MUST BE SET OUT IN AN ANNEXURE CLEARLY MARKED AS TO THE RELEVANT SECTION AND ATTACHED.**

**APPEAL LODGING FEE PAYMENT DETAILS**

Account Name	Department of Transport
Account Number	4053620095
Bank	ABSA
Reference Number	13033034 or the Identity Number of the Appellant or company/CC/Trust registration number

**TRIBUNAL CONTACT DETAILS**

Physical Address	Secretariat, Transport Appeal Tribunal Department of Transport Forum Building 159 Struben Street, Corner Struben & Bosman Streets, Pretoria
Postal Address	Private Bag X 193, Pretoria, 0001
Email Address:	<a href="mailto:Tribunal@dot.gov.za">Tribunal@dot.gov.za</a>
Tel Nos.	(012) 309 3690/3526//3499/3975/3861



## TRANSPORT APPEAL TRIBUNAL ACT 39 OF 1998

### FORM TAT 02: SPECIAL POWER OF ATTORNEY

I/We, the undersigned

\_\_\_\_\_

\_\_\_\_\_

(If the appellant/respondent is a company, close corporation, trust, or association with a constitution, a resolution of the directors, members, trustees, or committee of such body, authorizing the said person to sign the Power of Attorney on its behalf, must be attached) hereby nominate, constitute and appoint

\_\_\_\_\_

\_\_\_\_\_

To act on my/our behalf as our duly appointed agent and representative throughout the proceedings of the appeal against the act, direction, or decision of the \_\_\_\_\_ (Name of Entity) dated \_\_\_\_\_ 20\_\_\_\_ I/We, furthermore authorize my/our said representative to appoint in his or her name, place and stead, an advocate or attorney registered with the Legal Practice Council in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014) or other person appointed in terms of regulation 9 of the Transport Appeal Tribunal Regulations, 2024, to represent me/us at any hearing of the said Appeal by the Transport Appeal Tribunal.

\_\_\_\_\_

#### Signature of the Appellant/Party

Date:

Witnesses:

1. \_\_\_\_\_ [Signature and full names]
2. \_\_\_\_\_ [Signature and full names]

Signature of the Representative \_\_\_\_\_ Date:



**TRANSPORT APPEAL TRIBUNAL ACT 39 OF 1998 ("the Act")****FORM TAT 03: SUMMONS (in terms of section 14(1)(b) of the Act)**

In the appeal of \_\_\_\_\_ Appellant

Before the Transport Appeal Tribunal to be held at \_\_\_\_\_

TAT No \_\_\_\_\_ of 20 \_\_\_\_\_

Physical Address

\_\_\_\_\_

TO:

1. Regulatory Entity (First Respondent) of \_\_\_\_\_
2. Second Respondent of \_\_\_\_\_
3. Third Respondent of \_\_\_\_\_
4. Fourth Respondent of \_\_\_\_\_

You are hereby required to appear in person before the Transport Appeal Tribunal on the \_\_\_\_\_ day  
of \_\_\_\_\_ 20 \_\_\_\_\_

at \_\_\_\_\_ (time) and at \_\_\_\_\_ (venue) at the  
abovementioned hearing to give evidence and bring with you and then produce to the Tribunal the books,  
papers or documents specified below.

**LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED:**

*(Attach relevant documents)*

Date	Description	Original or Copy

**Failure to comply with this summons is an offence in terms of section 15 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998)**

Dated at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_

Signature of the Tribunal Chairperson or Delegated Member

**TRANSPORT APPEAL TRIBUNAL ACT 39 OF 1998 (“the Act”)****FORM TAT 04: DIRECTIVE TO REGULATORY ENTITY OR REGULATORY COMMITTEE  
(in accordance with section 12(5) of the Act)****DIRECTIVE TO COMPLY WITH THE DECISION OF THE TRIBUNAL****FROM:** THE TRANSPORT APPEAL TRIBUNAL (TRIBUNAL)**TO:** THE DIRECTOR GENERAL OF THE DEPARTMENT OF TRANSPORT**IN THE MATTER OF:** (DESCRIPTION OF THE PARTY/IES)

.....upon hearing the appeal lodged by the  
Appellant on \_\_\_\_\_ and heard by the Tribunal on \_\_\_\_\_;

the following order was made by the Tribunal on \_\_\_\_\_

(DESCRIPTION OF THE ORDER) [The Full Decision of the Tribunal is attached]

.....The entity has to date failed to comply with or  
implement the above Tribunal Order as contemplated by section 12 of the Act.

The Director-General is requested to ensure implementation of the Decision of the Tribunal through invoking the provisions of the Intergovernmental Relations Framework Act 13 of 2005 and/or related processes and to notify the Minister/MEC/council in terms of section 12(5) of the Act with a request for them to intervene in the matter in terms of that subsection.

Thereafter, the Director-General is requested to advise the Tribunal within 30 days of receipt of whatever interventions will be undertaken herein leading to compliance with the Tribunal Order by the Entity.

Signed \_\_\_\_\_

Name: \_\_\_\_\_

Capacity: Chairperson of the Tribunal or Delegated Member

Date: \_\_\_\_\_



# transport

Department:  
Transport  
REPUBLIC OF SOUTH AFRICA

## TRANSPORT APPEAL TRIBUNAL ACT 39 OF 1998 ("the Act")

### FORM TAT 05: WITHDRAWAL OF APPEAL

Date of lodgment of the Appeal: \_\_\_\_\_

Appeal Reference number: \_\_\_\_\_

Full names of the Appellants /Association representative:

\_\_\_\_\_

Contact details of the appellants: \_\_\_\_\_

Reason/s for the withdrawal of Appeal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby confirm that the above-mentioned information is true and correct and I'm duly authorized to file this withdrawal and hereby give consent to the TAT to remove this matter on its appeal register and close its file regarding the appeal.

Signed: at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_

Full names of the Appellant:

Signature: \_\_\_\_\_

**ANNEXURE 2: FEES**

[Note: Vehicle and service types are as defined in the National Land Transport Act, 2009]

DESCRIPTION	FEE
Appeal fee – Scheduled service: any vehicle	R2000,00
Appeal fee – Minibus taxi-type service: midibus	R1500,00
Appeal fee – Minibus taxi-type service: minibus or motor car	R1000,00
Appeal fee - Charter service: any vehicle	R1000,00
Appeal fee - Tourist transport service: any vehicle	R1000,00
Appeal fee – Accreditation of tourist transport operator	R1 500,00
Appeal fee - Metered taxi service: any vehicle	R1000,00
Appeal fee – Other service: any vehicle	R1000,00
Appeal fee – Administrative decision (e.g. against a decision to postpone)	R1 000,00