

KWAZULU-NATAL PUBLIC TRANSPORT ACT
REPEAL ACT
NO. 5 OF 2011

[ASSENTED TO 13 SEPTEMBER, 2011]
[DATE OF COMMENCEMENT: 1 APRIL, 2012]

(English text signed by the Premier)

This Act has been updated to *Provincial Gazette* 733 dated 19 April, 2012.

ACT

To provide for the repeal of the KwaZulu-Natal Public Transport Act, 2005; to provide for savings and transitional provisions related to such repeal; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:—

1. Definitions.—In this Act any word or expression to which a meaning has been assigned in the National Land Transport Act, 2009 (Act No. 5 of 2009), must, unless clearly inappropriate, bear that meaning, and, unless the context indicates otherwise—

“*Gazette*” means the official *Provincial Gazette* of KwaZulu-Natal; and

“**responsible Member of the Executive Council**” means the Member of the Executive Council of the Province of KwaZulu-Natal responsible for transport.

2. Repeal of Act No. 3 of 2005 and savings.—(1) The KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is hereby repealed.

(2) Despite the repeal of the KwaZulu-Natal Public Transport Act, 2005, and in accordance with, and subject to, section 10 (3) of the National Land Transport Act, 2009 (Act No. 5 of 2009), a regulation made in terms of the repealed KwaZulu-Natal Public Transport Act, 2005, is, for the purposes of the National Land Transport Act, 2009, regarded as a regulation made in terms of section 10 (3) of that Act until the responsible Member of the Executive Council makes new regulations in terms of the said section 10 (3) of the National Land Transport Act, 2009.

3. Disestablishment of KwaZulu-Natal Public Transport Licensing Board established in terms of section 23 of repealed KwaZulu-Natal Public Transport Act, 2005, and transitional arrangements thereto.—(1) The KwaZulu-Natal Public Transport Licensing Board established in terms of section 23 of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is hereby disestablished and dissolved.

(2) All assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to, or received by, the disestablished KwaZulu-Natal Public Transport Licensing Board are transferred to, and vest in, the KwaZulu-Natal Department of Transport.

(3) The KwaZulu-Natal Department of Transport is, in respect of the assets, liabilities, rights, duties and obligations and funds referred to in subsection (2), for all purposes the successor-in-law of the disestablished KwaZulu-Natal Public Transport Licensing Board.

(4) In accordance with, and subject to, section 24 (3) of the National Land Transport Act, 2009 (Act No. 5 of 2009), any application concerning an operating licence or conversion of a permit to an operating licence that is pending before the disestablished KwaZulu-Natal Public Transport Licensing Board, must be dealt with and finalised by the Provincial Regulatory Entity established within the KwaZulu-Natal Department of Transport in terms of section 23 (1) of that Act.

4. Disestablishment of KwaZulu-Natal Transport Appeals Tribunal established in terms of section 68 of repealed KwaZulu-Natal Public Transport Act, 2005, and transitional arrangements thereto.—(1) The KwaZulu-Natal Transport Appeals Tribunal established in terms of section 68 of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is hereby disestablished and dissolved.

(2) All assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to, or received by, the disestablished KwaZulu-Natal Transport Appeals Tribunal are transferred to, and vest in, the KwaZulu-Natal Department of Transport.

(3) The KwaZulu-Natal Department of Transport is, in respect of the assets, liabilities, rights, duties and obligations and funds referred to in subsection (2), for all purposes the successor-in-law of the disestablished KwaZulu-Natal Public Transport Appeals Tribunal.

(4) In accordance with, and subject to, section 92 (3) of the National Land Transport Act, 2009 (Act No. 5 of 2009), any appeal that is pending before the disestablished KwaZulu-Natal Transport Appeals Tribunal, must be dealt with and finalised by the Transport Appeals Tribunal established in terms of section 3 of the Transport Appeals Tribunal Act, 1998 (Act No. 39 of 1998).

5. Disestablishment of post of Provincial Transport Registrar established in terms of section 82 of repealed KwaZulu-Natal Public Transport Act, 2005.—The post of Provincial Transport Registrar established in terms of section 82 (1) of the repealed KwaZulu-Natal Public Transport Act, 2005, (Act No. 3 of 2005), is hereby disestablished.

6. Disestablishment of Panel of Assessors established in terms of section 68 of repealed KwaZulu-Natal Public Transport Act, 2005.—The panel of assessors established in terms of section 68 (1) of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is hereby disestablished and dissolved.

7. Transitional provision.—In accordance with, and subject to, section 93 (1) (b) of the National Land Transport Act, 2009 (Act No. 5 of 2009), any distinguishing mark, including any operating licence or permit as defined in section 1 (1) of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is regarded as a distinguishing mark issued under the National Land Transport Act, 2009.

8. Short title.—This Act is called the KwaZulu-Natal Public Transport Act Repeal Act, 2011, and comes into operation on a date to be determined by the responsible Member of the Executive Council by notice in the *Gazette*.
