NATIONAL LAND TRANSPORT ACT
NO. 5 OF 2009

[View Regulation]

[ASSENTED TO 3 APRIL, 2009]
[DATE OF COMMENCEMENT: 8 DECEMBER, 2009]

(Unless otherwise indicated)

(English text signed by the President)

This Act has been updated to Government Gazette 32788 dated 8 December, 2009.

ACT

To provide further the process of transformation and restructuring the national land transport system initiated by the National Land Transport Transition Act, 2000 (Act No. 22 of 2000); and to provide for matters connected therewith.

CONTENTS OF ACT

CHAPTER 1
GENERAL PROVISIONS

1. Definitions
2. Purpose and scope of Act
3. Application of Act in provinces
4. Principles for national land transport policy
5. Functions of Minister
6. Information systems
7. Delegations by Minister
8. Regulations by Minister
9. Functions of MECs
10. Regulations by MECs

CHAPTER 2
INSTITUTIONAL ARRANGEMENTS FOR LAND TRANSPORT

Institutional arrangements: general matters

11. Responsibilities of spheres of government
12. Intergovernmental relations
13. Impartiality

Institutional arrangements: planning authorities

14. Planning authorities
15. Intermodal planning committees
16. Land transport advisory boards

Institutional arrangements: municipalities

17. Establishment of special division for and arrangement of administration of certain municipalities
18. Regulatory functions of municipalities
19. Adjacent municipalities
Institutional arrangements: National Public Transport Regulator

20. Establishment of National Public Transport Regulator
21. Functions of National Public Transport Regulator
22. Powers of National Public Transport Regulator

Institutional arrangements: Provincial regulatory entities

23. Establishment of provincial regulatory entities
24. Functions of provincial regulatory entities
25. Powers of provincial regulatory entities
26. Agreements on regulatory matters

CHAPTER 3
FUNDING ARRANGEMENTS FOR LAND TRANSPORT

27. Municipal land transport funds
28. Public transport user charges
29. Minister may provide funds for land transport
30. MEC may provide funds for land transport

CHAPTER 4
TRANSPORT PLANNING

31. General principles for transport planning and its relationship with land use and development planning
32. Types of plans required by this Act
33. General provisions on transport planning
34. National Land Transport Strategic Framework
35. Provincial land transport frameworks
36. Integrated transport plans
37. Freight transport
38. Publication of transport plans and substantial changes in land use and public transport infrastructure and services
39. Rationalisation of public transport services

CHAPTER 5
CONTRACTING FOR PUBLIC TRANSPORT SERVICES

40. Integration of bus contract system into larger public transport system
41. First phase negotiated contracts
42. Subsidised service contracts
43. Commercial service contracts
44. Requirements to qualify as tenderer for commercial or subsidised service contracts
45. Involvement of municipalities and transport authorities in public transport services
46. Existing contracting arrangements

CHAPTER 6
REGULATION OF ROAD BASED PUBLIC TRANSPORT

Part 1
Transitional provisions

47. Rationalisation of operating licences: general
48. Rationalisation of existing scheduled services
49. Rationalisation of operating licences: minibus taxi-type services

Part 2
General provisions

50. Regulation of road based public transport
51. Entities that must issue operating licences
52. Maximum validity period of operating licences
53. Exemptions
54. Application for new operating licence
55. Operating licences for public transport services provided for in transport plans
56. Operating licences for contracted services
57. Disposing of applications with regard to operating licences for non-contracted services
58. Renewal, amendment and transfer of operating licences
59. Publication of decisions
60. Special events
61. Major special events
62. Issue and contents of operating licences
63. Authority conveyed by operating licence
64. Persons who may hold operating licences
65. Long distance services
66. Metered taxi services
67. Charter services
68. Staff services
69. Lift clubs
70. Tuk-tuks
71. Adapted light delivery vehicles
72. Transporting of scholars, students, teachers and lecturers
73. Amendment of operating licence to replace specified vehicle
74. Temporary replacement of vehicles
75. Interaction between public transport and cross-border road transport
76. Duties of holder of an operating licence
77. No cession, alienation or hiring out of an operating licence
78. Cancellation of operating licences not in use
79. Withdrawal, suspension or amendment of operating licence or permit

Part 3

Regulation of tourist transport services

80. Tourist transport services: general provisions
81. Accreditation of operators of tourist transport services
82. Application for accreditation
83. Cancellation of accreditation
84. Use of vehicles for tourist transport services

CHAPTER 7

LAW ENFORCEMENT

85. Land transport law enforcement
86. Appointment of inspectors
87. Impoundment of vehicles
88. Presumptions and proof of certain facts
89. Powers of authorised officers
90. Offences and penalties
91. Extraordinary measures in declared areas

CHAPTER 8

APPEALS

92. Appeals to the Transport Appeal Tribunal

CHAPTER 9

TRANSITIONAL AND FINAL MATTERS

93. Transitional provisions
94. Laws repealed or amended
95. Act binds the State
CHAPTER 1
GENERAL PROVISIONS

1. Definitions.—(1) In this Act, unless the context indicates otherwise—

"adapted light delivery vehicle" means a vehicle that has been designed or modified by a registered manufacturer to carry persons in accordance with the National Road Traffic Act;

"authorised officer" means—
(a) an inspector contemplated in section 86;
(b) a member of the South African Police Service, including a member of a municipal police service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
(c) a person in the service of a provincial department or a municipality, or the Road Traffic Management Corporation established by the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999), whose duty is to control traffic or to inspect motor vehicles or licences for motor vehicles;
(d) a road transport inspector contemplated in section 37 of the Cross-Border Act;

"bus" means a motor vehicle designed or modified to carry more than 35 persons, including the driver;

"charter service" means a public transport service operated by road involving the hire of a vehicle and a driver for a journey at a charge arranged beforehand with the operator, where—
(a) neither the operator nor the driver charges the passengers individual fares;
(b) the person hiring the service has the right to decide the route, date and time of travel; and
(c) the passengers are conveyed to a common destination, and includes vehicles hired with drivers contemplated in section 67;

"commercial service contract" means an agreement concluded between a contracting authority and an operator in terms of section 43, and in terms of which the operator—
(a) is to operate a public transport service provided for in an integrated transport plan; and
(b) does not receive any subsidy or other financial support from any organ of state except, where applicable, a subsidy in respect of concessionary fares;

"commuting" means travelling daily between home and work by means of a public transport service, and "commuter" has a corresponding meaning;

"concessionary fare" means the fare paid by a passenger falling within a special category;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"contract" means a subsidised service contract, negotiated contract or commercial service contract;

"contracting authority" means—
(a) the Department;
(b)
(c) a municipality, subject to section 11 (2) and (5);

"courtesy service" means a service provided by or on behalf of an organization such as an hotel, which is not an operator, for its customers or clients, either by means of its own vehicle or the vehicle of an operator in terms of an agreement with that organisation, with no direct charge to the passengers;

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

"cross-border road transport" means cross-border road transport as defined in section 1 of the Cross-Border Act;

"Department" means the national Department of Transport;

"designed or modified" means designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act;

"eNaTIS" means the electronic National Traffic Information System controlled by the Department, or any similar replacing system;

"framework" means an outline for the structure within and the form according to which a plan, policy or strategy is determined and developed;

"Gazette" means the national Government Gazette;

"holder" means the holder of an operating licence or permit;

"infrastructure", in relation to land transport, means fixed capital equipment and facilities in the land transport system;

"inspector" means an inspector appointed under section 86;

"integrated development plan" means the integrated development plan which, in terms of Chapter 5 of the Systems Act, must be prepared by a municipality;

"integrated public transport network" means a system in a particular area that integrates public transport services between modes, with through-ticketing and other appropriate mechanisms to provide users of the system with the optimal solutions to be able to travel from their origins to destinations in a seamless manner;

"integrated transport plan" means an integrated transport plan contemplated in section 36;

"interprovincial service" means a public transport service operating between two or more provinces;

"intraprovincial service" means a public transport service operating within the boundaries of a province;

"land transport" means the movement of persons and goods on or across land by means of any conveyance and through the use of any infrastructure and facilities in connection therewith;

"lift club" means an arrangement whereby every member of the club has a turn to convey or cause to be conveyed by means of a motor car the other members of such a club or other person designated by such members to or from specified places for a specified purpose as contemplated in section 69, and subject to that section;

"long-distance service" means a scheduled or unscheduled public transport service, other than a service for commuting, that is provided beyond the boundary of the area covered by an integrated transport plan, where passengers are charged fares individually, as contemplated in section 65;

"major special event" means an event such as, but not limited to, the FIFA 2010 World Cup, and includes the periods before and after that event necessary to conduct and finalise the necessary land transport arrangements;

"MEC" means the Member of the Executive Council of a province who is responsible for public transport in that province;

"metered taxi service" means a public transport service operated by means of a motor vehicle contemplated in section 66 which—
(a) is available for hire by hailing while roaming, by telephone or otherwise;

(b) may stand for hire at a rank; and

(c) is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable, that is calibrated for such fare or complies with any other requirements applicable to such meters;

“midibus” means a motor vehicle designed or modified solely or principally for conveying more than 16 but not more than 35 persons, including the driver, and for the purposes of the National Road Traffic Act is a type of sub-category of bus;

“minibus” means a motor vehicle designed or modified solely or principally for conveying more than nine but not more than 16 seated persons, including the driver;

“minibus taxi-type service” means an unscheduled public transport service operated on a specific route or routes, or where applicable, within a particular area, by means of a motor car, minibus or midibus;

“Minister” means the Minister responsible for transport in the national sphere of government;

“motor car” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle as defined in the National Road Traffic Act, designed or modified solely or principally for conveying not more than nine persons, including the driver;

“motor vehicle” and “vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act;

“municipal entity” means a municipal entity as defined in section 1 of the Systems Act;

“Municipal Finance Management Act” means the Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“Municipal Land Transport Fund” means a municipal land transport fund established in terms of section 27;

“municipality” includes all types of municipalities contemplated in section 155 of the Constitution;

“municipal operator” means a municipality or municipal entity which operates a public transport service;

“municipal public transport” means public transport contemplated in section 11 (1) (c) and any other function assigned to the municipality under section 11 (2) or (3);

“National Land Transport Strategic Framework” means the National Land Transport Strategic Framework contemplated in section 34;

“National Public Transport Regulator” means the National Public Transport Regulator contemplated in section 20;

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and includes regulations made under that Act;

“negotiated contract” means a contract contemplated in section 41 (1);

“non-contracted service” means a public transport service other than one operated in terms of a commercial service contract, subsidised service contract or negotiated contract;

“operating licence” means a licence required by section 50 and granted and issued in accordance with this Act or the Transition Act;

“operator” means a person carrying on the business of operating a public transport service;

“organ of state” means an organ of state as defined in section 239 of the Constitution;

“permit” means a public road carrier permit issued in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977), or another law predating the Transition Act and recognised as valid by the Transition Act, and which is in force and has not yet been converted to an operating licence on the date of commencement of this Act;

“persons with disabilities” means all persons whose mobility is restricted by temporary or permanent
physical or mental disability, and includes the very young, the blind or partially-sighted and the deaf or hard of hearing;

"planning authority" means a municipality in relation to its planning functions;

"prescribed" means prescribed by regulation by the Minister, unless otherwise indicated or unless the Minister has delegated to the MEC the power to make the regulation in question by notice in the Gazette;

"provincial department" means the department within the administration of a province that is charged with public transport matters;

"Provincial Land Transport Framework" means a provincial land transport framework contemplated in section 35;

"provincial law" includes a provincial act or regulations made by the MEC under this Act;

"Provincial Regulatory Entity" means a provincial regulatory entity contemplated in section 23;

"Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"public transport"—

(i) in relation to the national sphere of government, means the functions mentioned in section 11 (1) (a);

(ii) in relation to the provincial sphere of government, means the functions mentioned in section 11 (1) (b), and any other function assigned to the province under section 11 (2);

"public transport service" means a scheduled or unscheduled service for the carriage of passengers by road or rail, whether subject to a contract or not, and where the service is provided for a fare or any other consideration or reward, including cabotage in respect of passenger transport as defined in the Cross-Border Act, and except where clearly inappropriate, the term "public transport" must be interpreted accordingly;

"rail service" means a public transport service operated on a rail track or any rail guiding mechanism, and includes light and heavy rail;

"registered manufacturer" means a manufacturer, importer or builder of motor vehicles registered under section 5 of the National Road Traffic Act;

"regulatory entity" means the National Public Transport Regulator, a Provincial Regulatory Entity, or a municipality to which the operating licence function has been assigned;

"roadworthy certificate" means a certificate certifying the roadworthiness of a motor vehicle in accordance with the requirements of the National Road Traffic Act;

"scheduled service" means a public transport service operated by road on a particular route or routes in accordance with a timetable;

"service" means a public transport service;

"South African Rail Commuter Corporation" means the South African Rail Commuter Corporation established in terms of section 23 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989);

"special categories of passengers" means persons with disabilities, the aged, pregnant women and those who are limited in their movements by children;

"special event" means a one-off cultural, religious, sporting or recreational event, or any entertainment, conference, exhibition or show;

"staff service" means a public transport service by road provided by means of a vehicle owned by an employer or a vehicle provided by an operator in terms of a contract with the employer, used exclusively for conveying the employer’s employees;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
“subsidised”, in relation to services, means a situation where passengers are provided with financial assistance to be able to afford services that they could not otherwise afford or where services are subsidised for other reasons, for example to encourage public transport usage, relieve traffic congestion, or to support land use and transport integration;

“subsidised service contract” means an agreement between a contracting authority and an operator to operate a service provided for in an integrated transport plan and in terms of which the operator receives direct or indirect financial support in terms of a tendered contract;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“this Act” includes any regulation made in terms of this Act;

“timetable” means a published document informing passengers of headways (intervals between departures or the passing of vehicles), or times when and places where public transport services are available, indicating at least origin and destination points and significant intermediate locations along the route;

“tourist transport service” means a scheduled, unscheduled or chartered public transport service by road for the carriage of tourists to or from tourist attractions according to a predetermined itinerary, and includes transfers of tourists, for example from hotels to and from airports;

“transfer”, in relation to an operating licence, means a transfer from the holder of the operating licence to another person;

“Transition Act” means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

“Transport Appeal Tribunal” means the Transport Appeal Tribunal established by section 3 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998);

“transport plan” includes the National Land Transport Strategic Framework, the Provincial Land Transport Framework and an Integrated Transport Plan;

“travel demand management” means a system of actions to maximise the capacity of the transport system for the movement of people and goods rather than vehicles, among others, through increasing vehicle occupancy, developing priority measures for public transport, encouraging travel during off-peak periods, shifting demand between modes, restricting the space available for parking, adjusting the price of parking, and other appropriate measures;

“tuk-tuk” means a three-wheeled motor vehicle designed or modified solely or principally for conveying not more than three seated persons, including the driver; and

“unscheduled service” means a public transport service operated by road on a particular route or routes, or, where applicable, within a particular area, without a timetable.

(Date of commencement of s. 1: 31 August, 2009.)

2. Purpose and scope of Act.—The purpose of this Act is—

(a) to further the process of transformation and restructuring the national land transport system initiated by the Transition Act;

(b) to give effect to national policy;

(c) to prescribe national principles, requirements, guidelines, frameworks and national norms and standards that must be applied uniformly in the provinces and other matters contemplated in section 146 (2) of the Constitution; and

(d) to consolidate land transport functions and locate them in the appropriate sphere of government.

3. Application of Act.—The provisions of this Act apply throughout the Republic of South Africa.
4. **Principles for national land transport policy.**—The Minister must prescribe principles that apply to the determination, formulation, development and application of land transport policy in the Republic.

5. **Functions of Minister.**—(1) The Minister may, after consulting the MECs, publish national land transport policy, which may include target dates for the transformation of the land-based public transport sector.

   (2) The Minister must monitor all provincial land transport policies and frameworks and all transport planning required or envisaged by this Act, to see that it is developed, prepared and formulated within the ambit of the national transport policy, and take appropriate action where necessary to promote compliance, subject to the Constitution and the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

   (3) Subject to the Cross-Border Act, the Minister is responsible for land transport arrangements with other countries regarding transport between the Republic and those countries, in collaboration with the Minister of Foreign Affairs.

   (4) The Minister must—

   (a) monitor the implementation of national land transport policy and any investigations conducted into matters arising from its implementation, and cause the necessary adjustments, if any, to be made to that policy;

   (b) facilitate the increased use of public transport;

   (c) ensure that the money available for land transport matters is applied in an efficient, economic, equitable and transparent manner;

   (d) assist provincial departments that lack the necessary staff or resources in meeting their responsibilities and performing their functions and duties with regard to land transport;

   (e) co-ordinate between the three spheres of government and public entities with a view to avoiding duplication of effort and resources;

   (f) give guidance concerning education, training and capacity building in connection with land transport matters, and prescribe requirements in this regard, subject to the relevant legislation on education and training;

   (g) in taking any measures relating to public transport—

      (i) accommodate therein relevant national and international benchmarks and best practice;

      (ii) promote, within overall land transport objectives, the safety of passengers;

      (iii) encourage efficiency and entrepreneurial behaviour on the part of operators and encourage them to tender competitively for contracts and concessions;

      (iv) promote a strategic and integrated approach to the provision of public transport;

      (v) promote the efficient use of energy resources, and limit adverse environmental impacts in relation to land transport;

   (h) promote public transport that—

      (i) is effective in satisfying user needs;

      (ii) operates efficiently as regards the use of resources;

      (iii) is of an acceptable standard and readily accessible and is operated in conjunction with effective infrastructure provided at reasonable cost;
(iv) is safe;

(i) ensure the integration of public transport modes, giving due consideration to the needs of users; and

(j) promote effective integrated transport planning.

(5) The Minister may, after consultation with the MECs, by notice in the Gazette, set standards for interoperability between fare collection and ticketing systems.

(6) When a province or municipality cannot or does not fulfil an executive obligation in terms of matters relating to public transport, the Minister may intervene by taking the appropriate steps to ensure the fulfilment of that obligation, including issuing a directive to the provincial executive or municipal council, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations and the provincial executive or municipality must comply with such directive.

6. Information systems.—(1) The Minister must establish and maintain a national information system with regard to land transport and, in collaboration with the provinces, integrate that system with the information systems kept by provinces.

(2) Every MEC and municipality must provide the Minister, in the manner and at the times prescribed by the Minister, with the prescribed information with regard to—

(a) the objects and purposes of this Act;

(b) the national land transport policy; and

(c) the utilisation of monies made available to them by the Department, whether directly or indirectly, for the performance of their functions with regard to land transport in terms of this Act.

(3) Despite subsection (2), the Minister may, at any time by notice in writing, request the MEC or municipality to provide the Minister with any information which the Minister may require.

(4) The Minister must have all the information that was provided in terms of subsections (2) and (3) included in the national information system, and may make it available to interested parties on payment of the prescribed fee, if any, subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

(5) As part of the national information system, the Minister must, in the prescribed manner, establish and maintain an Operating Licence Administrative System containing the prescribed information, which must be accessible to and maintained by regulatory entities.

(6) The Operating Licence Administrative System contemplated in subsection (5) must incorporate information in the existing Operating Licence Administrative System, the former Registration Administration System and the Subsidy Management System, and such system and eNATIS must be interoperable.

7. Delegations by Minister.—(1) The Minister may delegate to any officer in the Department any power or assign any duty conferred or imposed upon the Minister in terms of this Act, except the power to make regulations and the power to issue directives under section 5 (6).

(2) Any delegation of a power or assignment of duty under subsection (1)—

(a) does not prevent the Minister from exercising that power or performing that duty;

(b) must be done in writing; and

(c) may at any time be amended or withdrawn.

8. Regulations by Minister.—(1) The Minister may, after consultation with the MECs, make regulations relating to—

(a)
requirements for integrated fare systems, comprising fare structures, levels and technology, to ensure compatibility between such systems;

national norms and standards relating to the qualifications and conduct of inspectors;

a process to be followed for offering alternative services in the place of existing services to holders of operating licences or permits under section 39;

the types of vehicles that may or may not be used for public transport services and standards or specifications for vehicles, subject to the National Road Traffic Act;

procedures for the regulation of interprovincial transport;

standard forms for responses of planning authorities under section 55;

colour coding and branding of vehicles used for public transport;

special requirements for drivers of vehicles used for public transport including, but not limited to, testing for knowledge of the area in question;

policy and principles to be applied in paying subsidies;

electronic fare collection and ticketing systems and the control of such systems by the provinces or municipalities either alone or in partnership with operators;

information systems to be kept by the National Public Transport Regulator, each Provincial Regulatory Entity and planning authorities relating to this Act and information to be supplied to the national information system contemplated in section 6 from these systems, including the time within which it must be submitted;

information to be kept by operators and supplied to authorities contemplated in this Act, including the time within which it must be submitted;

meetings of the National Provincial Transport Regulator, Public Regulatory Entities and municipalities to which the operating licensing function contemplated in section 11 (1) (a) (viii) has been assigned;

functions and duties of the National Public Transport Regulator and municipalities in addition to those specified in this Act;

principles for transport planning;

the content of transport plans;

procedures for the preparation, updating and approval of transport plans;

procedures to be followed in promoting public participation in the transport planning process;

requirements and procedures for negotiated contracts and their conversion to tendered contracts;

amounts to be paid as a deposit to the Department or other entity to cover possible fines or penalties should the operator fail to comply with this Act or other prescribed requirements;

information that must be supplied to the National Public Transport Regulator by tourist transport operators applying for accreditation under section 82;

required signage, vehicle identification or livery for vehicles used for tourist transport services;

requirements and time-frames for vehicles and facilities to be made accessible to persons with disabilities, including principles for accommodating such persons in the public transport system;

the time within which an offer made under section 46 must be made or accepted, and the manner in which the procedures and negotiations contemplated in that section must be conducted;
(aa) the period within which application for renewal of existing operating licences must be submitted, and such regulations may provide that such operating licences will remain valid when the application for renewal is being processed;

(bb) requirements regarding liability insurance cover to be taken out by operators to supplement the cover provided in terms of the Road Accident Fund Act, 1996 (Act No. 56 of 1996); and

(cc) generally any other ancillary or incidental administrative or procedural matters that are necessary to prescribe for the proper implementation or administration of this Act.

(Date of commencement of sub-s. (1): 31 August, 2009.)

(2) Before making any regulations contemplated in subsection (1), the Minister must publish a draft of such regulations for public comment in the Gazette, and must consider any comments received in response to such publication.

(3) The regulation made under this section may provide that any person who contravenes a provision thereof or fails to comply therewith is guilty of an offence, and liable on conviction to a fine or to imprisonment not exceeding three months.

(Date of commencement of sub-s. (3): 31 August, 2009.)

(4) A regulation made in terms of the Transition Act and in force immediately before the commencement of this Act with regard to matters in relation to which the Minister, in terms of subsection (1), is competent to make regulations, is regarded for the purposes of this Act as a regulation made under that subsection until superseded by a new regulation under this section.

(Date of commencement of sub-s. (4): 31 August, 2009.)

9. Functions of MECs.—(1) An MEC may, after consulting planning authorities in the province, publish provincial land transport policy.

(2) An MEC must—

(a) monitor the implementation of provincial land transport policy and any investigations conducted into matters arising from the implementation, and cause the necessary adjustments, if any, to be made to that policy;

(b) ensure that the money available for land transport matters is applied in an efficient, economic, equitable and transparent manner;

(c) assist municipalities that lack the necessary staff or resources in meeting their responsibilities and performing their functions and duties with regard to land transport;

(d) produce an annual report on the state of transport affairs in the province in the prescribed manner and submit it to the Minister in the prescribed time;

(e) improve the planning, co-ordination and facilitation of the land transport functions of the province;

(f) promote intergovernmental relations within the land transport environment;

(g) ensure that there is a link with matters having an impact on transport in the province, including land use management, environmental issues, population growth, economic development and investment in infrastructure, to facilitate integration and efficient transport;

(h) set standards, performance criteria and related indicators to ensure intermodal and intramodal co-ordination and efficient management of investment in transport and of transport infrastructure and systems;

(i) take an active role in sourcing international, national, local, private and public funding to promote the objects of this Act in the province; and

(j)
10. Regulations by MEC.—(1) An MEC may make regulations with regard to—

(a) any matter which, in terms of this Act, may or must be prescribed by an MEC;

(b) a code of conduct for operators or drivers of public transport vehicles, which may differ according to the mode of transport concerned;

(c) the establishment, membership and procedures of co-ordinating structures for transport planning in the province;

(d) frequency of meetings of Provincial Regulatory Entities;

(e) procedures at meetings of Provincial Regulatory Entities, quorums and the keeping of records;

(f) the powers and duties of Provincial Regulatory Entities; and

(g) procedures to be followed in promoting public participation in the transport planning process.

(2) The regulations may provide that any person who contravenes a provision thereof or fails to comply therewith, is guilty of an offence and on conviction liable to imprisonment not exceeding three months or to a fine.

(3) Regulations made in terms of the Transition Act or preceding legislation and in force immediately before the commencement of this Act with regard to matters in relation to which the MEC, in terms of subsection (1), is competent to make regulations, are regarded for the purposes of this Act as regulations made in terms of this subsection until such time as the MEC makes new regulations under this section.

(4) Where an MEC has failed to make regulations on any matter on which provincial regulations are required under this Act, the Minister may within a reasonable time make such regulations after consultation with that MEC.

CHAPTER 2
INSTITUTIONAL ARRANGEMENTS FOR LAND TRANSPORT

Institutional arrangements: general matters

11. The responsibilities of the three spheres of government.—(1) The responsibilities of the three spheres of government are as follows:

(a) The national sphere of government is responsible for—

(i) the formulation of national transport policy and strategy;

(ii) national strategic transport planning and co-ordination, and preparing a National Land Transport Strategic Framework in terms of section 34;

(iii) co-ordination between provinces and to address arrangements between the three spheres of government and public entities with a view to ensuring the effective and efficient execution of the land transport function;

(iv) assigning functions to the most appropriate sphere of government;

(v) liaising with other government departments in the national sphere with responsibilities that impact on transport issues with a view to co-ordinating land transport;

(vi) capacitating and monitoring provinces and municipalities that lack capacity or resources to perform their land transport functions;

(vii) co-ordinating transport relations between the Republic and other countries and implementing...
(viii) performing the functions contemplated in this Act in relation to applications for operating licences;

(ix) regulation of tourism transport;

(x) regulation of interprovincial road transport;

(xi) acting as contracting authority for subsidised service contracts, interim contracts, current tendered contracts and negotiated contracts concluded in terms of the Transition Act; and

(xii) performing the other functions assigned to the Minister in terms of this Act.

(b) The provincial sphere of government is responsible for—

(i) the formulation of provincial transport policy and strategy, within the framework of national policy and strategy;

(ii) planning, co-ordination and facilitation of land transport functions in the province, and preparing the Provincial Land Transport Framework in terms of section 35;

(iii) co-ordination between municipalities with a view to ensuring the effective and efficient execution of land transport in the province and promoting provincial legislation with a view to promoting the objects of this Act;

(iv) liaising with other government departments in the national and provincial spheres with responsibilities that impact on transport and land use planning issues, and bringing together key players;

(v) ensuring that municipalities that lack capacity and resources are capacitated to perform their land transport functions;

(vi) building capacity in municipalities to monitor the implementation of this Act;

(vii) ensuring implementation of the provincial integrated development strategy and public transport strategy, with due attention to rural areas, with the focus on less capacitated municipalities or those that do not fulfil their responsibilities in respect of transport service delivery, either by direct implementation or assistance under paragraph (v); and

(viii) performing the other provincial functions assigned to the MEC in terms of this Act.

(c) The municipal sphere of government is responsible for—

(i) developing land transport policy and strategy within its area based on national and provincial guidelines, which includes its vision for the area and incorporates spatial development policies on matters such as densification and infilling as well as development corridors;

(ii) promulgating municipal by-laws and concluding agreements, as appropriate, in the municipal sphere;

(iii) ensuring co-ordination between departments and agencies in the municipal sphere with responsibilities that impact on transport and land use planning issues, and bringing together the relevant officials;

(iv) in its capacity as planning authority, preparing transport plans for its area, ensuring the implementation thereof and monitoring its performance in achieving its goals and objectives;

(v) financial planning with regard to land transport within or affecting its area, with particular reference to transport planning, infrastructure, operations, services, maintenance, monitoring and administration, with due focus on rehabilitation and maintenance of infrastructure;

(vi) managing the movement of persons and goods on land within its area by co-ordinating such movement;

(vii)
effectiveness of the transport system and reduce travelling time and costs;

(viii) developing, implementing and monitoring a strategy to prevent, minimise or reduce any adverse impacts of the land transport system on the environment in its area;

(ix) developing, operating and maintaining a land transport information system for its area;

(x) encouraging, promoting and facilitating public consultation and participation in the planning, regulation and implementation of public transport, and applying the requirements of the Systems Act in that regard;

(xi) marketing and promoting public transport and promoting publicity associated with the public transport system;

(xii) providing information to users or potential users of public transport;

(xiii) promoting safety and security in public transport;

(xiv) ensuring there is provision for the needs of special categories of passengers in planning and providing public transport infrastructure, facilities and services to meet their needs, in so far as possible by the system provided for mainstream public transport;

(xv) liaising on a continuous basis with the South African Police Service, Road Traffic Management Corporation, the relevant provincial and municipal law enforcement authorities or agencies, and the inspectors appointed under the Cross-Border Act, with a view to ensuring co-ordinated transport law enforcement within its area;

(xvi) applying traffic management techniques aimed at improving road traffic movement;

(xvii) undertaking functions relating to municipal roads, as well as measures to limit damage to the road system;

(xviii) the planning, implementation and management of modally integrated public transport networks and travel corridors for transport within the municipal area and liaising in that regard with neighbouring municipalities;

(xix) in relation to the planning functions contemplated in paragraph (iv) include service level planning for passenger rail on a corridor network basis in consultation with the South African Rail Commuter Corporation;

(xx) introducing, establishing or assisting in or encouraging and facilitating the establishment of integrated ticketing systems, the managing thereof including through-ticketing and determining measures for the regulation and control of revenue-sharing among operators involved in those systems;

(xxi) subject to standards set by the Minister under section 5 (5), if any, set standards for interoperability between fare collection and ticketing systems in its area;

(xxii) formulating and apply travel demand management measures for its area;

(xxiii) in the case of gross cost contracts for subsidised services, determining fare structures and fare levels and periodically adjusting fares after publishing the proposed adjustment for public comment;

(xxiv) determining concessionary fares for special categories of passengers in the prescribed manner;

(xxv) exercising control over service delivery through—

(i) the setting of operational and technical standards and monitoring compliance therewith; and

(ii) the monitoring of contracts and concessions;

(xxvi) concluding subsidised service contracts, commercial service contracts, and negotiated contracts
(xxvii) developing and managing intelligent transport systems for their areas in the prescribed manner; and

(xxviii) performing the other functions of municipalities in terms of this Act.

(Date of commencement of sub-s. (1): 31 August, 2009.)

(2) The Minister may assign any function contemplated in subsection (1) (a) to a province or municipality, subject to sections 99 and 156 (4) of the Constitution and sections 9 and 10 of the Systems Act, to achieve the objectives of the Constitution and this Act.

(3) The MEC may assign any function contemplated in subsection (1) (b) to a municipality, subject to section 156 (4) of the Constitution and sections 9 and 10 of the Systems Act to achieve the objectives of the Constitution and this Act.

(4) Any municipality may request the Minister or MEC to assign a function contemplated in subsection (1) (a) or (b) to it, subject to sections 156 (4) of the Constitution and sections 9 and 10 of the Systems Act, where such municipality has an acceptable integrated transport plan.

(5) Where a municipality is performing a function contemplated in subsection (1) (a) on the date of commencement of this Act, such function is deemed to have been assigned to that municipality under subsection (2).

(6) Subject to section 21, where a province is performing a function contemplated in subsection (1) (a) on the date of commencement of this Act, it must continue performing that function, unless that function is assigned to a municipality by the Minister in terms of this Act.

(7) The Minister may make regulations or issue guidelines providing for transitional arrangements where a function is assigned under subsection (2), which may differentiate between—

(a) different categories of municipalities, budgetary size or in any other determinable manner; or

(b) functional areas.

12. Intergovernmental relations.—(1) A province may enter into an agreement with one or more municipalities in the province to provide for the joint exercise or performance of their respective powers and functions contemplated in this Act and may establish a provincial entity or similar body in this regard, subject to the Constitution and this section.

(2) One or more adjacent municipalities may agree on the joint exercise or performance of their respective powers and functions contemplated in this Act, or may establish municipal entities in terms of the Systems Act for this purpose.

(3) If the spheres of government cannot agree, subject to this Act, on the division of land transport functions between them, they must act in a manner and spirit consistent with the principles of co-operative government prescribed by section 41 of the Constitution and apply the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

13. Impartiality.—(1) The following persons and their spouses, partners and immediate family members must be impartial, have no direct financial or business interest in any sector of the public transport industry, and may not decide or adjudicate on a matter in which they have such an interest:

(a) Members of the National Public Transport Regulator, Provincial Regulatory Entities and municipalities directly involved in dealing with applications concerning operating licences;

(b) members of the Transport Appeal Tribunal established by section 3 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998);

(c) officials of planning authorities directly responsible for the development of integrated transport plans;

(d) officials directly involved in the management and execution of public transport related law
(e) officials operating or working at testing stations contemplated in the National Road Traffic Act, or such a member or official who has been such person in the year prior to his or her appointment.

(2) No serving member of Parliament or of a provincial legislature or councillor of a municipal council, or a person who has been such a member or councillor in the previous year, may be a member or official contemplated in subsection (1) (a), (b), (c), (d) or (e).

Institutional arrangements: planning authorities

14. Planning authorities.—All planning authorities must—

(a) prepare the integrated transport plans as contemplated in section 36;

(b) perform the constitutional transport functions listed in Parts B of Schedules 4 and 5 of the Constitution;

(c) supply directions to the entities responsible for the granting, renewal, amendment or transfer of operating licences in terms of their integrated transport plans in the prescribed manner; and

(d) perform any other land transport-related functions assigned to them in terms of the Constitution and this Act.

15. Intermodal planning committees.—(1) Every municipality that is establishing an integrated public transport network or has significant passenger rail services in its area must establish an intermodal planning committee consisting of the prescribed technical officials and prescribed representatives of rail operators, other public transport modes, users and organised business.

(2) The function of an intermodal planning committee is to co-ordinate public transport between the modes in order to achieve the objects of this Act.

16. Land transport advisory boards.—(1) A planning authority may establish a land transport advisory board with representation from government and the private sector, to advise it in relation to land transport matters.

(2) The Minister may, after consulting the relevant MECs, make regulations on the membership of such advisory boards, the appointment and qualifications for membership, procedures and frequency of meetings, and related matters.

Institutional arrangements: municipalities

17. Establishment of division for the operating licence function and arrangement of administration of certain municipalities.—(1) Every municipality to which the operating licence function has been assigned under section 11 (2) must—

(a) establish a division within its administration to perform that function in terms of this Act;

(b) ensure such division consists of dedicated officials of the municipality, appointed either on a full-time or part-time basis by virtue of their specialised knowledge, training or experience in public transport or related matters.

(2) The Minister may prescribe minimum qualifications or experience for officials of such division or of officials undertaking specific land transport functions.

(3) No person contemplated in section 13 may be an official of such division.
(4) Every such municipality must arrange or, if necessary, reorganise its administration so that the function of managing and funding transport matters, and land use planning, as well as the other related functions contemplated by this Act, are integrated.

18. Regulatory functions of municipalities.—(1) A municipality to which the operating licensing function has been assigned under section 11(2) must receive and decide on applications relating to operating licences for services wholly in their areas of jurisdiction, excluding applications that must be made to the National Public Transport Regulator or a Provincial Regulatory Entity.

(2) In considering applications regarding operating licences, such municipalities must, in the case of services provided in terms of their integrated transport plan, apply that plan and give due regard to the relevant Provincial Land Transport Framework.

(3) Such a municipality may give notice in the prescribed manner that it will no longer receive applications for operating licences for new services except in accordance with invitations given by it for specified services on specified routes or in specified areas in accordance with its integrated transport plan, either for the purpose of concluding a contract or because those routes or areas are already adequately served.

(4) Such a municipality may, in appropriate cases, make inquiries or hold hearings to enable it to perform its functions contemplated in this section, and also has the prescribed powers.

(5) Every municipality that establishes an integrated public transport network must in the prescribed manner establish a call centre where passengers and other interested persons may lodge complaints or inquiries regarding public transport services in its area, and must follow up such complaints and, where appropriate, take the necessary action to remedy the situation.

19. Adjacent municipalities.—(1) Where there are significant transport movements between two or more adjacent municipalities, they may establish an inter-municipality forum in terms of section 28 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) to co-ordinate their functions in terms of this Act and to ensure that their integrated transport plans take account of such movements.

(2) As an alternative to such an inter-municipality forum, such municipalities may establish a multi-jurisdictional service utility for the purpose in terms of Part 4 of Chapter 8A of the Systems Act.

Institutional arrangements: National Public Transport Regulator

20. Establishment of National Public Transport Regulator.—(1) The Minister must establish the National Public Transport Regulator within the Department, to perform the functions of that Regulator in terms of this Act.

(2) The National Public Transport Regulator consists of designated officials of the Department, appointed either on a full-time or part-time basis, whose specialised knowledge, training or experience, taken collectively, at least covers—

(a) public transport;

(b) transport economics;

(c) accounting, auditing or actuarial science;

(d) the law;

(e) tourism transport; and

(f) vehicle standards and specifications.

(3) The prescribed quorum of members of the National Public Transport Regulator contemplated in subsection (2) must take decisions of that Regulator.

(4) The Department must allocate staff as a dedicated unit to assist that Regulator in the performance of its
functions.

21. **Functions of National Public Transport Regulator.**—(1) The National Public Transport Regulator must—

(a) monitor and oversee public transport in the country in general and the activities of Provincial Regulatory Entities and municipalities in relation to their land transport functions;

(b) receive and decide on applications relating to operating licences or accreditation for—

(i) interprovincial transport, excluding daily commuter transport to and from the area of a municipality to which the operating licensing function has been assigned under section 11 (2), which must be dealt with by that municipality;

(ii) tourist transport services; and

(iii) any other services designated by the Minister by notice in the Gazette;

(c) oversee fares charged for public transport services throughout the country; and

(d) advise the Minister on the making of regulations in relation to fares or fare structures in terms of section 8.

(2) The National Public Transport Regulator must produce and regularly update a standardised procedures manual for itself and for Provincial Regulatory Entities, municipalities, contracting authorities and the Transport Appeal Tribunal in respect of their activities in terms of this Act, subject to this Act.

(3) In the case of an application for an operating licence for an interprovincial service other than a tourist transport service or charter service, the National Public Transport Regulator must consult the relevant Provincial Regulatory Entities and relevant planning authorities in the prescribed manner.

(4) Where a Provincial Regulatory Entity refuses to receive an application, or delays an application unduly in the prescribed manner, the applicant may submit the application to the National Public Transport Regulator in the prescribed time and manner.

(5) Any application concerning an operating licence or conversion of a permit to an operating licence that is pending before a provincial operating licensing board on the date that this section comes into operation, and that relates to a service specified in subsection (1) (b), must be finalised by that board or by the National Public Transport Regulator once it has been established, applying the provisions of this Act.

(6) As soon as possible after its appointment, the National Public Transport Regulator must formulate an implementation plan for establishing the entities required by this Act and for capacitating them, and for implementing the other provisions of this Act.

22. **Powers of National Public Transport Regulator.**—(1) The National Public Transport Regulator may, in appropriate cases, make inquiries or hold hearings to enable it to perform its functions set out in section 21.

(2) In dealing with any matter before it the National Public Transport Regulator must have the prescribed powers.

*Institutional arrangements: Provincial Regulatory Entities*

23. **Establishment of Provincial Regulatory Entities.**—(1) Every MEC must establish a Provincial Regulatory Entity within the relevant provincial department, to perform the functions of that entity in the province.

(2) The Provincial Regulatory Entity must consist of dedicated officials of the provincial department, appointed either on a full-time or part-time basis by virtue of their specialised knowledge, training or experience of public transport or related matters and is accountable to the head of the provincial government.
(3) No serving member of Parliament or of a provincial legislature or councillor of a municipal council may be an official of the Provincial Regulatory Entity.

(4) No person contemplated in section 13 may be an official of the Provincial Regulatory Entity.

24. Functions of Provincial Regulatory Entities.—(1) Each Provincial Regulatory Entity must—

(a) monitor and oversee public transport in the province;

(b) receive and decide on applications relating to operating licences for intra-provincial transport where no municipality exists to which the operating licence function has been assigned, but excluding applications that must be made to the National Public Transport Regulator in terms of section 21.

(2) As soon as possible after this section comes into operation, the MEC must take steps to disestablish the relevant operating licensing board and to establish the relevant Provincial Regulatory Entity and transfer that board’s functions to the Provincial Regulatory Entity.

(3) Any application concerning an operating licence or conversion of a permit to an operating licence that is pending before a provincial operating licensing board on the date that this section comes into operation, must be finalised either by that board before it is disestablished or by the Provincial Regulatory Entity after it is established, in terms of this Act and directions given by the MEC.

25. Powers of Provincial Regulatory Entities.—(1) A Provincial Regulatory Entity may, in appropriate cases, make inquiries or hold hearings to enable it to perform its functions set out in section 24.

(2) In dealing with any matter before it a Provincial Regulatory Entity must have the prescribed powers.

Agreements on regulatory matters

26. Agreements on regulatory matters.—(1) The National Public Transport Regulator, a Provincial Regulatory Entity or a municipality may agree that one of them will undertake the functions of another relating to receiving and considering applications concerning operating licences, either temporarily or permanently, where—

(a) there is a significant travelling of commuters on a daily basis between the areas for which they are responsible;

(b) the nature of transport movements between them would make such an agreement advisable from a transport or land use planning viewpoint; or

(c) for other prescribed reasons.

(2) The Minister may prescribe regulations on the circumstances in which and the conditions on which such agreement may be concluded, and procedures or requirements for its implementation.

CHAPTER 3
FUNDING ARRANGEMENTS FOR LAND TRANSPORT

27. Municipal land transport funds.—(1) Subject to subsection (2), every municipality that is establishing an integrated public transport network must establish a fund for its area known as a Municipal Land Transport Fund, into which shall be paid—

(a) money appropriated by the Minister for that Fund;

(b) money appropriated by the MEC for that Fund;
Such a municipality must administer that fund and use it to defray the cost of the functions of that authority in terms of this Act or its integrated transport plan, and to cover any other expenditure that will promote the objects of this Act in its area.

(3) Such a municipality may invest money in that fund that is not immediately required by it subject to the Municipal Finance Management Act and any other applicable legislation.

(4) Such a municipality must keep proper accounts of all money accruing to or paid out of that fund, which must be audited by the Auditor-General.

(5) The municipal manager or chief executive officer of such a municipality must submit, annually to its council, for approval estimates of expenditure to be defrayed from that fund, and may make no payment from that fund except in accordance with such estimates or with the prior approval of that council.

(6) The provisions of the Municipal Finance Management Act apply to such funds, and the Minister of Finance may make regulations clarifying the application of that Act to those funds.

28. Public transport user charges.—(1) Subject to the Municipal Fiscal Powers and Functions Act, 2007 (Act No. 12 of 2007), a municipality, which has established a municipal land transport fund under section 27 may impose user charges, which may differ from case to case, on—

(a) specified classes of motor vehicles entering specified portions of its area at specified times;

(b) land, buildings or other developments that generate the movement of passengers, including land or buildings of which the State is the owner, in its area; and

(c) the parking of motor vehicles in a building or on land in specified portions of its area;

(d) parking places for, or the use of ranks, stops and terminals by, motor vehicles in such portions.

(2) Amounts received in terms of subsection (1) accrue to such fund.

29. Minister may provide funds for land transport.—(1) For the performance of the Minister’s functions in terms of this Act and to meet the expenditure incurred by the Department in the performance of work arising from or otherwise connected with those functions, the Minister must use monies appropriated by Parliament for that purpose.

(2) The moneys made available to municipal transport funds by the Minister are to be applied so as to give effect to land transport policy and to achieve the objects and purposes of this Act, and the Minister may for that purpose impose conditions including conditions relating to specific purposes for which the money is to be used.

(3) Money made available in terms of this Act—

(a) for use for a particular or specified purpose, may not be used for any other purpose; or

(b) subject to specified conditions, may not be dealt with contrary to those conditions.

(4) Any conditions imposed must be framed in such a manner as to permit flexibility and ease of implementation, while requiring compliance with the principles of land transport policy as contemplated in section 4 of this Act.

30. MEC may provide funds for land transport.—(1) For the performance of an MEC’s functions in terms of this Act, and to meet the expenditure incurred by the provincial department in performance of the work connected with those functions, the MEC must use moneys received from the Minister or appropriated by the
relevant provincial legislature for that purpose.

(2) An MEC may, from funds received under subsection (1), make monies available to municipalities to perform their responsibilities in terms of this Act.

(3) The moneys made available under subsection (1) are to be applied so as to give effect to the national and provincial land transport policy and to achieve the objects and purposes of this Act, and the MEC may for that purpose impose conditions including conditions relating to specific purposes for which the money is to be used.

(4) Moneys made available in terms of this section—

(a) for use for a particular or specified purpose, may not be used for any other purpose; or

(b) subject to specified conditions, may not be dealt with contrary to those conditions.

CHAPTER 4
TRANSPORT PLANNING

31. General principles for transport planning and its integration with land use and development planning.—Land transport planning must be integrated with the land development and land use planning processes, and the integrated transport plans required by this Act are designed to give structure to the function of municipal planning mentioned in Part B of Schedule 4 to the Constitution, and must be accommodated in and form an essential part of integrated development plans, with due regard to legislation applicable to local government, and its integrated transport plan must form the transport component of the integrated development plan of the municipality.

32. Types of plans required by this Act.—For the purposes of this Act, the following plans are required:

(a) A National Land Transport Strategic Framework prepared by the Minister;

(b) Provincial Land Transport Frameworks prepared by the MECs; and

(c) integrated transport plans prepared by planning authorities.

33. General provisions on transport planning.—(1) (a) A planning authority may enter into an agreement with any other planning authority or the provincial department to assist it in performing its functions in terms of this Chapter.

(b) Despite subsection (1), the planning authority is not divested of its ultimate responsibility for the functions entrusted to it by this Chapter.

(2) The Minister, MEC and planning authority must, before finalising the national land transport strategic framework, provincial land transport framework or integrated transport plan, as the case may be, publish a notice in English and at least one other official language in a newspaper circulating nationally, in the province, or in the area of the planning authority, as the case may be, informing the relevant stakeholders that the plan in question has been completed and is available for public inspection at a place stated in the notice.


(2) The last National Land Transport Strategic Framework prepared in terms of the Transition Act must be regarded as the applicable National Land Transport Strategic Framework, until the Minister prepares a replacing one in terms of subsection (1).

(3) The Minister must update the National Land Transport Strategic Framework every five years.
(4) The National Land Transport Strategic Framework must serve to guide land transport planning countrywide and must not derogate from the constitutional planning functions of provinces and municipalities.

(5) As regards overall strategic planning for transport, all spheres of government and public entities are bound by the provisions of the National Land Transport Strategic Framework.

35. **Provincial Land Transport Frameworks.**—(1) Every MEC must prepare a five-year Provincial Land Transport Framework in accordance with the requirements prescribed by the Minister after consultation with all the MECs.

(2) The Provincial Land Transport Framework must provide a transport framework as an overall guide to transport planning within the province, being guided by the National Land Transport Strategic framework.

(3) Provincial Land Transport Frameworks must include the planning of both intraprovincial and interprovincial long-distance services, which must be linked where applicable with other public transport services, and may provide for charter services and staff services, and in the case of interprovincial transport, this must be done in consultation with the MEC of the other province or provinces concerned.

(4) The Minister must, as soon as possible after the commencement of this Act, in consultation with the MECs and by notice in the Gazette, determine a date by which each province must have prepared its Provincial Land Transport Framework.

(5) All Provincial Land Transport Frameworks must include routes for the transporting of dangerous goods through the province, as reflected in the integrated transport plans within its jurisdiction.

(6) The dates for preparing integrated transport plans must be linked to the Provincial Land Transport Frameworks and must be as agreed upon by the MECs and planning authorities.

(7) The Provincial Land Transport Framework must summarise all available integrated transport plans in the province.

(8) The last Provincial Land Transport Framework prepared under the Transition Act is regarded for all purposes as the Provincial Land Transport Framework prepared in terms of this Act, until the new Provincial Land Transport Framework has been approved by the MEC.

(9) The MEC must update the Provincial Land Transport Framework every two years.

(10) The Provincial Land Transport Framework must be submitted to the Minister for approval on or before the date determined under subsection (4) and must be accompanied by copies of all agreements regarding interprovincial transport concluded between the province and other provinces.

(11) The Minister’s approval in terms of subsection (10) is limited to—

(a) monitoring compliance with the National Land Transport Strategic Framework and with this Act and other applicable legislation;

(b) procedures and financial issues that affect the national government;

(c) seeing that the MEC followed the correct procedures and otherwise complied with the prescribed requirements;

(d) national policies and principles regarding interprovincial and cross-border transport; and

(e) modes and aspects of transport under the control of the national government or national public entities.

36. **Integrated transport plans.**—(1) All planning authorities must prepare and submit to the MEC, by the date determined by the Minister, integrated transport plans for their respective areas for the five-year period commencing on the first day of the financial year determined by the MEC, and must update them in the prescribed manner and as frequently as prescribed.

(2) Integrated transport plans must be in accordance with requirements and in the manner and form as the Minister may prescribe in consultation with the MECs, but the MEC may prescribe the content of integrated transport
plans in addition to such requirements, and the aforementioned regulations may prescribe different matters for different types or categories of municipalities.

(3) All integrated transport plans must include routes for the transporting of dangerous goods by road through their areas.

(4) Each integrated transport plan must be submitted to the MEC for approval by the date determined under subsection (1), which approval must relate only to—

(a) monitoring compliance with the provincial land transport framework and with this Act and other applicable legislation;
(b) procedures and financial issues that affect the province;
(c) seeing that the planning authority followed the correct procedures and otherwise complied with the prescribed requirements;
(d) provincial policies and principles regarding transport across the boundaries of planning authorities;
(e) modes and aspects of transport under the control of the provincial government or provincial public entities;
(f) issues of co-ordination of transport between municipalities, or other institutions;
(g) procedures and financial issues that affect the province; and
(h) any other matter provided for in provincial laws.

(5) The planning authority must submit its integrated transport plan to the Minister for approval of the commuter rail component of the integrated transport plan, within the prescribed manner and time.

(6) Every planning authority must make its integrated transport plan available to the National Public Transport Regulator and relevant Provincial Regulatory Entity and make recommendations to them relevant to applications for new operating licences, in the prescribed manner.

37. Freight transport.—(1) Subject to requirements prescribed by the Minister under section 36 (2), planning authorities must develop a freight transport strategy, with due regard to national and provincial policy, covering the transporting of goods to, from and through the area by road, taking into account—

(a) the movement of goods to, from, and through the area by rail or pipeline; and
(b) the movement of goods to and from ports or airports.

(2) The strategy contemplated in subsection (1) must identify routes for moving goods so as to promote their seamless movement and to avoid conflict with road traffic.

(3) The strategy must also include a plan for the movement of dangerous substances contemplated in section 2 (1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), by road along designated routes in accordance with the general strategy or plan provided for in the relevant Provincial Land Transport Framework.

(4) A person must not transport dangerous substances in the area of a planning authority except on a route so designated and indicated in an integrated transport plan, where such a route has been determined and published.

(5) Any person who contravenes or fails to comply with subsection (4) is guilty of an offence.

(6) By virtue of the deregulation of the road freight industry effected by the Transport Deregulation Act, 1988 (Act No. 80 of 1988), planning authorities must collaborate with the MEC and registering authorities contemplated in the National Road Traffic Act, to promote effective regulation of freight operations by means of the operator card system provided for in Chapter VI of the National Road Traffic Act, to prevent damage to the road system and to achieve the other objects of this Act.

38. Publication of transport plans and substantial changes in land use and public transport infrastructure and services.—(1) On approval of the national land transport strategic framework, a provincial
land transport framework or an integrated transport plan, the Department, MEC or planning authority, as the case may be, must publish, in the Gazette, Provincial Gazette or newspaper circulating nationally, in the province or municipality, as the case may be, the prescribed particulars of such plans, which must include particulars of routes for dangerous goods.

(2) All persons, including the State and parastatal institutions, agencies and utilities, are bound by the provisions of integrated transport plans published under subsection (1), and—

(a) no substantial change or intensification of land use on any property may be undertaken without the written consent of the relevant planning authority;

(b) developments on property within the area of the planning authority are subject to traffic impact assessments and public transport assessments as prescribed by the Minister;

(c) where new or upgraded transport infrastructure or services are suggested in such assessments, the costs thereof must be paid by the planning authority, unless it has agreed with a developer or other person to pay those costs; and

(d) no action may be taken that would have the result of substantially decreasing the quantity or availability of land transport infrastructure or services, unless the owner of the land on which the infrastructure is situated, or the holder of the relevant operating licence, as the case may be, has notified the relevant planning authority in writing not less than 30 days before the action is taken.

(3) Despite any law to the contrary, any authority with responsibility for approving substantial changes in land use or development proposals which receives an application for such change or intensification, must—

(a) within 14 days of receipt of such application and prior to considering or ruling on such application, submit such application to the relevant planning authority for its assessment and determination of the impact of the application on the integrated transport plan and public transport services; and

(b) ensure that such application is accompanied by the required traffic impact assessment and public transport assessment, and has sufficient information for the authority to assess and determine the impact of the application on transport plans and services.

(4) The planning authority must, within 90 days—

(a) approve or refuse an application for a change or intensification in land use or development proposal submitted in terms of subsection (3); and

(b) submit its written decision contemplated in paragraph (a) and any objections with respect to such application, including directions or conditions for compliance with the integrated transport plan, to such authority vested with responsibility for considering the application.

(5) The authority must make a decision, but may not approve such application, in conflict with the directions of or conditions required by the planning authority as contemplated in subsection (4) (b).

(6) The planning authority, in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), must furnish the applicant with written reasons for its decision.

(7) Where any person is aggrieved by any decision of a planning authority in terms of this section, such person may appeal against the decision in the manner and within the time prescribed, to the tribunal or other entity in the relevant province responsible to hear appeals lodged by persons who are dissatisfied with the decisions of municipalities regarding applications to establish townships or to change land uses.

(8) Despite any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law—

(a) conditions imposed in terms of subsection (4) (b) must be registered or endorsed against the relevant title deed; and

(b) the registrar of deeds may, with the written approval of the planning authority, cancel any condition which has in terms of paragraph (a) been inserted in a deed of transfer or endorsed upon a title deed.

(9) Any person who undertakes a development involving a change or intensification in land use or development proposal without the approval of the planning authority under this section, or contrary to a condition
imposed by such an authority, is guilty of an offence and is liable on conviction to imprisonment for a period not exceeding six months.

(10) Where a building or structure has been erected without the approval of a planning authority in circumstances where such approval should have been obtained under this section, or is in conflict with a condition imposed under this section, the relevant planning authority may apply to the High Court having jurisdiction for an order—

(a) compelling the owner of the property to demolish or remove the building or structure at the owner’s cost; or

(b) authorising the authority to do so and claim the costs incurred from the owner; or

(c) alternative relief as the court may deem just.

39. Rationalisation of public transport services.—(1) When a planning authority in rationalising public transport services in its area concludes, based on its integrated transport plan, that there is a surplus of legally operated services by operators on a particular route as a result of which an existing non-contracted public transport service is no longer required, the planning authority must, where possible—

(a) offer the operator an alternative service; or

(b) allow the operator to continue providing the service and impose a moratorium on the issuing of new operating licences on that route.

(2) The Minister may make regulations on the procedures to be followed in proceeding under subsection (1) and (2).

CHAPTER 5
CONTRACTING FOR PUBLIC TRANSPORT SERVICES

40. Integration of bus contract system into larger public transport system.—Provinces and planning authorities must take steps as soon as possible after the date of commencement of this Act to integrate services subject to contracts in their areas, as well as appropriate uncontracted services, into the larger public transport system in terms of relevant integrated transport plans.

(Editorial Note: Conflicting dates of commencement have been published for this section. In terms of Proclamation No. 54 of 2009 published in Government Gazette 32532 dated 31 August, 2009, the date of commencement for this section is 31 August, 2009 and in terms of Proclamation No. 87 of 2009 published in Government Gazette 32788 dated 8 December 2009, the date of commencement for this section is 8 December 2009. We have notified the Department of Transport of the discrepancy and await their response.)

41. Negotiated contracts.—(1) Contracting authorities may enter into negotiated contracts with operators in their areas, once only, with a view to—

(a) integrating services forming part of integrated public transport networks in terms of their integrated transport plans;

(b) promoting the economic empowerment of small business or of persons previously disadvantaged by unfair discrimination; or

(c) facilitating the restructuring of a parastatal or municipal transport operator to discourage monopolies.

(2) The negotiations envisaged by subsections (1) and (2) must where appropriate include operators in the area subject to interim contracts, subsidised service contracts, commercial service contracts, existing negotiated contracts and operators of unscheduled services and non-contracted services.
(3) A negotiated contract contemplated in subsection (1) or (2) shall be for a period of not longer than 12 years.

(4) The contracts contemplated in subsection (1) shall not preclude a contracting authority from inviting tenders for services forming part of the relevant network.

(5) Contracting authorities must take appropriate steps on a timeous basis before expiry of such negotiated contract to ensure that the services are put out to tender in terms of section 42 in such a way as to ensure unbroken service delivery to passengers.

(Editorial Note: Conflicting dates of commencement have been published for this section. In terms of Proclamation No. 54 of 2009 published in Government Gazette 32532 dated 31 August, 2009, the date of commencement for this section is 31 August, 2009 and in terms of Proclamation No. 87 of 2009 published in Government Gazette 32788 dated 8 December 2009, the date of commencement for this section is 8 December 2009. We have notified the Department of Transport of the discrepancy and await their response.)

42. Subsidised service contracts.—(1) The contracting authorities must take steps within the prescribed period and in the prescribed manner before expiry of contracts contemplated in subsection (2) (a), (b) or (c) to put arrangements in place for the services to be put out to tender so that the services can continue without interruption.

(2) If after expiry of—

(a) a negotiated contract concluded under section 41;

(b) a subsidised service contract concluded under this section; or

(c) a negotiated contract, interim contract, current tendered contract or subsidised service contract concluded in terms of the Transition Act,

or any extension thereof, the relevant services may continue to be subsidised, this must be done in terms of a subsidised service contract concluded in terms of this section.

(3) Where a contract referred to in subsection (2) (a), (b) or (c) has expired and no arrangements have been put in place to put the services out to tender, or such arrangements are unsatisfactory or inadequate in the Minister’s opinion, the Minister must forthwith enter into negotiations with the contracting authorities, the National Treasury and the Auditor-General with a view to ensuring compliance with this Act and legislation on financial and procurement issues.

(4) Only a contracting authority may enter into a subsidised service contract with an operator, and only if the services to be operated in terms thereof, have been put out to public tendering and awarded by the entering into of a contract in accordance with prescribed procedures in accordance with other applicable national or provincial laws.

(5) The validity period of a subsidised service contract must not exceed seven years.

(6) The Minister may, in consultation with the MECs—

(a) prescribe requirements for tender and contract documents to be used for subsidised service contracts which must be binding on contracting authorities, unless the Minister agrees that an authority may deviate from the requirements in a specific case; and

(b) provide model tender and contract documents, and publish them in the Gazette, for subsidised service contracts as a requirement for contracting authorities, who may not deviate from the model tender and contract documents, unless this is agreed to in writing by the Minister, but those documents may differ for different authorities or situations.

(7) The model tender and contract documents published in terms of the Transition Act shall cease to apply as from the date of commencement of this Act.

(Editorial Note: Conflicting dates of commencement have been published for this section. In terms of Proclamation No. 54 of 2009 published in Government Gazette 32532 dated 31 August, 2009, the date of commencement for this section is 31 August, 2009 and in terms of Proclamation No. 87 of 2009 published in Government Gazette 32788 dated 8 December 2009, the date of commencement for this section is 8 December 2009. We have notified the Department of Transport of the discrepancy and await their response.)
43. **Commercial service contracts.**—(1) A contracting authority may enter into a commercial service contract with an operator by placing a notice in the *Provincial Gazette* and in a newspaper generally circulating in the area where the services are to be operated, inviting tenders from operators for the operation of that service.

(2) The validity period of a commercial service contract must not exceed seven years.

(3) The Minister may make regulations—

(a) on procedures and requirements for commercial service contracts; and

(b) providing that all scheduled bus services operated on an uncontracted basis must be converted to commercial service contracts by a date specified in the regulations, and providing procedures and requirements for such conversion.

( Editorial Note: Conflicting dates of commencement have been published for this section. In terms of Proclamation No. 54 of 2009 published in *Government Gazette* 32532 dated 31 August, 2009, the date of commencement for this section is 31 August, 2009 and in terms of Proclamation No. 87 of 2009 published in *Government Gazette* 32788 dated 8 December 2009, the date of commencement for this section is 8 December 2009. We have notified the Department of Transport of the discrepancy and await their response. )

44. **Requirements to qualify as tenderer for commercial or subsidised service contracts.**—To qualify as a tenderer for a commercial service contract or a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator, must comply with the requirements prescribed by the Minister.

45. **Involvement of municipalities in public transport services.**—(1) No municipal operator may tender for any commercial service contract or subsidised service contract, unless it is financially ring-fenced in the prescribed manner and it complies with the other requirements prescribed by the Minister.

(2) A municipality may not use its municipal fund to subsidise a municipal operator unless that body is a juristic person separate from the municipality and the subsidies are paid in terms of a subsidised service contract concluded between the municipality and such municipal operator.

46. **Existing contracting arrangements.**—(1) Where there is an existing interim contract, current tendered contract or negotiated contract as defined in the Transition Act in the area of the relevant contracting authority, that authority may—

(a) allow the contract to run its course; or

(b) negotiate with the operator to amend the contract to provide for inclusion of the operator in an integrated public transport network; or

(c) make a reasonable offer to the operator of alternative services, or of a monetary settlement, which offer must bear relation to the value of the unexpired portion of the contract, if any.

(2) If the parties cannot agree on amendment of the contract or on inclusion of the operator in such a network, or the operator fails or refuses to accept such an offer, the matter must be referred to mediation or arbitration in the prescribed manner to resolve the issue.

(3) The Minister may make regulations providing for the transition of existing contracting arrangements and the transfer of the contracting function in terms of this section or section 41, including the transfer or amendment of existing permits or operating licences to give effect to its provisions in the case of an assignment under section 11 (2).

(4) In applying this section, the contracting authority must give due regard to the rights of the workers employed by the operators in terms of the contract contemplated in subsection (1).
47. **Rationalisation of existing services: general.**—(1) All permits issued for a definite period remain valid but lapse when that period expires, provided that if such a permit is still valid on a date calculated as seven years from the date of commencement of this Act, it will lapse on that date.

(2) All permits issued for an indefinite period remain valid, subject to sections 48 and 49, but lapse seven years after the date of commencement of this Act, but the holder may apply within that period for its conversion to an operating licence to the entity that is responsible for receiving applications for operating licences for the relevant services.

(3) Despite subsections (1) and (2), where the services authorised by a permit were not provided continuously for 180 days prior to the date of commencement of this Act, the permit must be cancelled by following the procedure in section 78.

(4) The holder of any permit that lapses or is cancelled in terms of this Part is not entitled to any compensation by virtue of its lapsing.

(5) No operator may receive any subsidy or other financial assistance from any sphere of government, unless that operator’s permit or permits, where applicable, have been rationalised in terms of this section and sections 48 and 49.

(Date of commencement of sub-s. (5) to be proclaimed.)

48. **Rationalisation of existing scheduled services.**—(1) Where a permit authorises scheduled services provided for in a contract between a contracting authority and the permit holder, the contracting authority must request the relevant regulatory entity to—

   (a) cancel the permit and issue an operating licence for the vehicle specific to the contract, where appropriate in consultation with other relevant planning authorities;

   (b) cancel any permit of that holder authorising services on routes in the area on an uncontracted basis, and not carry forward such authorisation to the operating licence contemplated in paragraph (a), unless the authorisation forms part of the contract,

and the holder must submit such permit to the contracting authority in the prescribed manner and in the prescribed time for this purpose, failing which the permit will lapse if not so submitted within that time.

(2) In the case of permits for uncontracted scheduled services, the Minister must make regulations within two years of the date of commencement of this Act, after consulting the National Public Transport Regulator, providing a process for the integration of those services with contracted services, and in the process converting them to commercial service contracts, and such integration and conversion must be done by the National Public Transport Regulator.

(3) No contract may be awarded to an operator for scheduled services unless all permits and operating licences of that operator have been rationalised under subsection (1) or (2).

(Date of commencement of sub-s. (3) to be proclaimed.)
49. **Rationalisation of minibus taxi-type services.**—(1) Permits issued for minibus taxi-type services remain valid, subject to section 47 (1) and (2) and subsection (3) of this section.

(2) The holder of a permit or operating licence for a vehicle authorising minibus taxi-type services who has not yet done so may apply in the prescribed manner for recapitalisation of the vehicle and may choose either to—

(a) leave the industry, in which case the Department must cancel the permit or operating licence; or

(b) acquire a new compliant vehicle that has the same passenger capacity as the vehicle specified in that permit or operating licence, or not more than a 20% variance, in which case the operator shall be entitled to an operating licence for the new vehicle authorising the same services on submission of a valid tax clearance, and such operating licence must specify in detail the route or routes to be operated, which must be those operated by the operator for the period of 180 days prior to the date of application;

(c) acquire a new, compliant vehicle with more capacity than a vehicle contemplated in paragraph (b) on approval by the planning authority in writing, in which case paragraph (b) applies, and the holder must submit the existing permit or operating licence to the Department for cancellation, provided that the Minister may prescribe that more than one permit or operating licence held by that holder must be surrendered for cancellation to make up for the increase in capacity of the new vehicle.

(3) Any permit or operating licence authorising minibus taxi-type services issued for an indefinite period, or issued for a definite period that has not yet expired, must lapse seven years after the date of commencement of this Act.

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**Part 2**

**General provisions**

50. **Regulation of road-based public transport.**—(1) No person may operate a road-based public transport service, unless he or she is the holder of an operating licence or a permit, subject to sections 47, 48 and 49, issued for the vehicle concerned in terms of this Act.

(2) An operating licence may authorise the vehicle to which it relates, to operate more than one service or type of service.

(3) Where an application in connection with an operating licence concerns services provided for in an integrated transport plan, the provisions of that plan, where appropriate and where possible, will dictate the decision of the entity considering the application.

51. **Entities that must issue operating licences.**—An operating licence must only be issued on application made in terms of this Act by the National Public Transport Regulator, a Provincial Regulatory Entity or a municipality to which the operating licence function has been assigned, as the case may be, after considering all the factors mandated by this Act.

52. **Maximum validity period of operating licences.**—(1) An operating licence is valid for a maximum period of seven years, but where a negotiated contract has been awarded to an operator under section 41 for more than seven years, such an operating licence must be issued for the period of the contract in terms of section 56.

(2) Operating licences must be granted for a fixed period determined by the entity granting them, where applicable based on the directions of the planning authority contemplated in section 55.

(3) In determining the validity period of operating licences for non-contracted services, the following must be considered, subject to the dictates, if any, of relevant integrated transport plans:

(a)
53. **Exemptions.**—(1) An operating licence is not required for—

(a) a courtesy service where the operator operates less than the prescribed number of vehicles;

(b) a lift club, subject to section 69;

(c) farmers carrying their own workers in vehicles of which they are the sole owners;

(d) municipalities carrying their own workers in vehicles owned by them;

(e) ambulances carrying patients to places where they will receive medical attention;

(f) the conveyance by a person who carries on any industry, trade or business, of the person’s own employees from a place where they perform work in the course of that industry, trade or business, to another place where they are to perform such work, by means of a vehicle of which the person is the owner;

(g) the conveyance—

(i) of learners and teachers for purposes of sport or recreation or on holiday, sightseeing or educational tours, by means of a vehicle of which the relevant school is the sole owner or which, in terms of an agreement, is set apart for the use of that school for these purposes;

(ii) by a university, teachers’ training college or similar educational institution of its own students and staff for educational, cultural or sports purposes by means of a motor vehicle of which that educational institution is the owner, or by means of a motor vehicle which, in terms of an agreement, is set apart for the use of that educational institution for these purposes.

(2) The MEC may make regulations providing for information to be recorded or provided to the National Public Transport Regulator, Provincial Regulatory Entity, municipality to which the operating licence function has been assigned or other persons or institutions regarding conveyance in terms of a service contemplated in subsection (1).

(3) Where the conveyance occurs by means of a vehicle used in terms of an agreement referred to in subsection (1) (g), a document in which an authorised employee of the school or educational institution confirms that the passengers being conveyed are enrolled learners or students of, or staff attached to, the institution, must be kept in that vehicle.

54. **Application for new operating licence.**—(1) A person wishing to undertake an interprovincial service or a tourist transport service must apply to the National Public Transport Regulator for the necessary operating licence.

(2) A person wishing to undertake an intraprovincial service—

(a) taking place in the area of the municipality to which the operating licence function has been assigned; or

(b) starting in the area of that municipality and also taking place in the area of another municipality, must apply to a municipality referred to in paragraph (a) for the necessary operating licence.

(3) A person wishing to undertake a service other than one contemplated in subsection (1) or (2), must apply
to the Provincial Regulatory Entity of the relevant province for the necessary operating licence.

(4) Where a transport plan shows a need for additional services, other than tourist transport services, contemplated in subsection (2) on a route or routes in its area, the municipality to which the operating licence has been assigned may invite applications for operating licences to provide those services.

(5) Applications under subsections (1), (2), (3) or (4) must—

(a) be made on the basis of one application per vehicle;

(b) be made in the prescribed manner;

(c) be made by completing and submitting the prescribed form, which must allow for the applicant to submit recommendations or documentation in support of the application, either from the applicant or from any other interested person;

(d) be accompanied by the prescribed fee, determined by the Minister, which may provide that the fee will be reduced where the same applicant applies for more than one vehicle at the same time;

(e) specify the vehicle or exact type of vehicle to be used for providing the services concerned; and

(f) in the case of a scheduled service or minibus taxi-type service, include a detailed description of the route or routes on which the applicant operates or intends to operate and all points where passengers will be picked up and dropped off.

(6) Where the applicant has been accredited as a tourist operator under section 81 and the vehicle in question complies with section 84, the operator is entitled to an operating licence automatically, to be applied for and issued in the prescribed manner.

55. Operating licences for public transport services provided for in transport plans.—(1) Before the National Public Transport Regulator or a Provincial Regulatory Entity considers any application for the granting, renewal, amendment or transfer of an operating licence, other than a tourist transport service or charter service, and other than a contracted service contemplated in section 56, it must by notice in the prescribed manner inform all planning authorities in whose areas the services will be operated of the application with the request to give directions with regard to the application based on its integrated transport plan within the period stated in the notice.

(2) The planning authority must in the prescribed format—

(a) indicate whether there is a need for the service on the route or routes or in the area or areas in terms of its integrated transport plan or not, and, if there is a need for such service, direct the National Public Transport Regulator or a Provincial Regulatory Entity to grant the operating licence and make any recommendations it considers fit regarding conditions to be attached to the operating licence, having due regard to its integrated transport plan, and if its integrated transport plan is not yet finalised or is inadequate, it must take the decision based on due inquiries and investigations carried out by it; and

(b) submit such response to the National Public Transport Regulator or a Provincial Regulatory Entity, as the case may be, within the prescribed period or the period stipulated in the notice.

(3) Where the public transport requirements for the particular route or routes are adequately served by an existing public transport service of a similar nature, standard or quality provided in terms of a commercial service contract or subsidised service contract or in terms of operating licences as shown by its integrated transport plan, the planning authority must direct the National Public Transport Regulator or a Provincial Regulatory Entity to refuse the application.

(4) The National Public Transport Regulator or a Provincial Regulatory Entity may condone the late submission of a response contemplated in terms of subsection (2).

(5) Subject to subsection (6), the National Public Transport Regulator or a Provincial Regulatory Entity, in disposing of an application, must act in accordance with the relevant integrated transport plan and directions of the planning authority submitted in terms of subsection (2), and must not grant an operating licence contrary to directions of the integrated transport plan and planning authority.

(6) Where the planning authority has failed to respond to the request contemplated in subsection (1), the
National Public Transport Regulator or a Provincial Regulatory Entity may dispose of the application without any input from the planning authority, by considering the matters mentioned in section 57.

56. Operating licences for contracted services.—(1) Where a contracting authority has concluded a negotiated contract, subsidised service contract or commercial service contract with an operator, the relevant regulatory entity, must issue to the operator an operating licence for each vehicle involved in the contract, or where the operator already has an operating licence for such a vehicle, such entity must amend the operating licences if necessary to accommodate the services in the contract.

(2) The authority conveyed by an operating licence contemplated in subsection (1) must be made specific to the contract and be for the validity period of the contract, but an operating licence may authorise services in addition to those stipulated in the contract.

(3) Where a contract is amended so as to change the authority conveyed by the operating licences, or to extend the duration of a contract, the relevant regulatory entity must amend the relevant operating licences accordingly.

(Editorial Note: Conflicting dates of commencement have been published for this section. In terms of Proclamation No. 54 of 2009 published in Government Gazette 32532 dated 31 August, 2009, the date of commencement for this section is 31 August, 2009 and in terms of Proclamation No. 87 of 2009 published in Government Gazette 32788 dated 8 December 2009, the date of commencement for this section is 8 December 2009. We have notified the Department of Transport of the discrepancy and await their response.)

57. Disposing of applications with regard to operating licences for non-contracted services.—(1) Where an application is made to the National Public Transport Regulator for the granting, renewal, amendment or transfer of an operating licence in respect of a non-contracted service other than a tourist transport service, it may grant or refuse it after having considered—

(a) in the case of a service shown in an integrated transport plan, the directions of the planning authority submitted in terms of section 55;

(b) whether the vehicle or type of vehicle by means of which the service is to be operated, is suitable for that purpose;

(c) the availability of ranks, terminals or other facilities, based on the recommendations of the relevant planning authority or other information at its disposal;

(d) the existence of any relevant by-law, regulation, prohibition, limitation or restriction;

(e) whether the applicant has any previous conviction for an offence relevant to the operation of public transport services, or of a prescribed type; and

(f) the ability of the applicant to operate the service for which the operating licence is sought, in a manner satisfactory to the public.

(2) Where an application is made to a municipality to which the operating licence function has been assigned for the granting, renewal, amendment or transfer of an operating licence in respect of a non-contracted service, it—

(a) must refuse the application if granting it would be contrary to the relevant integrated transport plan; or

(b) if paragraph (a) does not apply, may grant or refuse it after having considered—

(i) whether the vehicle or type of vehicle by means of which the service is to be operated, is suitable for that purpose;

(ii) the availability of ranks, terminals or other facilities;

(iii) the existence of any relevant by-law, regulation, prohibition, limitation or restriction;
(iv) whether the applicant has any previous conviction for an offence relevant to the operation of public transport services, or of a prescribed type;

(v) the ability of the applicant to operate the service for which the operating licence is sought, in a manner satisfactory to the public;

(vi) recommendations or documents duly submitted with the application by the applicant or any other interested party.

(3) Where an application is made to a Provincial Regulatory Entity for the granting, renewal, amendment or transfer of an operating licence in respect of a non-contracted service, it—

(a) must refuse the application, if granting it would be contrary to the directions of the relevant planning authority or authorities based on their integrated transport plan; or

(b) may grant or refuse it after having considered the matters listed in subsection (2) (b).

(4) The Minister may make regulations prescribing that types of applications specified in the regulations must be submitted to stakeholder forums or other persons or entities for their comments, and that the relevant entity must consider those comments before it takes a decision.

(5) The entity granting an application for the granting, renewal, amendment or transfer of an operating licence may do so subject to any conditions, determined by it, that are not inconsistent with this Act or with relevant provincial laws or transport plans, and must do so where such conditions have been stipulated by the planning authority based in its integrated transport plan.

(6) Such a condition may state a maximum number of passengers that may be carried in the vehicle, even if the capacity of the vehicle is greater.

58. Renewal, amendment or transfer of operating licence or permit.—(1) The holder of an operating licence issued by a regulatory entity, may apply to whichever of those entities that issued the licence for renewal, amendment or transfer of the operating licence.

(2) Where an operating licence or permit was issued by a provincial operating licensing board or other competent entity before the date of commencement of this Act, the holder may apply for renewal, amendment or transfer thereof to the relevant entity contemplated in section 54, but, in the case of a permit, an operating licence must be issued if the application is granted.

(3) Where amendment of the operating licence or permit only involves substituting a different vehicle with the same capacity or less, section 73 applies.

(4) A person applying to take transfer of an operating licence or permit must have the written consent of the current holder of the operating licence or permit, or of that holder's executor.

59. Publication of decisions.—(1) Regulatory entities must, in the prescribed manner, give notice of receipt of an application for or in connection with an operating licence, except a decision to replace a vehicle under section 73, and in that notice state the prescribed particulars and allow interested persons an opportunity to comment and make representations within the prescribed period.

(2) Such entity must duly consider all comments and representations received that are duly submitted and are relevant in dealing with the application.

(3) Where no relevant and substantial objections are received in respect of an application, it may be disposed of summarily and where such objections are received, the entity must request further information or hold a hearing in the prescribed manner before taking a decision on the matter.

60. Special events.—(1) Subject to section 61, no person may undertake a public transport service to or from a special event except—
(a) in the course of operating a courtesy service or tourist service that complies with this Act;

(b) under the authority of an operating licence that authorises the relevant transport on the route or in the area in question; or

(c) under the authority of a temporary operating licence granted and issued in terms of subsection (3).

(2) A holder of an operating licence who is not authorised by subsection (1) (a) or (b) to undertake a service to or from a special event, may apply to the prescribed entity for a temporary operating licence in the prescribed manner.

(3) An application for a temporary operating licence may be granted if that entity is satisfied on reasonable grounds—

(a) that the existing services available to move passengers to or from the special event are not sufficient to meet the estimated demand;

(b) that existing services will not be disrupted or prejudiced; and

(c) that other prescribed criteria have been met.

(4) The onus of proving the matters mentioned in subsection (3) rests on the applicant.

(5) The entity may require the applicant to supplement the application with any information or documents in support thereof.

(6) A temporary operating licence may be granted only for one particular special event and for a period that is not longer than the duration of such event, including time needed for preparing for it before the event and transporting passengers to airports, stations and other transfer facilities after the event.

(7) A temporary operating licence in terms of this section must—

(a) specify the special event and the date or dates on which it occurs;

(b) where feasible state the route or routes on which the transport to and from the special event may be provided; and

(c) where appropriate specify the terminals, ranks or stopping places that may be used.

(8) A temporary operating licence in terms of this section may be issued with a special distinguishing mark which must be affixed to the vehicle to which the licence relates in the prescribed manner for the duration of the public transport to and from the special event.

(9) The Minister must make regulations providing that temporary operating licences in terms of this section may be granted and issued by municipalities or other bodies, institutions or officials specified in the regulations on application, after consulting those municipalities or other bodies or institutions, and may also provide for—

(a) the manner and form in which—

(i) such applications must be made and the fees payable, if any; and

(ii) such special operating licences must be issued;

(b) the level or rank of officials that must process such applications or establish committees for that purpose, in consultation with such municipalities, bodies or institutions;

(c) documents and information that must be submitted with such applications; and

(d) other matters related or incidental to the matters contemplated in this subsection.

61. **Major special events.**—(1) The Minister may make regulations to provide or facilitate land transport arrangements for any specific major special event, including but not limited to the following, despite this Act, the Cross-Border Act or the National Road Traffic Act:

(a)
Despite the Road Accident Fund Act, 1996 (Act No. 56 of 1996), the Minister may impose different or additional requirements regarding insurance in respect of passengers using public transport or vehicles used for such transport during the event.

62. Issue and contents of operating licence.—(1) An operating licence may only be issued if the applicant—

(a) has applied in terms of this Act and applicable provincial laws;

(b) has furnished a valid tax clearance certificate from the South African Revenue Service certifying that his, her or its tax affairs are in order;

(c) has signed a statement to the effect that he or she or it will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Labour;

(d) has submitted a current roadworthy certificate, which was issued for the vehicle not earlier than the prescribed point in time, or a duly certified copy of such a certificate, as well as proof that the vehicle is properly licensed and has a national information system model number allocated to it;

(e) in the case of renewal, transfer or amendment, has returned the previous licence issued for the same service to the entity issuing it; and

(f) has submitted proof of insurance cover as prescribed; and

(g) has submitted any other proof, information or document as prescribed or required by the relevant entity.

(2) Any operating licence granted, renewed, amended or transferred in accordance with this Act must be issued in the prescribed manner and form by an authorised official of the entity concerned.

(3) An operating licence must contain the prescribed particulars, and the Minister may prescribe that a tag, electronic card or other device or equipment must be issued with an operating licence and kept in or on the vehicle, as well as an issuing fee for the licence or such tag, card, device or equipment.

63. Authority conveyed by operating licence.—An operating licence issued under this Act—

(a) does not authorise the holder to undertake transport on or over a road if it is unlawful to do so in terms of any other law; and

(b) does not exempt the holder from the obligation to comply with any requirement or condition imposed by or in terms of any law, licence or permit issued by any other competent authority.

64. Persons who may hold operating licences.—(1) An operating licence may only be issued to and held by the person registered, in terms of the National Road Traffic Act, as the owner or operator of the vehicle, as defined in that Act, and specified in the operating licence.

(2) Where an operating licence relates to a contracted service and the operator has subcontracted another
operator to operate part of that service, an operating licence may be issued to the subcontracted operator only if—

(a) the subcontracted operator is the registered owner or operator of the vehicle used for that service on behalf of the operator party to the contract; and

(b) that vehicle is specified in the operating licence as the vehicle to be so used for operating that service.

65. Long-distance services.—(1) If approved by the planning authority, an entity granting an operating licence may authorise the vehicle specified in that licence to be operated for a long-distance service, despite the fact that the vehicle is specified in the operating licence to be used for a service provided for in an integrated transport plan.

(2) The planning authority may not grant such an authorisation where the operation of the long-distance service will or is likely to be detrimental to the operation of the services provided for in that integrated transport plan.

(3) In the case of an application for the granting, renewal or amendment of an operating licence relating to a long-distance service, due regard must be had to the provisions of any integrated transport plan, where they are relevant, and to any applicable provincial laws, and it must be subject to—

(a) the extent to which the service to be provided is necessary or desirable in the public interest;

(b) the requirements of the public for the service along the route or routes on which or the area in which the applicant proposes to operate;

(c) the existing transport facilities available to the public on that route or those routes or in that area; and

(d) the need to ensure co-ordination of all forms of transport, including transport by rail, to achieve an economically sound balance between the transport modes, with due regard to the public interest.

(4) Operating licences for long-distance services other than charter or tourist transport services must specify the authorised origin and destination points, the ranks or terminals for the picking up and dropping off of passengers and any other points along the route or routes where passengers may be picked up or dropped off.

66. Metered taxi services.—(1) In the case of a metered taxi service—

(a) the entity granting the operating licence may specify an area for picking up passengers;

(b) if the operating licence or permit specifies such an area, the vehicle may leave that area if, on the return journey, it is to carry the same passengers that it carries on the outward journey or if the vehicle is to return empty;

(c) the vehicle may pick up passengers outside of that area if the fare is pre-booked and the passengers will return to such area; and

(d) any particular journey may be operated at a fare not determined by the meter if the fare for that journey has been agreed upon before the journey begins, but the meter must be kept running for the information of passengers.

(2) In the absence of requirements published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), the Minister must set standards for sealed meters for metered taxis in accordance with standards set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993).

(3) The Minister or MEC, in consultation with the relevant planning authority, may determine a fare structure for metered taxi services and the MEC must publish such fare structure in the Provincial Gazette.

(4) The Minister or MEC may make regulations providing for—

(a)
(b) special requirements for drivers of metered taxis, which may include testing of knowledge of the relevant area;

(c) special markings or other requirements for metered taxi vehicles; and

(d) any other matter affecting the standard or quality of operation of metered taxis.

67. Charter services.—(1) An operating licence may authorise the holder to undertake pre-booked charter services in the areas or zones as specified by the entity授予 the operating licence, which may or may not be in addition to other services authorised by that licence.

(2) If the operating licence specifies an area for picking up passengers such a vehicle may—

(a) leave the area or zone described in the operating licence if, on the return journey, it is to carry the same passengers that it carries on the outward journey or if the vehicle is to return to that area empty; and

(b) pick up passengers outside that area or zone if the fare is pre-booked and the passengers will return to such area.

(3) Where application is made for an operating licence for vehicle hires with drivers as charter services, the entity granting the operating licence must evaluate whether the services should rather be provided as metered taxi services, and, if it grants the application for a charter service, should attach appropriate conditions.

68. Staff services.—(1) The Minister may, in addition to the provisions of this Act, prescribe the circumstances in which an operating licence is required for staff services.

(2) In the case of staff services to be provided on a regular basis, the operating licence must specify the route, routes or area authorised.

69. Lift clubs.—(1) The Minister may make regulations on the requirements to qualify for a lift club, or operating such clubs, including, but not limited to—

(a) the requirement that written confirmation from the employer or other documentation must be kept in the vehicle; and

(b) the requirement that lift clubs must be registered with planning authorities or other entities; and

(c) requirements relating to insurance.

(2) Such regulations may relax the requirement that each member of the lift club must take a turn to convey the others, if sufficient safeguards are provided to prevent abuses and protect passengers.

70. Tuk-tuks.—(1) Tuk-tuks may be used for public transport services where relevant transport plans allow for this.

(2) Where a tuk-tuk is so used the operating licence must stipulate the urban route, road network or area on or within which it must operate, as shown in the relevant integrated transport plan, and a maximum speed of operation.

71. Adapted light delivery vehicles.—Adapted light delivery vehicles may be used for public transport services in a particular area in prescribed circumstances where there is no other appropriate or acceptable public transport, and subject to prescribed conditions.
72. **Transporting of scholars, students, teachers and lecturers.**—(1) Where a public transport service is dedicated to transporting scholars, students, teachers or lecturers, the Minister may prescribe regulations on special requirements for those services, including, but not limited to—

(a) requirements for supervision of scholars;
(b) special requirements for drivers;
(c) requirements for insurance;
(d) documents that must be kept in the vehicle and special vehicle markings or livery; and
(e) requirements that drivers of other vehicles must stop those vehicles in the vicinity of vehicles loading or offloading scholars or students.

(2) Such regulations may also be made applicable to services that are exempted under section 53 (1) (g).

73. **Amendment of operating licence to replace specified vehicle.**—(1) Where the holder of an operating licence or permit wishes to replace the specified vehicle with another vehicle, the holder must apply for the replacement, in the manner prescribed, to an authorised official of—

(a) the entity that issued the operating licence; or
(b) where the licence or permit was issued before the date of commencement of this Act, to the entity to which application for a new operating licence must be made under this Act,

provided that the nature of the replacing vehicle and the quality and standard of the service are not affected by the replacement.

(2) The authorised official must allow the replacement and issue to the holder an amended operating licence, or in the case of a permit, a new operating licence, subject to sections 47, 48 and 49, if the replacing vehicle—

(a) falls in the same category as the replaced vehicle, i.e. motor car, minibus, midibus or bus;
(b) in the case of a bus or midibus, does not exceed the capacity of the replaced vehicle by more than 20 per cent; and
(c) is otherwise suitable for the operation of the service and has—

(i) a national information system model number allocated to it;
(ii) been certified as roadworthy; and
(iii) is properly licensed in compliance with the National Road Traffic Act.

(3) Where a subcontractor operates any part of the service to which an operating licence relates on behalf of the holder in terms of a contract, the subcontractor may rely on the provisions of this section to replace any vehicle of which the latter is the registered owner and which is specified in that operating licence, in all respects as if the subcontractor were the holder of that operating licence.

74. **Temporary replacement of vehicle.**—(1) (a) The entity that issued an operating licence or an employee authorised by it may, on application by the holder, grant written authorisation, where the vehicle specified in that operating licence or permit has become defective temporarily, for the holder to use another vehicle in place of the defective vehicle, subject to subsections (2), (3) and (6).

(b) Where the operating licence or permit was issued before the date of commencement of this Act, such authorisation must be granted by the entity to which application for a new operating licence must be made in terms of this Act.
(c) Where a vehicle contemplated in paragraph (a) belongs to a subcontractor operating a service on behalf of the holder in terms of a contract, such an authorisation may also be granted to such a subcontractor.

(2) The written authorisation must be in the prescribed form and must specify at least the prescribed particulars.

(3) (a) The passenger capacity of the replacing vehicle must be equal to that of the vehicle specified in the relevant operating licence, but may—

(i) be smaller; or

(ii) exceed that capacity by not more than 20 per cent.

(b) The replacing vehicle must be suitable for the operation of that service and, except insofar as this section provides otherwise, must comply in all other respects with the requirements and conditions that apply in terms of this Act and the National Road Traffic Act with regard to the vehicle.

(4) The written authorisation must be kept in the replacing vehicle to which it relates, together with the operating licence or permit applicable to the replaced vehicle for the duration of the period of replacement.

(5) The replacing vehicle is regarded in all respects as the vehicle operated under the operating licence or permit for the period of replacement.

(6) A second or subsequent application under subsection (1) in respect of the same vehicle may be refused if it appears that the applicant is abusing such written authorisations.

(7) Where vehicles normally used for public transport services in terms of operating licences or permits on a particular route or in a particular area are not available temporarily due to extraordinary circumstances including, but not limited to, natural disasters, unrest or violence, the Minister or an MEC may authorise operators, who need not be the holders of those operating licences or permits, in writing to use other vehicles temporarily on those routes and in those areas, subject to the conditions and for the periods set out in such authorisation.

75. Interaction between public transport and cross-border road transport. — (1) Where on trips involving cross-border road transport an operator both picks up and drops off passengers within the Republic, either on the outward or return journey, that operator must be in possession of the necessary operating licence as required by this Act for the vehicle, in addition to any permit required by the Cross-Border Act.

(2) No one may drop off passengers at or near an international border, where it is clear that such passengers intend to cross the border into another state, and no one may pick up passengers at or near such a border where it is clear that those passengers come from another state having crossed such border into the Republic, unless that person is the holder of the necessary permit required by the Cross-Border Act.

(3) In any prosecution in terms of this Act, where an operator has picked up or dropped off passengers within two kilometres of any international border post, that operator will be presumed to be undertaking cross-border road transport, unless the operator proves the contrary in the prescribed manner.

(4) Where the regulatory committee defined in section 1 of the Cross-Border Act is considering an application for a permit where ranks or terminals in the Republic will be used, that committee must allow relevant planning authorities the opportunity, in the prescribed manner, to comment on the use of those facilities.

76. Duties of holder of operating licence or permit. — The holder of an operating licence or permit must comply with this Act and the prescribed regulations.

77. No cession, alienation or hiring out of operating licence or permit. — (1) The authority conferred by an operating licence or permit may not—

(a) be ceded or otherwise alienated by the holder, except in terms of a transfer under section 58, and no person may be a party to such a cession or alienation; or
(b) be hired out by the holder or be hired by any other person.

(2) A transaction concluded in contravention of subsection (1) is invalid and has no legal force.

78. Cancellation of operating licences and permits not in use.—(1) Where an operating licence has not been in use for 180 days or more from the date of issue, the relevant entity must, in writing, call on the holder of such licence to furnish it with reasons to its satisfaction and within the period stated in the notice—

(a) as to why it failed to operate the service to which that licence relates; and

(b) why that licence should not be cancelled.

(2) Where the entity is satisfied with the reasons advanced under subsection (1), the holder must be allowed a further period, but not more than 180 days, to commence the operation of that service, and the holder must be informed accordingly in writing.

(3) If the entity is not so satisfied, or where the holder has failed to furnish reasons within the time allowed in terms of subsection (1), the entity must cancel the operating licence and in writing inform the holder and direct the holder to surrender that operating licence, together with the distinguishing marks relating thereto, within seven days after the date of the notice.

(4) Where an operating licence or permit was issued before the date of commencement of this Act, this section may be implemented by the entity to which application for a new operating licence must be made in terms of this Act.

(5) A planning authority or other interested person may request such an entity to take action under this section.

79. Withdrawal, suspension or amendment of operating licence or permit.—(1) Where an operating licence or permit has been granted on the basis of a contract, the contracting authority may request the relevant entity to withdraw the operating licence or permit where the contract has been terminated for any reason, and that entity must do so.

(2) Subject to subsection (3), in the case of an operating licence or permit that has not been granted on the basis of a contract, the relevant entity may, at any time, withdraw, amend or suspend the operating licence for such a period as it may deem fit, if the holder or employee of the holder—

(a) has been convicted of an offence under this Act or under a law relating to motor vehicles or the regulation of traffic or occupational safety or labour relations, or an offence due to fraud or dishonesty; or

(b) in the opinion of the entity, has not carried out faithfully the conditions of the operating licence or permit.

(3) Any entity may, at any time, withdraw an operating licence which was granted or issued by it erroneously or on the basis of incorrect or false information supplied to it.

(4) An entity may not under subsection (1), (2) or (3) withdraw or suspend an operating licence or permit unless—

(a) at least 21 days’ written notice of its intention to do so, with reasons, has been given to the holder by registered or certified post, with the request for the holder to comment on such reasons;

(b) the holder has been given an opportunity, either personally or through a representative, to appear before it and provide evidence or submit representations in regard to the proposed action or has submitted such comments, which have been considered by the entity; and

(c) where appropriate, the relevant planning authority has been given an opportunity to submit representations and make recommendations or alternative arrangements.
80. **Tourist transport services: general provisions.**—The driver of a vehicle used for tourist transport services must at all times while such services are undertaken comply with requirements imposed by tourism legislation, this Act and other applicable legislation.

81. **Accreditation of operators of tourist transport services.**—(1) As from a date determined by the Minister, by notice in the Gazette, no one may operate tourist transport services unless accredited by the National Public Transport Regulator.

(2) The National Public Transport Regulator must accredit operators of tourist services on application by them if satisfied that they—

(a) are fit and proper persons or entities to transport tourists in a manner that is safe and will promote South Africa as a tourist destination;

(b) meet the prescribed technical requirements; and

(c) have access to acceptable vehicles and maintenance facilities.

(3) The National Public Transport Regulator must consider the prescribed matters in deciding whether to grant or refuse an application for accreditation.

(4) Such accreditation may specify classes or maximum number of vehicles that may be operated by the particular operator.

(5) No such accreditation may be granted unless the National Public Transport Regulator has obtained and considered recommendations from the tourism authority or authorities recognised by the Minister.

(6) Accreditation may be granted without such recommendations where such tourism authority has not supplied them in the time specified in the entity’s request or where no such requirement is prescribed.

(7) The National Public Transport Regulator must keep a register of accredited tourist operators which is available for inspection to any interested person on request, on payment of the prescribed fee.

(8) Accredited operators must renew their accreditation every five years in the prescribed manner, failing which their accreditation will lapse.

82. **Application for accreditation.**—(1) An operator of tourist transport services may apply to the National Public Transport Regulator for accreditation by—

(a) completing the prescribed form;

(b) paying the prescribed fee; and

(c) submitting the form contemplated in paragraph (a) together with the required information or documentation.

(2) The applicant must satisfy the National Public Transport Regulator that he or she is a fit and proper person or entity to provide tourist transport services.

(3) If the National Public Transport Regulator is satisfied that any national tourism body has an acceptable system in place to accredit operators of tourist transport services, the National Public Transport Regulator may accept such accreditation by such a tourism body without requiring the operator to apply in terms of subsection (1), provided that the operator also complies with the prescribed technical requirements.

(4) When it accredits an operator, the National Public Transport Regulator must—

(a) include the operator’s name in the register contemplated in section 81 (7); and
Cancellation of accreditation.—(1) The National Public Transport Regulator may cancel the accreditation of an operator if the operator—

(a) in the opinion of the National Public Transport Regulator no longer complies with section 82 (2);

(b) has provided false or misleading information to the National Public Transport Regulator in the application form for accreditation or at any other time;

(c) based on three or more inspections or incidents, or on one or more accidents or collisions that have occurred, has failed to maintain vehicles operated by that operator in a satisfactory condition;

(d) based on three or more incidents, has failed to use or employ suitably qualified drivers or used drivers who do not hold the required professional driving permits in terms of the National Road Traffic Act;

(e) is the subject of negative complaints against that operator from a planning authority or from passengers or other interested persons that indicate that such cancellation is justified; or

(f) on failure to comply with any other prescribed requirement.

(2) Before taking a decision to cancel an operator’s accreditation, the National Public Transport Regulator must—

(a) give the operator written notice of the reasons why it intends to cancel it;

(b) give the operator a reasonable time, which shall be not less than 14 days, to submit representations or comments; and

(c) consider those representations or comments, if any have been submitted.

(3) On cancellation of an operator’s accreditation, the National Public Transport Regulator must remove that operator’s name from the register kept in terms of section 81 (7) and such an operator must submit to the National Public Transport Regulator for cancellation his or her certificate of accreditation and all operating licences, tokens, tags, or other equipment issued by that Regulator to that operator within 14 days of cancellation of that operator’s accreditation.

Certification of vehicles for tourist transport services.—(1) Only vehicles that have been certified by the National Public Transport Regulator and display a special token, tag or equipment issued by the National Public Transport Regulator as prescribed may be used for tourist transport services.

(2) Any accredited operator or any entity that owns vehicles and rents them out to tourist operators may apply to the National Public Transport Regulator to certify a vehicle.

(3) The National Public Transport Regulator must certify a vehicle and issue an operating licence for it on proof submitted to it in the prescribed manner that—

(a) the vehicle is properly registered and licensed on eNaTIS;

(b) the vehicle is suitable in all respects for the type of tourist service envisaged;

(c) a valid and current roadworthy certificate has been issued for the vehicle;

(d) the vehicle and passengers who will be carried are adequately insured with a registered insurer; and

(e) the vehicle is otherwise acceptable according to the National Public Transport Regulator.

(4) The National Public Transport Regulator may impose conditions.

(5) No vehicle used for tourist transport services may use a rank or terminal without having obtained the written permission of the relevant planning authority, and the operator has paid the fees charged by that authority,
CHAPTER 7
LAW ENFORCEMENT

85. Land transport law enforcement.—(1) In addition to the measures provided for in this Act with regard to law enforcement, the MECs and municipalities must take active steps to develop systems to improve land transport law enforcement in their respective jurisdictions.

(2) Despite the provisions of any other law—

(a) an MEC; or

(b) a municipality,

referred to in this section as enforcement authorities, may enter into an agreement in terms of which—

(i) land transport law enforcement functions are undertaken by one enforcement authority in the area of jurisdiction of another;

(ii) authorised officers of one such authority may be seconded to another authority temporarily; or

(iii) land transport law enforcement functions are undertaken jointly, or by a public or private sector agency on behalf of the authority,

on terms and conditions set out in the agreement, including conditions as to which authority must bear the costs involved.

86. Appointment of inspectors.—(1) Employees of—

(a) a provincial department, as appointed by the MEC; or

(b) a municipality to which the operating licence function has been assigned, as appointed by that authority

who are fit and proper persons for the relevant functions, may be appointed as inspectors.

(2) The authority appointing an inspector must issue to him or her a certificate of appointment and official proof of identity in the prescribed form.

(3) The functions of inspectors so appointed are to monitor compliance with this Act in the province or area of the municipality concerned and to assist with the investigation and prevention of offences contemplated in section 90 which have been committed in that province or area, subject to provincial laws, if any, and the directions of the appointing authority.

(4) In performing those functions, an inspector will have all the powers conferred on an authorised officer in terms of this Act.

(5) When performing any function or duty or exercising any power in terms of this Act, an inspector must on demand by any person in relation to whom the power, function or duty is exercised or performed, produce his or her certificate of appointment.

87. Impoundment of vehicles.—(1) An authorised officer who is satisfied on reasonable grounds that a motor vehicle is being used by any person for the operation of public transport without the necessary operating licence or permit or contrary to the conditions thereof, may impound the vehicle pending the investigation and prosecution of that person for an offence mentioned in section 90 (1) (a) or (b).

(2) A vehicle impounded under subsection (1) must be delivered to the head of the depot contemplated in
subsection (4), who must retain the vehicle in the depot and release it to the person concerned only—

(a) when the criminal charges against the person have been withdrawn or the person has been acquitted of the offence charged; or

(b) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment to the head of the depot of the amount determined by the MEC, which is an impoundment fee.

(3) The impoundment fee must be increased accordingly, for the second or subsequent impoundment of a vehicle.

(4) The MEC or municipality may, by notice in the *Provincial Gazette*, designate any suitable place defined in the notice to be a depot.

(5) The MEC or municipality may amend or withdraw such notice, as it deems fit.

(6) The MEC or municipality must appoint an authorised person as the head of the depot.

88. Presumptions and proof of certain facts.—(1) A document which purports to be an operating licence or permit issued under this Act or a certified copy thereof, must on mere production in any prosecution for an offence mentioned in section 90 (1) be admissible in evidence as proof that it is such an operating licence or permit which had been lawfully issued, or that it is a true copy thereof, as the case may be, and of the truth and accuracy of the particulars thereof.

(2) A document which states that the motor vehicle described therein is registered, under the relevant law, in the name of a person specified therein as the owner, and which purports to have been issued under such a law by an employee of the registering authority for motor vehicles of the place where the vehicle was so registered, is on mere production in a prosecution under this Act, admissible as sufficient proof of that person's registered ownership of the vehicle and of the truth and accuracy of the particulars contained therein.

89. Powers of authorised officers.—(1) In addition to the functions and duties imposed on an authorised officer by or in terms of this Act, an authorised officer may—

(a) cause a motor vehicle to be stopped in the prescribed manner and enter such a vehicle in order to establish if it is used for public transport or monitor compliance with any provision of this Act, or with the terms of any operating licence or permit, and may for those purposes examine or inspect the vehicle and any documentation that may be relevant;

(b) require from the driver to furnish his or her full name and residential address, and documentary proof thereof, as well as the names and address of the owner of the vehicle, and particulars of the business in connection with which the vehicle is being used;

(c) require that the driver or other person in charge of the vehicle forthwith produce for inspection any documents or other records that are in or on the vehicle in the possession of the driver or that person that relate to the persons being conveyed in such vehicle;

(d) require that any person in a motor vehicle suspected on reasonable grounds to be used for public transport, or a person suspected on reasonable grounds to have been in such a vehicle recently, furnish the full name and address of such suspected person and documentary proof thereof and state if such person has paid or has to pay any consideration for conveyance in the vehicle, and furnish the name and address of the person to whom the payment has been made;

(e) require that the records to be kept in or on the vehicle in terms of this Act, be produced for inspection;

(f) enter or enter upon any business premises at any reasonable time to monitor compliance with this Act, and—

(i)
information required for that purpose;

(ii) require such a person to produce, for examination or inspection, any books, documents or other records, that may be relevant for monitoring purposes;

(iii) make extracts therefrom or copies thereof; and

(iv) demand an explanation of any entries in such a book, document, or other record;

(g) require that the driver or other person in charge of a motor vehicle used for public transport, produce any documents whatsoever, that were issued by a competent authority, in terms of this Act, or the Transition Act, with regard to the vehicle or the public transport for which it may be used in terms of this Act, or the Transition Act, as the case may be, and which, in terms of those Acts have to be kept in that vehicle; and

(h) upon the order of the entity that issued an operating licence or permit or the successor to that entity, attach an operating licence or permit that has expired or lapsed or has been withdrawn temporarily in terms of this Act, and hand it over to that entity.

(2) A person questioned or required to furnish an explanation in terms of subsection (1) (f), may exercise his or her rights in terms of section 35 of the Constitution.

(3) (a) Where an authorised officer finds a vehicle used for public transport to be so defective as to be a danger to persons or property, the authorised officer may order the driver or other person in charge of the motor vehicle to surrender the relevant operating licence or permit, as well as all distinguishing marks relating to the vehicle, and prohibit that driver or person forthwith to use the vehicle for public transport.

(b) The operating licence or permit so surrendered, must be retained by the officer until the holder has satisfied the officer that the defects have been remedied and that the vehicle is in a roadworthy condition, and the onus of proof rests on the holder of the operating licence.

90. Offences and penalties.—(1) A person is guilty of an offence—

(a) if that person operates a public transport service in contravention of section 50;

(b) if the person operates a public transport service contrary to the terms and conditions of an operating licence or permit;

(c) if, being the holder of an operating licence or permit or the agent or employee of such a holder, the person allows someone else to use that operating licence or permit for a vehicle other than the vehicle specified therein;

(d) if the person applies for or obtains an operating licence knowing that a current operating licence has already been issued with regard to the same vehicle;

(e) if the person, with the intent to deceive, forges, alters, defaces, damages or adds to any operating licence or permit or other official document issued under this Act;

(f) if, knowing that a document is not an operating licence or permit or such other official document or that it has been altered, defaced, damaged or added to, utters or uses the document;

(g) if the person furnishes or gives false information in or with regard to any application made in connection with an operating licence, or in the course of appearing in any proceedings, investigation or inquiry relating thereto;

(h) if the person impersonates an authorised officer;

(i) if the person wilfully obstructs or hinders an authorised officer who is discharging his or her duties;

(j) if the person refuses or fails to comply with the lawful order, direction or demand made by an authorised officer in the discharge or performance of any function or duty entrusted to the officer by or in terms of this Act;
(k) if, where the person is conveyed as a passenger in the course of public transport, he or she—
   (i) fails to pay the fare due for the journey when payment is requested by the driver or conductor;
   (ii) smokes or drinks liquor on that vehicle in contravention of a notice on the vehicle which forbids smoking or drinking;
   (iii) wilfully acts in a manner that inconveniences a fellow passenger;
   (iv) disobeys a reasonable instruction issued by the driver or conductor for the purpose of maintaining order or ending a disturbance or controlling any emergency; or
   (v) wilfully performs any act in or on the vehicle that could cause injury to or endanger the life of any person or cause damage to any property;

(l) if the person, being the holder of an operating licence or permit or the driver of a vehicle to which that operating licence or permit relates, fails to comply with any duty or obligation imposed on such a holder or driver by or in terms of this Act;

(m) if the person picks up or sets down passengers at or near an international border in contravention of section 75 (2);

(n) if the person uses a vehicle for a public transport service in contravention of this Act;

(o) if the person operates a tourist transport service without accreditation by the National Public Transport Regulator or operates a tourist transport service after his or her accreditation has been cancelled;

(p) if the person uses a vehicle for tourist transport services in contravention of section 84 (1) and (5); or

(q) if the person contravenes any other provisions of this Act.

(2) Where a person is convicted of any one of the offences mentioned in—

(a) paragraphs (a), (b), (d), (e) or (o) of subsection (1), a term of imprisonment not exceeding two years, or a fine not exceeding R100 000, may be imposed;

(b) any other paragraph of that subsection, a term of imprisonment not exceeding three months or a fine not exceeding R10 000 may be imposed.

(3) Whenever a manager, agent or employee of the holder of an operating licence or permit performs or omits to perform any act which, if the holder had performed or omitted to perform that act personally, would have constituted an offence in terms of subsection (1), that holder is guilty of that offence if—

(a) the holder—
   (i) connived at or knowingly permitted the act or omission concerned; or
   (ii) did not take all reasonable measures to prevent that act or omission; and

(b) an act or omission of the nature of the act or omission charged, whether legal or illegal, fell within the scope of the authority or the course of the employment of the manager, agent or employee.

91. Extraordinary measures in declared areas.—(1) If in any area in the relevant province the MEC considers that because of violence, unrest or instability in any sector of the public transport industry in the area or between operators in the area, the safety of—

(a) passengers using the relevant services; or

(b) residents; or

(c) any other persons entering the area,

has deteriorated to an unacceptable level, the MEC may, after consulting relevant planning authorities, by notice in
the Provincial Gazette, define the area and declare it to be an area in respect of which the notification prescribing the extraordinary measures contemplated in subsection (2) may be made.

(2) The MEC may, by notice in the Provincial Gazette, give notice that—

(a) one or more or all the routes or ranks in such a declared area are closed for the operation of any type of public transport service, for the period stated in the notice;

(b) any operating licence or permit authorising any of the services referred to in paragraph (a) on a closed route or routes or at a closed rank or ranks in the declared area is suspended for the relevant period;

(c) subject to subsection (6), no person may undertake any of the services referred to in paragraph (a) on a closed route or routes or at a closed rank or ranks in the declared area or in terms of an operating licence or permit suspended as contemplated in paragraph (b) for the relevant period.

(3) Before making the notice in terms of subsection (2), the MEC must cause a notice to be published in the prescribed manner, stating—

(a) in summary form the nature and purpose of the proposed regulations;

(b) the route or routes and rank or ranks which are proposed to be closed, or that it is proposed to close all routes and ranks in the declared area;

(c) the period for which the proposed regulations will be in force;

(d) that interested or affected parties may request reasons for the proposed regulations;

(e) that any interested or affected persons are entitled to make representations;

(f) the time within which representations may be made, which may not be less than 24 hours;

(g) the address to which representations must be submitted, and

(h) the manner in which representations must be made.

(4) The MEC must consider any representations received under subsection (3) before making a regulation under subsection (2).

(5) The notification contemplated in terms of subsection (2) may provide that a contravention thereof or a failure to comply therewith constitutes an offence, and may prescribe penalties in respect thereof which may be a fine, or imprisonment for a period not exceeding six months.

(6) The notification may provide for the issuing of temporary permits to operators of motor vehicles of specified types, to operate services on a closed route or routes or at a closed rank or ranks for the period of their closure in substitution of the forbidden services.

(7) After giving notice as contemplated in subsection (3), the MEC may, by notice in the Provincial Gazette, temporarily suspend any operating licence or permit insofar as it authorises public transport in a declared area on a route or routes or at a rank or ranks not closed in terms of the notice contemplated in terms subsection (2), for the period the MEC considers appropriate.

(8) The MEC may in a like manner and at any time amend the notification made in terms of subsection (1).

(9) The Minister may, after consulting the MEC and relevant planning authorities, exercise any of the powers of the MEC in this section.

(Editorial Note: Conflicting dates of commencement have been published for this section. In terms of Proclamation No. 54 of 2009 published in Government Gazette 32532 dated 31 August, 2009, the date of commencement for this section is 31 August, 2009 and in terms of Proclamation No. 87 of 2009 published in Government Gazette 32788 dated 8 December 2009, the date of commencement for this section is 8 December 2009. We have notified the Department of Transport of the discrepancy and await their response.)

CHAPTER 8
APPEALS
92. Appeals to Transport Appeal Tribunal.—(1) The following persons may appeal to the Transport Appeal Tribunal against an act, direction or decision of an entity that has granted or refused an application relating to an operating licence, in the manner and within the time prescribed:

(a) The aggrieved applicant;

(b) the holder of any operating licence or permit affected by the decision; or

(c) any other person interested in or affected by the decision.

(2) In considering an appeal in terms of subsection (1), the Transport Appeal Tribunal is bound by applicable transport plans.

(3) Appeals pending before provincial transport appeal bodies contemplated in section 128 (1) of the Transition Act on the date of commencement of this Act, must be finalised by those bodies as if this Act had not been passed, unless the MEC directs that those appeals must be transferred to the Transport Appeal Tribunal for finalisation.

CHAPTER 9
TRANSITIONAL AND FINAL MATTERS

93. Transitional provisions.—(1) Where, at any time before the commencement of this Act—

(a) a person was convicted, in terms of any previous law, of an offence which is an offence in terms of this Act, the person is, where relevant for the purposes of this Act, regarded and treated as a person who had committed a corresponding offence provided for in this Act; and

(b) any distinguishing mark issued in terms of any previous law for a vehicle in relation to which an operating licence or permit had been issued thereunder, is regarded for purposes of this Act, until such time as that licence or permit lapses, is converted to an operating licence, or is withdrawn or cancelled in terms of this Act, as a distinguishing mark issued under this Act.

(2) Any transport plan prepared or approved in terms of the Transition Act is deemed to be the corresponding plan prepared or approved, as the case may be, in terms of this Act until the latter has been prepared or approved.

(3) Until the National Public Transport Regulator, a Provincial Regulatory Entity or municipality has been established or is empowered to perform its functions under this Act—

(a) an operating licensing board established in terms of the Transition Act may exercise the powers and perform the duties of such an entity under this Act, but only until a date determined by the Minister, after consultation with the relevant MEC or municipality by notice in the Gazette;

(b) any power exercised or duty or function validly performed by an operating licensing board in terms of the previous Act or a law previous to that is deemed to have been validly exercised or performed; and

(c) any application to an operating licensing board relating to the granting, amendment, renewal or transfer of an operating licence which has not been disposed of, is deemed to be an application under this Act relating to the appropriate operating licence.

(4) Whenever this Act makes reference to a transport plan, a contracting authority or other entity may proceed with any action, despite the fact that the relevant plan has not been prepared, approved or published in terms of this Act, but such authority or entity must have regard to any available transport planning or other information at its disposal.

(5) Any transport authority established in terms of the Transition Act will cease to be a juristic person independent from the relevant municipality or municipalities, on a date to be determined by the Minister, and those municipalities must amend or restructure their administrations as soon as possible after the determined date, to bring them in line with this Act.
94. Laws repealed or amended.—The laws mentioned in the Schedule are repealed or amended, as specified in the third column thereof.

95. Act binds State.—This Act binds the State.

96. Short title and commencement.—(1) This Act is called the National Land Transport Act, 2009, and comes into operation on a date determined by the President by proclamation in the Gazette.

(2) Different dates may be so determined in respect of different provisions of this Act, and dates so determined may differ in respect of different provinces or different municipal areas.

### Schedule

#### LAWS REPEALED OR AMENDED

<table>
<thead>
<tr>
<th>No. and Year of Law</th>
<th>Short title</th>
<th>Extent of amendment or repeal</th>
</tr>
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<tr>
<td>Act No. 11 of 1972</td>
<td>Black Transport Services Amendment Act, 1972</td>
<td>The repeal of the whole.</td>
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<tr>
<td>Act No. 76 of 1982</td>
<td>Black Transport Services Amendment Act, 1982</td>
<td>The repeal of the whole.</td>
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<tr>
<td>Act No. 77 of 1982</td>
<td>Transport Services for Coloured Persons and Indians Amendment Act, 1982</td>
<td>The repeal of the whole.</td>
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</table>
2. The substitution for the word "permissions", wherever it occurs, of the expression "operating licences". |
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<tbody>
<tr>
<td>Act No. 26 of 2006</td>
<td>National Land Transport Transition Amendment Act, 2006</td>
<td>The repeal of the whole.</td>
</tr>
</tbody>
</table>
NATIONAL LAND TRANSPORT ACT
5 OF 2009

TABLE OF CONTENTS

PROPOSED REGULATIONS

GN 395 of 23 April 2009
Publication for comments: National Land Transport Regulations, 2009
(Government Gazette No. 32146)

GN 400 of 30 April 2009
Publication for comments: National Land Transport Regulations for the 2010 FIFA
Soccer World Cup, 2009
(Government Gazette No. 32157)

GN 282 of 26 March 2010
Draft Amendment of the National Land Transport Regulations, 2009: For public
comments
(Government Gazette No. 33056)

GN 283 of 26 March 2010
Draft amendment of the Act: Regulations: Regulations for the FIFA Soccer World Cup
2010
(Government Gazette No. 33057)

GNR.935 of 22 October 2010
Regulations: Integrated Fare Systems
(Government Gazette No. 33655)

GN 68 of 4 February 2011
Draft Second Land Transport Regulations: For public comments
(Government Gazette No. 33996)

GN 181 of 1 April 2011
Publication for comments: Draft regulations for minimum requirements for the
preparation of provincial land transport frameworks
(Government Gazette No. 34158)

REGULATIONS

GNR.877 of 23 April 2009
Publication for comments: National Land Transport Regulations, 2009
(Government Gazette No. 32146)

GNR.1170 of 8 December 2009
National Land Transport Regulations for the 2010 FIFA Soccer World Cup
(Government Gazette No. 32788)

GNR.1208 of 17 December 2009
National Land Transport Regulations
(Government Gazette No. 32821)

GNR.511 of 17 June 2011
Regulations relating to Integrated Fare Systems
(Government Gazette No. 34363)
PROPOSED REGULATIONS

(Government Gazette No. 32146)

GN 400 of 30 April 2009: Publication for comments: National Land Transport Regulations for the 2010 FIFA Soccer World Cup, 2009
(Government Gazette No. 32157)

GN 282 of 26 March 2010: Draft Amendment of the National Land Transport Regulations, 2009: For public comments
(Government Gazette No. 33056)

GN 283 of 26 March 2010: Draft amendment of the Act: Regulations: Regulations for the FIFA Soccer World Cup 2010
(Government Gazette No. 33057)

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(Government Gazette No. 33655)

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(Government Gazette No. 33996)

GN 181 of 1 April 2011: Publication for comments: Draft regulations for minimum requirements for the preparation of provincial land transport frameworks
(Government Gazette No. 34158)

REGULATIONS

GNR.877 of 31 August 2009: National Land Transport Regulations on Contracting for Public Transport Services
(Government Gazette No. 32535)

I, Sibusiso Joel Ndebele, Minister of Transport, hereby make the regulations in the Schedule in terms of section 8 read with section 46 (3) of the National Land Transport Act, 2009 (Act No. 5 of 2009).

(Signed)
S J Ndebele
Minister of Transport

SCHEDULE
1. **Definitions.**—In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or the Transition Act, has that meaning, and the following words and expressions have the meanings assigned to them:

   "BRT" means bus rapid transit;

   "IPTN" means an integrated public transport network;

   "ITP" means an integrated transport plan;

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


2. **Negotiated contracts.**—(1) Where a contracting authority has concluded—

   (a) a subsidised service contract, interim contract, current tendered contract or negotiated contract in terms of the Transition Act, such contract shall remain in force until it expires or is terminated, but the contracting authority will not thereby be precluded from concluding negotiated contracts under section 41 of the Act in the same area or on the same routes; and

   (b) a negotiated contract in terms of section 41 of the Act or section 47 (3) of the Transition Act, this will not preclude it from—

       (i) concluding other such contracts with different operators or on different routes, even if such routes are in the same area; or

       (ii) providing in such contract for the services to be provided under the contract to be increased or amended in a phased manner during the period of the contract, provided that the total duration of the contract shall not exceed 12 years.

(2) Where there is a subsidised service contract, interim contract, current tendered contract or negotiated contract as contemplated in the Transition Act, or a contract contemplated in section 46 (1) of the Act involving services on BRT routes as part of an IPTN, and such contract has more than three months still to run—

(Editorial Note: Wording as per original Government Gazette. It is suggested that the word "subsidised" is intended to be "subsidised").

   (a) the municipality establishing the IPTN must enter into negotiations with the relevant provincial department and the operator with a view to involving the operator in the operating agreements for the proposed IPTN; and

   (b) the funds previously allocated for the routes or areas forming part of the services provided in terms of that contract that will be covered by the BRT services must be allocated to the municipality for funding the network contract, subject to the relevant Division of Revenue Act; and
in terms of the Act with the existing operator, either by amending the contract or concluding a new contract, or failing agreement with that operator, with another operator or operators, for the remainder of the services, subject to section 11 (2) and (3) of the Act; or

(d) the contract may be allowed to run its course; or

(e) the contracting authority may make an offer to the operator in terms of section 46 (1) (c) of the Act.

(3) Sub-regulation (2) shall not prevent the contracting authority from negotiating with the operator as contemplated in that sub-regulation where such a contract has three months or less still to run, or, alternatively the contracting authority may allow the contract to run its course in terms of section 46 (1) (a) of the Act.

(4) Where a municipality is establishing an IPTN contemplated in section 40 or 41 of the Act, it must make reasonable efforts to involve existing scheduled bus and unscheduled minibus taxi operators on the relevant routes in the proposed negotiated contracts, but where the municipality has made an offer in writing, either individually or by notice in the press to such operators and some of the operators have rejected the offer or failed to respond within 21 days, the municipality may conclude—

(a) one or more negotiated contracts with other operators in terms of section 41 (1) of the Act; or

(b) subsidised service contracts or commercial service contracts for the services.

(5) Any dispute with regard to the matters contemplated in this regulation must be resolved in terms of the procedures set out in regulations 6 to 9.

(6) The fact that mediation or arbitration is in progress will not prevent or delay a contracting authority from continuing with its activities to rationalize services or to establish IPTNs and conclude contracts with other operators for this purpose, in the interests of improving public transport in the relevant area.

3. Operating licences and permits in relation to contracts.—(1) An application for an operating licence based on a contract contemplated in section 56 of the Act—

(a) must be lodged with the relevant board as required by the Transition Act for an application contemplated in section 40 of the Transition Act;

(b) shall for procedural purposes be deemed to be a contract contemplated in section 40 of the Transition Act, and that section applies with the necessary changes; and

(c) need not be published in terms of section 37 of the Transition Act where the relevant service is provided for in the ITP of the contracting authority.

(2) Where a contracting authority has already lodged an application for operating licences for such a contracted service, or for an uncontracted service in terms of the Transition Act, and such service will be provided in terms of a contract as defined in the Act—

(a) the application shall be regarded as an application in terms of sub-regulation (1), the provisions of which shall apply; and

(b) it shall not be necessary for the contracting authority to re-submit an additional application in terms of the Act.

(3) Operators who enter into contracts, or who become shareholders or are subsidiaries of companies formed in order to enter into contracts, with contracting authorities in terms of section 41 of the Act must surrender to the appropriate operating licensing board, or once established, to the relevant regulatory entity, for amendment or cancellation, as the case may be, all permits and operating licences held by them that will be replaced by services to be rendered in terms of the new contract.

(4) Where a contracting authority has concluded a contract with an operator as part of an IPTN, and that contract is terminated before its expiry date or that operator is unable or unwilling to operate the contracted services during the period of the contract, the contracting authority shall be deemed to be the holder of the relevant operating licences and may operate the services itself for the period that the first-mentioned operator fails or refuses to operate, or while arrangements are being made to procure another operator, but not for more than 180 days or such longer period as approved by the Minister: provided that this period shall be extended for the duration of any
litigation relating to the termination of the contract or the procurement of a new operator.

(5) In a situation contemplated in sub-regulation (4), the contracting authority may, instead of operating the service itself, contract the services to another operator to operate the services for the interim period in which case the new contractor must be issued forthwith with operating licences for the vehicles being used for those services for the period deemed fit by the regulatory entity, but not for more than 180 days or such longer period as approved by the Minister: provided that this period shall be extended for the duration of any litigation relating to the termination of the contract or the procurement of a new operator.

4. Arrangements for subsidised service contracts.—Not later than one year before the anticipated expiry of a contract contemplated in section 42 (2) of the Act, the contracting authority must commence arrangements for inviting tenders for subsidised service contracts or commercial service contracts which must, among other things, involve evaluating the services for compliance with the relevant ITP and redesigning them if necessary.

5. Qualifications of tenderers.—(1) To qualify as a tenderer for a commercial service contract or a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator must comply with the following requirements:

   (a) The operator must conduct public transport operations according to business principles with financial ringfencing, or, in the case of a new operator, must have undertaken in writing to do so; and
   (b) must have his, her or its tax affairs in order and be able to furnish a valid tax clearance certificate issued by the South African Revenue Services.

(2) For the purposes of sub-regulation (1) (a), an operator is financially ring fenced if—

   (a) the business of the operator’s undertaking is conducted separately from that of another entity or undertaking or any other organisation;
   (b) the operator keeps separate accounting records, in accordance with generally recognised accounting practice and procedures, of its assets, liabilities, income, expenditure, profits and losses;
   (c) the operator’s undertaking is financially sustainable in terms of its financial statements; and
   (d) the operator has no unfair advantage as regards access to financial or other support or resources from any organ of state, unless such advantage is part of a scheme which applies generally, approved by the contracting authority, to protect or advance public transport operators disadvantaged by unfair discrimination.

(3) For the duration of a commercial service contract or subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of or in the capacity as agent of, an operator must—

   (a) keep separate records, in accordance with generally recognised accounting practices and procedures, of his, her or its financial position, performance, flow of funds and change in financial position;
   (b) undergo an annual audit by a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);
   (c) comply with the requirements of sub-regulation (1);
   (d) not enjoy an unfair advantage emanating from an organ of state, but any advantage emanating from a subsidised service contract is not deemed to be an unfair advantage for the purposes of this section.

(4) For the purpose of this regulation—

   (a)
the financial and operating policies of an operator so as to obtain a benefit from its activities; and

(b) “unfair advantage” means, but is not limited to—

(i) the receipt by an operator of any direct or indirect benefit, including funds, resources, donations, grants, consideration or other advantage, whether financial or otherwise, which is not available on the same terms and conditions to all other potential operators;

(ii) the direct or indirect guarantee or honouring of any of the obligations of the operator, including the arrangement or facilitation of the granting of any such loan;

(iii) the direct or indirect provision of a loan bearing no interest, or interest at a substantially lower rate than would be available commercially to a similar operator under similar conditions, or a loan in respect of which interest payments are deferred for a period of more than six months, including the arrangement or facilitation of the granting of any such loan;

(iv) allowing an operator to make use, or failing to prevent an operator from making use, of any public resources, including infrastructure, property, facilities, assets, human resources, systems, expertise or intellectual property, or facilitating such action, which would not be available to another similar operator on the same terms and conditions.

(5) The contracting authority must consider the fitness of the tenderer as an operator in terms of such contracts based, among other things, on the latter’s record of convictions for the following offences:

(a) An offence created by the Act, the National Road Traffic Act or a provincial road traffic act;

(b) an offence listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(c) possession of an unlicensed firearm, explosives or a dangerous weapon; and

(d) any other offence considered relevant by that authority.

6. Resolving disputes.—Where a contracting authority and an operator cannot reach agreement under section 46 (1) of the Act, the matter must be referred to mediation under regulation 7 if not urgent, or to arbitration under regulation 8 where the contracting authority has at any time decided that the matter is urgent.

7. Mediation.—(1) Either party may start the mediation proceedings by giving the other party not less than seven days’ written notice that the matter must proceed to mediation.

(2) The parties must each in writing nominate a mediator for not less than ten years, within 14 days after receipt of the notice to proceed to mediation, and if the parties cannot agree on one mediator within a further seven days, the Association of Law Societies of the Republic of South Africa shall be requested to nominate a mediator within fourteen (14) days after the request.

(3) The Parties must commit themselves in every respect to the speedy finalisation and solution of the mediation proceedings.

(4) Either party may furnish the mediator in advance with written documentation and information and must make the same available to the other party.

(5) The mediator must establish and regulate procedures for the mediation so long as the parties continue to agree to participate in the mediation process.

(6) Mediation is a voluntary process, and may be terminated at any time by a party on written notice to the other.

(7) The mediator must give each party the opportunity to present its case by means of written or oral representations and to submit settlement alternatives, and the mediator must aid the parties in reaching a mutually acceptable agreement.

(8) The mediator must record the settlement reached by the parties, if any, and request them to sign the draft settlement within three days after a settlement has been reached and give a copy thereof to each party.
(9) The Parties must pay the costs of the mediator in equal shares, unless the mediator orders one party to pay a larger share or the full amount.

(10) The signed settlement shall be final and binding on both parties.

(11) The mediator shall not have the power to render a binding decision or award in the dispute other than the order contemplated in sub-regulation (9), nor will he or she be empowered to force any party to settle the dispute.

(12) Any information, documentation and material disclosed or made available to the mediator privately or in caucus will remain confidential and will not be disclosed by the mediator or any party without the prior consent of the party who made available such information, documentation or material.

(13) Mediation will take place on a confidential and “without prejudice” basis, and the parties—

(a) may never subpoena any person who is a party to or who is involved in the mediation, including the mediator, for the purpose of giving evidence as to what took place during mediation; and

(b) must ensure that the confidentiality of the mediation process is assured.

(14) Notwithstanding sub-regulations (12) and (13), any person may be called to testify—

(a) as to the existence or not of a written agreement between the parties concluded during the mediation;

(b) whether a party had signed such agreement; or

(c) regarding the cost ruling of the mediator contemplated in sub-regulation (9) or the facts relied upon by the mediator in this regard.

(15) If the parties are unable to reach a settlement within 60 days the mediator must certify this in writing and either party may institute proceedings in the appropriate court for settlement of the dispute or the matter must proceed to arbitration if the contracting authority decides that the matter is urgent, in terms of regulation 8.

8. Arbitration in urgent matters.—(1) Where a matter must be referred to arbitration under section 46 (2) of the Act and the contracting authority notifies the operator in writing that the matter is urgent, the matter must proceed to urgent arbitration in terms of this regulation.

(2) Except as otherwise provided in these regulations, the arbitration proceedings shall be conducted in accordance with the arbitration laws of the Republic and in English.

(3) The arbitration proceedings must be conducted on an informal basis, it being the intention that a decision should be reached as expeditiously and inexpensively as possible, but in any event within 30 days of the arbitrator being appointed, subject only to the due observance of the principles of justice.

(4) The parties must each nominate an arbitrator in writing within four days after the operator receives the notification referred to in sub-regulation (1), and if they fail to agree on an arbitrator within three days thereafter, or a party fails to nominate an arbitrator, the Bar Council of the area in which the contract was executed must be asked by either party to nominate an arbitrator on an urgent basis, who must be a retired judge or an advocate with at least ten years’ experience in practice at the bar and will be appointed in writing by the contracting authority.

(5) Within 10 days after the arbitrator is appointed, or within such further period that the arbitrator may approve on good cause shown, the arbitrator may approve on good cause shown, each party must submit to the arbitrator a full written statement of his, her or its case which must set out all the evidence, sworn statements, facts, submissions and expert opinion as such party deems necessary to support its contentions in regard to the matters in dispute and simultaneously serve a copy thereof on the other party.

(6) If a party fails to submit a statement of case within the period specified in sub-regulation (5), the arbitrator may proceed to make an award without it.

(7) Within seven days after receipt of the copy of the other party’s statement of case, or within such further period that the arbitrator may approve on good cause shown, either party may submit a further supplementary statement to the arbitrator, and must serve a copy thereof on the other party.

(8) If the arbitrator considers that the matter cannot be decided on the papers before him or her, the
The arbitrator may call for other evidence or for witnesses to testify at a place determined by the arbitrator.

(9) Witnesses must testify in the presence of both parties unless the arbitrator rules differently.

(10) The parties, who may question such witnesses, and the arbitrator may appoint a commissioner to take evidence of any person within or outside the Republic and forward it to the arbitrator as if he or she were a commissioner appointed by the court.

(11) Subject to these regulations, the arbitrator shall have discretion and all powers allowed by law to ensure the just, expeditious, economic and final determination of the dispute, including the matter of costs, and without derogating from the generality of the foregoing, shall also have the power—

(a) to order any party to cover the cost of an interpreter;

(b) to determine the time, place and venue of the hearing and the hours during which it will take place;

(c) to strike out or dismiss a claim or defence on grounds of failure by a party to comply timeously with any ruling or interim award by the arbitrator, or on grounds of delaying conduct by a party which is likely to cause substantial prejudice to the other party;

(d) to proceed with the arbitration in the absence of or without hearing a party who is in default or fails to appear or to comply with any ruling or interim award of the arbitrator;

(e) to make any ruling or give any direction necessary or advisable for the just, expeditious, economic and final determination of all disputed matters raised in the statements of case, including the matter of costs;

(f) to determine the validity of the contract and the value of the unexpired portion thereof, if any;

(g) to permit the amendment of a party’s statement of case (but not affidavits submitted therewith) and require a party to amend its statement of case so that it is not evasive and, on application of a party, to strike out from the other party’s statement averments which are vague, scandalous, vexatious or irrelevant;

(h) to make rulings or give interim awards on matters of onus, admissibility of evidence and procedure, including ones of an interlocutory or interim nature, and rulings or interim awards relating to costs and the implementation of interim or final awards;

(i) to make such findings of fact and law as may be required for purposes of the proceedings and the award, including an order as to costs, and including an award whereby a party is restrained from any conduct, either on an interim or final basis;

(j) before making a final award and on the application of a party, to state any question of law arising in the course of the proceedings as a special case for the opinion of senior counsel, which opinion shall be final and binding on the arbitrator and the parties, and not subject to appeal;

(k) in determining the procedure for the arbitration, and after hearing the parties, to direct—

(i) that the dispute must be determined summarily at an informal hearing attended by both parties;

(ii) the summary trial of an issue to decide whether any issue or point has no reasonable prospect of success and should be dismissed or struck out, or as to whether an interim award should be made for a sum indisputably due;

(iii) that a party should furnish more particulars or details on any issue;

(iv) that a party must produce or make available for inspection to the other party and to the arbitrator any document, property or thing under the control of the first party;

(v) that there shall be one or more inspections in loco;

(vi) that there should be discovery on oath or otherwise of documents and recordings (subject to valid legal objection), either in regard to all relevant matters or in regard to issues determined by the arbitrator;

(vii)
The arbitrator must do all in his or her power to make an award within 30 days after he or she was appointed, or as soon as possible thereafter.

Any award made by the arbitrator—

(a) shall be final and binding on the parties;

(b) shall be carried into effect forthwith by the parties;

(c) may be made an order of court by a party only if the other party fails to heed the terms of the award, and

(d) may include an order directing the unsuccessful party to pay the costs of the arbitrator and the expenditure incurred by the successful party.

Neither party may withdraw from such arbitration once the contracting authority has certified that the matter is urgent under this regulation, and if a party purports to withdraw the arbitrator shall continue to determine the matter as set out in this regulation, whether the party is present or not.

9. **General matters regarding disputes.**—(1) Nothing in these regulations will prevent a party from approaching a court for urgent relief.

(2) Where applicable, the operator must, notwithstanding any dispute, mediation or arbitration, continue to provide the services in accordance with the contract.

10. **Short title and commencement.**—These regulations are called the National Land Transport Regulations on Contracting for Public Transport Services, 2009, and come into operation on the date of their publication in the **Gazette**.

**GNR.1170 of 8 December 2009: National Land Transport Regulations for the 2010 FIFA Soccer World Cup**

(Government Gazette No. 32788)

as amended by

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<td>R.398</td>
<td>33185</td>
<td>14 May 2010</td>
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DEPARTMENT OF TRANSPORT

I, Sibusiso Joel Ndebele, Minister of Transport, hereby make the regulations in the Schedule in terms of section 61 read with sections 8 and 60 of the National Land Transport Act, 2009 (Act No. 5 of 2009).

(Signed)

S J Ndebele
Minister of Transport

SCHEDULE

CONTENTS
1. Definitions.—In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has that meaning, and the following words and expressions have the meanings assigned to them—

“accredited testing station” means a testing station that has been registered in terms of section 39 of the National Road Traffic Act and approved by the Department for the special testing of vehicles to be used for Event passengers;

“contracted event service” means the transporting of passengers to and from Event areas in terms of a contract concluded between a public institution and an operator, appointed by that institution in terms of an operational plan developed by or on behalf of that institution;

“Event” means the 2010 FIFA World Cup South Africa which is scheduled for 11 June to 11 July 2010 in the Republic, including all matches and official events relating thereto, and including the periods before and after that World Cup necessary to conduct and finalise the necessary land transport arrangements;

“event areas” means stadia, fan parks, transport hubs, park-and-ride or park-and-walk areas, airports, bus stops, railways stations or similar areas connected with the Event;

“host city” is the City of Cape Town Metropolitan Municipality, the eThekwini Metropolitan Municipality, the City of Johannesburg Metropolitan Municipality, the City of Tshwane Metropolitan Municipality, the Nelson Mandela Bay Metropolitan Municipality, the Mangaung Local Municipality, the Mbombela Local Municipality, the City of Polokwane Local Municipality and the Rustenburg Local Municipality;

“National Transport Facilitator” means the person appointed in terms of regulation 17 (1);

“PRE” means a Provincial Regulatory Entity or, if a PRE has not yet been established for the province in question, the operating licensing board of that Province;

“Provincial Transport Facilitator” means the person appointed for the province concerned in terms of regulation 17 (2);

“public institution” means an organ of state as defined in the Constitution or another official institution or body tasked or recognized by government or the Fédération Internationale de Football Association (FIFA) to make transport arrangements for the Event;
“the Regulations” in the context of these Regulation is the National Land Transport Regulations for the 2010 FIFA World Cup published under Government Notice No. 1170 of the 8th December 2010;

[Definition of “the Regulations” inserted by r. 1 (a) of GNR.398 of 14 May 2010.]

“RTMC” means the Road Traffic Management Corporation established by section 3 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999); and

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

2. Operating licences for the Event.—(1) A holder who requires a temporary operating licence for the Event as contemplated by section 60 (1) (c) of the Act to provide public transport services for or in connection with the Event, must apply to the PRE of the province where the journey originates despite contrary provisions of the Act.

(2) A person or organization wishing to provide courtesy services for or in connection with the Event where that organization will operate three or more vehicles or operates a minibus, midibus or bus, must likewise apply for a temporary operating licence to such PRE.

(3) Such a temporary operating licence may authorize the holder to operate from anywhere in the Republic to an event area or from an event area to anywhere in the Republic, for purposes connected with the Event, or to carry soccer fans or other persons connected with the Event, or to carry passengers on particular routes or in particular areas, as decided by the PRE, and on conditions determined by the PRE.

(4) Despite contrary provisions of the Act or of any term or condition of the relevant operating licence or permit, holders of operating licences or permits contemplated in section 60 (1) (b) of the Act must comply with the by-laws and directions of the host cities as regards ranking, parking and routing and the loading and offloading of passengers, and must comply with the city’s operational plans and other directions in that regard, even if such compliance amounts to a deviation from the operations authorized by that operating licence or permit.

3. Application for temporary operating licences for the Event.—(1) An application for the granting of a temporary operating licence contemplated in regulation 2 must be lodged for each vehicle by submitting the completed application form shown as Form 1 in the Schedule, together with the information and documents specified in that form and an application fee of R100.00 per vehicle, which fee may be adjusted to encourage operators to apply as early as possible.

(2) Such an application must be submitted on or before 28 February 2010 to ensure timeous processing of the application.

(3) Where an application is received after 28 February 2010 there will be no guarantee that the application will be processed in time, and the PRE may refuse to accept applications after that date in consultation with the National Transport Facilitator.

(4) An application form may be submitted by hand, post or e-mail, and in the case of e-mail must include a scanned version of the required documents.

(5) The PRE must reject an application where the application form is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid, and may require the applicant to submit the original of any document before accepting the application if it suspects the validity or authenticity of the document.

(6) The PRE must notify the following by e-mail or fax of an application received under sub-regulation (1)—

(a) All relevant host cities;

(b) except in the case of a charter service or tourist transport service—

(i) every other planning authority in whose area passengers will be picked up or set down; and

(ii) any other public institution involved in operational planning for the match or Event activity in question, as decided by the PRE,

[Para. (b) substituted by r. 2 (a) of GNR.398 of 14 May 2010.]
and those institutions must supply any comments or recommendations that they may have to the PRE by e-mail or fax within the time specified in the notice, which may not be less than seven days.

(7) Where a city, authority, organization or institution fails to respond to such a notice within the specified time, the PRE may proceed to process and decide upon the application without their input.

(8) A notification in terms of sub-regulation (6) must be in accordance with the form shown as Form 2 in the Schedule and contain particulars sufficient to enable the recipient to submit a response based on their planning, if any, for the Event.

(9) It shall not be necessary to publish such an application as contemplated by section 59 of the Act.

4. Matters to be checked by the host city or other public institution in the case of a contracted event service.—Before providing the letter or certificate contemplated in regulation 5 (a), the host city or other public institution granting the contract must at least check the following—

(a) That the operator or a person providing the service is a fit and proper person to transport passengers for the Event based on the applicant’s criminal record or any records held by a public institution or association of operators;

(b) that the vehicle is suitable to transport passengers in relation to the Event by virtue of its type, condition, age, the number of kilometers travelled and its service record and, where appropriate in the case of a minibus taxi-type service, has been certified and homologated by the National Regulator for Compulsory Specifications as complying with the requirements for recapitalization;

(c) that the vehicle has been properly registered and licensed under the National Road Traffic Act;

(d) that the operator is in possession of a valid tax clearance certificate issued by the South African Revenue Services (SARS); and

(e) that the drivers to be used by the operator have the necessary professional driving permits and, according to the standards set by the city or other institution, the necessary other qualifications and training as required by the National Road Traffic Act or other laws.

5. Requirements for obtaining a temporary operating licence for the Event.—A person applying for such a temporary operating licence must submit the following with the application—

(a) In the case of a contracted event service, a letter or certificate from the public institution certifying that the operator has been appointed in terms of a contract as contemplated in the definition of a contracted event service; and

(b) in the case of any other services, proof of the matters listed in paragraphs (c) and (d) of regulation 4 and any other matters specified in Form 1.

5A. Use of foreign-registered vehicles for the Event.—(1) An operator who already holds one or more operating licences or permits for vehicles registered in the Republic and who wishes to bring a vehicle into the Republic temporarily to transport passengers within South Africa during the Event, and the vehicle is properly registered and licensed in a prescribed territory as defined in the National Road Traffic Act or in a country that is a signatory to the Convention defined in that Act, may obtain a temporary operating licence for such vehicle for use during the Event.

(2) An operator contemplated in sub-regulation (1) is, despite the fact that the operator does not hold a
permanent operating licence for the vehicle, on application made in terms of the Regulations and on production of a written lease agreement between that operator and the owner of the vehicle, deemed to be the owner of the vehicle for the purposes of section 64 (1) of the Act for the validity period of the temporary operating licence.  

[R. 5A inserted by r. 4 of GNR.398 of 14 May 2010.]

6. Disposing of an application for a temporary operating licence.—In considering whether to grant or refuse an application for a temporary operating licence in terms of regulation 3, the PRE must consider the following—

(a) In the case of a contracted event service, that the applicant has submitted the letter or certificate contemplated in regulation 5 (a);  

(b) that the applicant has complied with these regulations;  

(c) any comments or recommendations submitted under regulation 3 (6);  

(d) in the case of a service other than a contracted event service—

(i) the matters listed in section 60 (3) of the Act;  

(ii) the matters listed in paragraphs (a) and (b) of regulation 4;  

(iii) any applicable operational plan prepared by a public institution;  

(e) any other matter considered relevant by the PRE.

7. Issuing of a temporary operating licence.—(1) Where a PRE has granted an application for a temporary operating licence in terms of these regulations, it must notify the applicant by e-mail or fax once the operating licence is ready for uplifting, or by telephone where the applicant does not have access to e-mail or fax facilities.

(2) Where the applicant has not uplifted the operating licence within 14 days of being notified, the PRE must contact the applicant by telephone, e-mail or fax to remind the operator that the operating licence is ready, and must then cancel the licence if it is still not uplifted within seven days after the date of such second notification.

(3) An operating licence must not be issued to the holder or the holder’s authorized representative until the latter has produced to the PRE—

(a) the matters listed in regulation 5;  

(b) a special roadworthy certificate issued under regulation 10; and

(c) proof or certification of any other matter required by the PRE.

(4) Operating licences must be issued with a special decal or sticker for display on the vehicle in the manner prescribed in regulation 9, which must at least show—

(a) the name of the holder;  

(b) the number of the temporary operating licence;  

(c) in the case of a service other than a courtesy service, the number of the holder’s operating licence or permit;  

(d) the vehicle registration number; and  

(e) the date of expiry of the operating licence.
8. **Particulars to be contained in a temporary operating licence.**—A temporary operating licence must at least contain the following particulars—

(a) The name and address of the holder;

(b) the registration number, make, vehicle identification number, type and seating or passenger capacity of the vehicle;

(c) the number of the temporary operating licence;

(d) in the case of a service other than a courtesy service, the number of the holder’s operating licence or permit;

(e) the period for which it was granted, which may not be longer than the period of the actual Event, i.e. 11 June to 11 July 2010, but may include 14 days before 11 June or 14 days after 11 July 2010; and

(f) in the case of a contracted event service—
   (i) the name of the host city or other public institution; and
   (ii) the contract or appointment reference number.

9. **Duties of the holder of a temporary operating licence.**—The holder of such a temporary operating licence must—

(a) comply with the Act, these regulations, other relevant laws and the directions of the PRE, host city, National Transport Facilitator, Provincial Transport Facilitator and authorised officers in providing public transport for the Event;

(b) keep the original operating licence or a duplicate original in the specified vehicle, and, where the vehicle is temporarily replaced under section 74 of the Act, keep the operating licence and the temporary authorisation issued for the replacing vehicle in that vehicle for the duration of the temporary replacement;

(c) display and keep affixed on the vehicle the special decal or sticker issued in terms of regulation 7 (4), as well as any other branding, token, decal or sticker required by the host city or PRE, in the manner directed by them;

(d) produce the operating licence or authorisation on demand by an authorised officer;

(e) keep the operating licence, any duplicate original thereof and the decal or sticker that relates thereto in such a condition that the letters and figures thereon are clearly legible and, if they are damaged or cease to be clearly legible, apply for a duplicate within two working days by completing the form required by the PRE and submit the damaged or obscured operating licence or token to the PRE for destruction or an affidavit explaining why it cannot be so submitted;

(f) display on or in the vehicle the other particulars required by the PRE or host city;

(g) at all times keep the vehicle in a safe, clean and roadworthy condition;

(h) return an operating licence that has lapsed or has been withdrawn or cancelled to the PRE that issued it within seven days;

(i) ensure that providing the services for the Event authorised by the operating licence do not prejudice or interfere with the normal public transport services provided by the holder; and

(j) remove and destroy all tokens, decals or stickers that relate to the operating licence or the Event from the vehicle not later than 24 hours after expiry of the operating licence to which they relate.

10. **Roadworthy certification.**—(1) A vehicle to be used in terms of a temporary operating licence under
these regulations must be issued with a special roadworthy certificate by an accredited testing station or by an examiner contemplated in sub-regulation (3).

(2) Applicants who have applied for such operating licences must submit their vehicles or make them available for examination or testing in the manner, on the dates or within the time directed by the PRE or host city.

(3) In the case of an operator operating a fleet of vehicles, the PRE or host city may arrange, in consultation with that operator, to send an examiner of vehicles contemplated in the National Road Traffic Act to the premises of the operator to examine that operator’s vehicles and issue the necessary special roadworthy certificates.

(4) The test or examination for roadworthiness required for the issuing of such a special roadworthy certificate need not entail a full roadworthy test as required for a roadworthy certificate in terms of the National Road Traffic Act, but must be conducted in accordance with written directions issued to testing stations by the Department or the RTMC, which may include, without limiting the generality of the foregoing—

(a) whether the vehicles operated by the operator are roadworthy and acceptable for the type of services to be operated by the applicant;

(b) that the operator has an acceptable programme of maintaining and servicing all vehicles operated or to be operated by the applicant;

(c) that the operator keeps acceptable maintenance and servicing records of such vehicles, which must be made available to such examiners on request; and

(d) referring the vehicle for a full roadworthy test where the examiner suspects that the vehicle is not roadworthy.

(5) The Department may not grant accreditation to a testing station unless satisfied that it, in the opinion of the Department, is suitable for special testing or examination of vehicles for the Event and is not engaged in any irregular practices.

(6) The Department must keep a list of such accredited testing stations which is published on its Website from time to time and in other ways deemed suitable by the Department.

(7) The Department must monitor such testing stations and summarily cancel the accreditation of a testing station where it becomes aware of any illegal or irregular practices taking place there, and give it notice in writing or electronically of the allegations against it or other reasons for the intention to cancel its accreditation, and allow it not less than 48 hours to respond.

(8) The Department may re-instate the accreditation of such a testing station on the basis of that response.

11. Notification to public.—The Department and other public institutions must publicise, in the manner determined by the Department, the fact that—

(a) vehicles displaying decals or stickers specified in the relevant notice should be used for transportation in connection with the Event where possible, and that other vehicles are used at the risk of the user, and such risks must be described in the relevant publication or notice; and

(b) claims by passengers on public transport vehicles that are payable by the Road Accident Fund in terms of the Road Accident Fund Act, 1996 (Act No. 56 of 1996) in the case of accidents are limited to specified amounts, and that passengers who require higher limits of cover must make their own arrangements at their own cost to take out insurance for those higher limits.

12. Cross-border road transport.—Persons or operators providing cross-border road transport to and from Event areas must be in possession of the permits required by the Cross-Border Act to pick up or set down passengers at event areas, and must comply with regulation 16 (2) in relation to the Event.

13. Fares.—(1) All metered taxis providing transport to and from Event areas must display the fares being charged in a prominent place on or in the vehicle, where it is visible to passengers, and in other places or by other
methods determined by the PRE.

(2) The Department may set national standards for fares or fare levels for public transport in relation to the Event, and publish them in the Gazette.

(3) Relevant operators of public transport services must comply with such conditions, standards or fare levels for the duration of the Event.

(4) All fares must be displayed or quoted to passengers in South African rand.

14. Law enforcement.—(1) Where a complaint against a holder or driver is received by a host city or authorized officer, the Department must where appropriate forthwith dispatch one or more inspectors to investigate within 24 hours, and take appropriate action to follow up the matter.

(2) Authorised officers investigating accident scenes at or in the vicinity of event areas during the Event who become aware of possible offences having been committed by operators or their drivers must notify the relevant PRE in writing or by e-mail within 24 hours.

(3) Authorised officers engaged in law enforcement duties during the Event must actively police operators of public transport to ensure that they comply with the Act, the National Road Traffic Act, these regulations and other applicable laws.

(4) The Department must engage with the South African Police Service, municipal police services, the RTMC, the Cross-Border Road Transport Agency, relevant provincial departments and relevant municipalities to reach agreement with them on projects for enforcing the Acts and regulations contemplated in sub-regulation (3) during the Event.

(5) Such law enforcement must include and give due attention to the prevention of on-the-road offences, including, but not limited to, driving under the influence of alcohol or drugs, reckless and negligent driving, operating unroadworthy vehicles, unauthorized operation and failure to regard road traffic signs and signals, without neglecting other offences.

(6) An authorized officer who encounters a vehicle displaying a decal or sticker relating to an expired operating licence contemplated in regulation 9 (j) must forthwith remove it from the vehicle and destroy it.

15. Offences.—Any person who contravenes a provision of these regulations is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

16. Status of these regulations.—(1) The requirements of these regulations are in addition to, and not in substitution of, any other requirements imposed by other legislation or authorities except where specifically indicated.

(2) Despite contrary provisions of the Act or Cross-Border Act or of any term or condition of the relevant operating licence or permit, holders of operating licences or permits contemplated in section 60 (1) (b) of the Act or issued in terms of these regulations or the Cross-Border Act must comply with the by-laws and directions of the host cities as regards ranking, parking and routing and the loading and offloading of passengers, and must comply with the city’s operational plans and other directions in that regard, even if such compliance amounts to a deviation from the operations authorized by that operating licence or permit.

17. Institutional arrangements.—(1) The Director-General of the Department must appoint a person as National Transport Facilitator for operating licences for the Event, who must, among other duties assigned by the Director-General—

(a) Monitor and oversee, and facilitate co-ordination between, the spheres of government and other
The head of each provincial department must—

(a) appoint a person as Provincial Transport Facilitator for operating licences for the Event to assist the National Transport Facilitator and perform similar functions in the provincial sphere;

(b) appoint a unit of dedicated staff members, systems and equipment to accommodate their duties in terms of these regulations; and

(c) submit to the Director-General of the Department, by the date and in the format determined by that Director-General, a schedule of the proposed activities of the PRE, including sittings, to comply with these regulations, with time scales.

(3) The National Transport Facilitator may issue directives to PREs and host cities that are not in conflict with the Act or these regulations to ensure the effective implementation of these regulations or to facilitate the procedural and other arrangements for public transport for the Event, and the latter must comply with such directives.

(4) Each host city must supply the relevant PRE with details of its operational plan including, but not limited to—

(a) details of vehicles to be used in terms of contracted event services; and

(b) requirements of the city for other public transport services for the Event.

(5) Applications for new operating licences that are Event-related must be made to the PRE of the province where the journey originates.

18. Short title and commencement.—(1) These regulations are called the National Land Transport Regulations for the 2010 FIFA Soccer World Cup and come into operation on the date of their publication in the Gazette.

(2) The Department may amend the forms shown in the Schedule or the fees payable in terms of these regulations from time to time without having to amend these regulations.

SCHEDULE:
FORMS

FORM 1: Application for temporary operating licence for the Event
FORM 2: Notification by PRE to host cities and other planning authorities and institutions

Form 1

*NATIONAL LOGO*

(NAME OF PROVINCE) PROVINCIAL REGULATORY ENTITY

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

APPLICATION FOR TEMPORARY OPERATING LICENCE (SPECIAL EVENT – 2010)

Form 1 Page 1
<table>
<thead>
<tr>
<th>Name of relevant Host City</th>
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</tbody>
</table>

**Type of Transport services (Check one applicable box):**

- **Intra-City (within Province)**
  - Route:
    - From Area (A) to Area (B) A to B

- **Inter-City (between Cities)**
  - Route:
    - From City (A) to City (B) A to B

- **Interprovincial (between Provinces)**
  - Route:
    - From Province (A) to Province (B) A to B

**Describe the type of service**

**Request for temporary operating licence for the following period YYYY M M D D  YY Y Y M M D D**

| Y | Y | Y | / | M | M | / | D | D | Y | Y | Y | / | M | M | / | D | D |
### SECTION A

**PARTICULARS OF APPLICANT**

<table>
<thead>
<tr>
<th>Name of company, partnership, corporation or other legal entity, or sole proprietor</th>
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<tbody>
<tr>
<td>First names, if sole proprietor (not more than 3)</td>
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<table>
<thead>
<tr>
<th>Type of identification</th>
<th>RSA identity document</th>
<th>Temporary identity certificate</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Passport</td>
<td>Foreign identity document</td>
</tr>
<tr>
<td></td>
<td>Traffic Register Number</td>
<td>Certificate of incorporation</td>
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<tr>
<td></td>
<td>Founding statement</td>
<td>Partnership agreement</td>
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<tr>
<td></td>
<td>Memorandum of Understanding</td>
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<tr>
<th>Identity no. /business registration no.</th>
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<tr>
<th>Trade name (if applicable)</th>
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<table>
<thead>
<tr>
<th>Type of business</th>
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<table>
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<tr>
<th>Postal address and code</th>
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<tr>
<th>Street address (if different from postal address) Domicilium citandi et executandi</th>
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<tr>
<th>Telephone number(s)</th>
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<th>Facsimile number (if any)</th>
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<th>E-Mail address (if any)</th>
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<tr>
<th>Income tax registration number</th>
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*(Attach original tax clearance certificate)*
**SECTION B**

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

<table>
<thead>
<tr>
<th>Surname</th>
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<tr>
<th>First names (not more than 3)</th>
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<table>
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<tr>
<th>Identity number</th>
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<table>
<thead>
<tr>
<th>Type of identification</th>
<th>RSA identity document</th>
<th>Passport</th>
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<tr>
<td>Other (specify)</td>
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<th>Telephone number</th>
<th>Code</th>
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<th>Cell number</th>
<th>Code</th>
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**SECTION C**

**PARTICULARS OF A CONTRACT EVENT SERVICE (In the case of a contracted service)**

If a contracted event service, certified copy of a letter or certificate from host city or other public institution is to be attached.

(Note: Only contracts with National, Provincial, Host Cities or Public Institutions)

<table>
<thead>
<tr>
<th>Contracted Services</th>
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<tbody>
<tr>
<td>YES</td>
</tr>
<tr>
<td>NO</td>
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</table>

If yes, provide the following:

<table>
<thead>
<tr>
<th>Contract reference number</th>
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<table>
<thead>
<tr>
<th>Names of parties to the contract</th>
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<tr>
<th>Addresses of parties to the contract</th>
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<th>Duration of contract</th>
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<tr>
<td>From</td>
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### SECTION D

#### VEHICLE DETAILS

**Vehicle 1 details:**
- Vehicle registration number
- Vehicle identification number (VIN)
- Type of vehicle
- Year of manufacture
- Make of Vehicle
- Number of passengers to be carried
- Number of Kilometres travelled

**Vehicle 2 details:**
- Vehicle registration number
- Vehicle identification number (VIN)
- Type of vehicle
- Year of manufacture
- Make of Vehicle
- Number of passengers carried
- Number of Kilometres travelled

**Vehicle 3 details:**
- Vehicle registration number
- Vehicle identification number (VIN)
- Type of vehicle
- Year of manufacture
- Make of Vehicle
- Number of passengers to be carried
- Number of Kilometres travelled

* In the case of more vehicles, provide the same particular on a separate sheet as an attachment.

### SECTION E

#### DECLARATION
I, the undersigned (full name) certify that the information furnished in this application form is true and correct. I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

<table>
<thead>
<tr>
<th>Name of person</th>
<th>Date</th>
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<tbody>
<tr>
<td>Name of legal entity (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

Signature of designated official of PRE

FOR OFFICE USE ONLY

Date Application received \[ / / \]

Reference number

Amount Paid R

Official’s name

TEMPORARY OPERATING LICENCE PARTICULARS

**Operating Licence 1**

<table>
<thead>
<tr>
<th>Operating Licence number</th>
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<table>
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<tr>
<th>Valid from</th>
<th>Valid to</th>
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**Operating Licence 2**

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<th>Operating Licence number</th>
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<tr>
<th>Valid from</th>
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**Operating Licence 3**

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<th>Operating Licence number</th>
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<tr>
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<th>Valid to</th>
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</table>

* In the case of more temporary operating licences, provide the same particulars on a separate sheet as an attachment.

* Limited to the duration of the event or 14 days before or after the Event.
### CHECKLIST

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proof of registration and licencing of vehicle.</td>
<td></td>
</tr>
<tr>
<td>Valid Tax Clearance Certificate.</td>
<td></td>
</tr>
<tr>
<td>In the case of a contracted service a letter or certificate from the public institution certifying the operator has been appointed in terms of a contract.</td>
<td></td>
</tr>
</tbody>
</table>

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**Form 2**

**Form 2 (One Page)**

**(INSERT COAT OF ARMS/LOGO)**

**(INSERT PROVINCE) PROVINCIAL REGULATORY ENTITY**

**FORM OF NOTIFICATION BY PRE TO HOST CITIES AND OTHER PLANNING AUTHORITIES OR INSTITUTIONS.**

Date: [***********]

OL Reference number: [*******]

Contact Person: [***********]

Tel: [***********]

Fax: [***********]

Email: [***********]

**ADDRESSEE**

Host City/Planning Authority/Public Institution

**REQUEST TO HOST CITY/PLANNING AUTHORITY/PUBLIC INSTITUTION FOR RECOMMENDATIONS/COMMENTS: CONCERNING AN APPLICATION FOR A TEMPORARY OPERATING LICENCE FOR THE 2010 FIFA SOCCER WORLD CUP**

Dear Sir/Madam

In accordance with the National Land Transport Act, 2009 (Act No. 5 of 2009) the following application has been made for a temporary operating licence for the provision of public transport services, specifically for the 2010 FIFA Soccer World Cup:

[Name of Applicant] has made an application to provide [Interprovincial/Intercity/Intracity] public transport services for the period from [dd/mm/yyyy] until [dd/mm/yyyy].

You are requested to supply your recommendations and comments regarding this application.

The attached application form contains all of the necessary information that will allow for you to make the appropriate recommendations and/or comments.

If no response is received from your institution within the allocated time, then the PRE may proceed to process and decide upon the application without your input.

Please supply your recommendation by no later than [dd/mm/yyyy].

Yours sincerely

[Insert Name]

[Signature]

On behalf of [***********] Provincial Regulatory Entity
I, Sibusiso Joel Ndebele, Minister of Transport, hereby make the regulations in the Schedule in terms of section 8 read with other relevant sections of the National Land Transport Act, 2009 (Act No. 5 of 2009).

(Signed)

S J Ndebele
Minister of Transport

SCHEDULE

CONTENTS

1. Definitions

CHAPTER 1

National Public Transport Regulator

2. Application to NPTR relating to an operating licence for an interprovincial service

3. Application to NPTR for conversion of a permit

4. Meetings of NPTR

5. Powers of NPTR

CHAPTER 2

Provincial Regulatory Entities

6. Application to PRE for operating licence

7. Application to PRE for conversion of a permit

8. Meetings of PREs

9. Powers of PREs

CHAPTER 3

Municipal regulatory entities

10. Application to municipality for operating licence

11. Application to municipality for conversion of a permit

12. Meetings of operating licensing divisions of municipalities

13. Powers of municipal regulatory entities

CHAPTER 4

Operating licences: general provisions

14. Conversion of permit to operating licence

15. Applications for recapitalization

16. Applications for operating licences for contracted services

17. Publication of applications

18. Offences to be considered by regulatory entities

19. Hearings by regulatory entities

20. Temporary operating licences for special events
21. Issuing of operating licences
22. Particulars to be contained in an operating licence
23. Duties of holder of an operating licence or permit
24. Particulars to be displayed on vehicles
25. Application for renewal of operating licence
26. Temporary replacement of vehicle
27. Decals
28. Duplicate operating licence or decal
29. Courtesy services

CHAPTER 5
Accreditation of tourist transport operators and related matters
30. Application for accreditation
31. Submitting applications to tourism and planning authorities
32. Requirements for accreditation
33. Monitoring of accredited tourist transport operators
34. Application for renewal of accreditation
35. Certification of vehicles
36. Operating licences for tourist transport operators
37. Cancellation of accreditation
38. Issuing of operating licence for tourist transport vehicle
39. Call centre
40. Fees
41. Transitional provisions

CHAPTER 6
Transporting of scholars, students, teachers and lecturers
42. Scholar transport

CHAPTER 7
General matters
43. Submission of integrated transport plans to NPTR and PRE
44. Stopping of vehicles
45. Offences
46. Transitional provisions: general
47. Transitional provisions: interprovincial services
48. Transitional provisions: tourist transport services
49. Forms and fees
50. Short title and commencement

Schedule 1
Forms
Schedule 2
Table of fees
Forms 1A
Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit for interprovincial services
Forms 2A
Application for accreditation as a tourist transport operator
Forms 3A
Application for temporary operating licence (special event)
Forms 4A
Notification from courtesy service providers who are exempt from obtaining operating licences (Section 53 (1) (a) of the Act)
Forms 5A
National Land Transport Act, 2009 (ACT No. 5 OF 2009)
Forms 6A
Letter of referral addressed to relevant pre/planning authority
Forms 7A
Referral of application to NPTR in terms of section 21 (4) of the Act
Forms 8A
Licence holder particulars
Forms 1B
Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
Forms 2B
Letter of referral addressed to relevant planning authority
Forms 1C
Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
Forms 1D
Application for duplicate operating licence, permit or decal
1. **Definitions.**—In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has that meaning, and the following words and expressions have the meanings assigned to them—

- "**BRT**” means bus rapid transit;
- "**decal**” means a decal issued under regulation 21 (8), and includes a distinguishing mark contemplated in the Act;
- "**IPTN**” means an integrated public transport network;
- "**issue**” in relation to an operating licence means the handing of the operating licence to the holder thereof or the holder’s authorised agent after that licence has been granted and printed;
- "**ITP**” means an integrated transport plan;
- "**MRE**” means a municipal regulatory entity, i.e. a municipality to which the operating licensing function has been assigned;
- "**NPTR**” means the National Public Transport Regulator;
- "**OLAS**” means the Operating Licence Administration System maintained by the National Department of Transport in conjunction with the Provinces as required by section 6 (5) of the Act, which replaces the former Land Transport Permit System;
- "**PLTF**” means a provincial land transport framework;
- "**PRE**” means a Provincial Regulatory Entity;
- "**public road**” means a public road as defined in the National Road Traffic Act;
- "**scholar transport**” means the dedicated transporting of scholars, students, teachers and lecturers as contemplated in section 72 of the Act and does not include the transporting of such persons as part of a normal public transport service; and
- "**the Act**” means the National Land Transport Act, 2009 (Act No. 5 of 2009).

**CHAPTER 1**

**NATIONAL PUBLIC TRANSPORT REGULATOR**

### 2. Application to NPTR relating to an operating licence for an interprovincial service.—(1) An application to the NPTR for the granting, renewal, amendment or transfer of an operating licence for an interprovincial service other than a tourist transport service must be lodged by submitting the completed application form shown in Schedule 1 with the NPTR, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) An application form may be submitted by hand either to an NPTR office or any PRE office, or by e-mail, post or fax to the NPTR, and if submitted by e-mail must include a scanned version of the required documents.

(3) The NPTR must issue a receipt to the person lodging the application where it is submitted by hand, or acknowledge receipt by e-mail, post or fax if the application was submitted by one of those methods, on the day of...
receipt or if received over a weekend or on a public holiday, on the next working day.

(4) The NPTR must reject an application where the application form is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid, and may require the applicant to submit the original of any document before accepting the application, if it suspects the validity or authenticity of the document.

(5) The NPTR must notify the following by e-mail or fax of an application received under sub-regulation (1)—

(a) The PRE of every province in whose area passengers will be picked up or set down; and

(b) every planning authority in whose area passengers will be picked up or set down; and those PREs and planning authorities must supply their comments or recommendations to the NPTR by e-mail or fax within the time specified in the notice, which may not be more than 30 days.

(6) Where the planning authority does not have an adequate ITP or is otherwise unable to respond in a meaningful manner, it must still submit a response stating the reasons why it is unable to respond.

(7) Where a PRE or planning authority fails to respond to such a notice within the specified time, the NPTR may proceed to process and decide upon the application without their input.

(8) A notification in terms of sub-regulation (5) must be in accordance with the form shown in Schedule 1 and contain particulars sufficient to enable the PRE or planning authority to submit a response based on relevant transport plans.

(9) The NPTR, PREs and MREs must conclude a written agreement in terms of section 26 of the Act to facilitate the submission of applications and communications between them.

3. Application to NPTR for conversion of a permit.—(1) Any holder of a permit authorizing interprovincial services may apply to the NPTR for conversion of that permit to an operating licence, and such application must be lodged by submitting the completed application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) Where a permit authorizes both interprovincial and intraprovincial services, an application to convert the permit must be made to the NPTR, which may convert the permit and issue the appropriate operating licence, but it must refer the application to relevant planning authorities for confirmation of or comments on the matters contemplated in regulation 14 (1) and (3), and for directions in relation to the allocation of the routes or areas contemplated in regulation 14 (4), based on its ITP.

(3) Regulation 2 (2) to (7) also applies to such an application, with the necessary changes.

4. Meetings of NPTR.—(1) The members of the NPTR contemplated in section 20 (2) of the Act must meet often enough to enable the NPTR to consider and process applications concerning operating licences or for accreditation of operators within no more than 60 days of receipt of the application.

(2) The Minister must appoint a chairperson and deputy chairperson of the NPTR from such members.

(3) The chairperson must preside at meetings, or failing the chairperson the deputy-chairperson.

(4) In the absence of the chairperson and deputy-chairperson, the persons present at the meeting must elect one of their number to chair the meeting.

(5) A quorum at those meetings will be 50 percent of the appointed members, and in the case of a deadlock the person presiding will have a deciding vote in addition to his or her normal vote.

(6) An act or decision at such a meeting will not be invalid because a casual vacancy existed in the NPTR at the time or because a member who participated in the act or decision was disqualified at the time from being a member.

(7) The NPTR must keep at its place of business a file for each operator to whom an operating licence has been issued, both electronic and in hard copy, containing a copy of every operating licence issued to that operator and allow any interested person to obtain a copy of such a licence on payment of the fee specified in Schedule 2.

(8) Such an electronic file must contain scanned copies of all relevant documents.
(9) The records contemplated in sub-regulation (7) may be deleted or destroyed five years after an operating licence or permit has lapsed or been cancelled or withdrawn.

5. **Powers of NPTR.**—(1) In dealing with any matter before it the NPTR may—

(a) allow a person affected by or interested in the matter, or the duly authorised representative of that person, to appear before it and—

(i) give evidence or make oral representations relevant to the matter;

(ii) call witnesses and present evidence on any question concerning a matter relevant to the proceedings;

(iii) question a person who testifies as a witness in those proceedings;

(b) issue a subpoena on a standard form as shown in Schedule 1 requiring a person to appear before it to give evidence or to produce any book, plan, document or other record, or any article, item or object, in the possession or under the control of the person and have the subpoena handed personally to the person to whom it applies by an authorised officer, who must thereupon report to the NPTR;

(c) order any person present at the place where the proceedings are conducted, to appear before it to give evidence or to produce any book, plan, document or other record, or any article, item or object, which is in that person’s possession;

(d) question any person appearing as a witness;

(e) require that any oral evidence be given under oath or affirmation and, for that purpose, administer an oath to or take down an affirmation from any witness; and

(f) refuse to hear any oral evidence or representations from any person unless the person has been sworn in or made an affirmation as a witness.

(2) The NPTR may, by written notice sent to his, her or its last-recorded address, require any holder to satisfy it within the specified time, that the services authorised by the relevant operating licence or permit are still being provided or being provided sufficiently, or to provide it with other information relating to the operating licence or permit or the services authorised thereby, and the holder must comply with such a notice.

(3) The NPTR may—

(a) investigate any matter relating to land transport in the Republic, and submit recommendations thereon to the Minister;

(b) at the request of the Minister, investigate and report on any matter within the scope of the Act; and

(c) where, based on information that has come to its notice, it suspects that an operator is acting in a manner that is or will lead to unsafe or undesirable operation of public transport by that operator, or that the operator is habitually transgressing the provisions of the Act or other laws, or the terms and conditions of operating licences or permits held by that operator, cause an inquiry to be held into the affairs and operating practices of that operator, with a view to taking action under section 79 of the Act or recommending appropriate action to a regulatory entity or other body.

CHAPTER 2
PROVINCIAL REGULATORY ENTITIES

6. **Application to PRE for operating licence.**—(1) An application to a PRE for the granting, renewal, amendment or transfer of an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.
(2) An application form may be submitted by hand or by e-mail, post or fax to the office of the PRE, and if submitted by e-mail must include a scanned version of the required documents.

(3) The PRE must reject a form that is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid.

(4) The PRE must notify every planning authority in whose area passengers will be picked up or set down by e-mail or fax of an application received under sub-regulation (1), and those planning authorities must supply their comments or recommendations to the PRE by e-mail or fax within the time specified in the notice, which may not be more than 30 days.

(5) Where a planning authority fails to respond to such a notice within the specified time, the PRE may proceed to process and decide upon the application without their input.

(6) A notification in terms of sub-regulation (4) must be in accordance with the standard form shown in Schedule 1 and contain particulars sufficient to enable the planning authority to submit a response based on its ITP.

(7) Where an application was lodged with a PRE after the date of commencement of section 21 (4) of the Act, the applicant may refer the application to the NPTR in terms of that section if the application has not been processed within 60 days of its receipt by the PRE, and such application must be submitted to the NPTR on the form shown in Schedule 1, accompanied by the fee specified in Schedule 2, and the form must include full reasons for submitting the application to the NPTR.

(8) Before taking a decision on such an application, the NPTR must liaise with the PRE and require it to provide its comments and reasons in relation to the applicant’s submissions within 30 days.

7. Application to PRE for conversion of a permit.—(1) An application to a PRE for conversion of a permit to an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) Regulation 6 (2) to (6) also applies to such an application, with the necessary changes.

(3) When such an application is referred to a planning authority, it must provide confirmation of or comments on the matters contemplated in regulation 14 (1) and (3), and for directions in relation to the allocation of the routes or areas contemplated in regulation 14 (4), based on its ITP.

8. Meetings of PREs.—(1) The members of PREs contemplated in section 23 (2) of the Act must meet often enough to enable them to process applications within no more than 60 days of receipt of the application.

(2) The MEC must appoint a chairperson and deputy chairperson of the PRE from such members.

(3) The chairperson must preside at meetings, or failing the chairperson the deputy-chairperson.

(4) In the absence of the chairperson and deputy-chairperson, the persons present at the meeting must elect one of their number to chair the meeting.

(5) A quorum at those meetings will be 50 percent of the appointed members, and in the case of a deadlock the person presiding will have a deciding vote in addition to his or her normal vote.

(6) An act or decision at such a meeting will not be invalid because a casual vacancy existed in the PRE members at the time or because a member who participated in the act or decision was disqualified at the time from being a member.

(7) Each PRE must keep at its place of business a file for each operator to whom an operating licence has been issued, both electronic and in hard copy, containing a copy of every operating licence issued to that operator and allow any interested person to obtain a copy thereof on payment of the fee specified in Schedule 2.

(8) Such an electronic file must contain scanned copies of all relevant documents.

(9) The records contemplated in sub-regulation (7) may be deleted or destroyed five years after an operating licence or permit has lapsed or been cancelled or withdrawn.

(10) Sub-regulations (2) to (6) apply in a province unless the MEC has made a replacing regulation.
9. Powers of PREs.—(1) PREs have the powers contemplated in regulation 5 (1) and (2), reading in the necessary changes.
   
   (2) The PRE may investigate any matter relating to land transport in the province and make recommendations thereon to the MEC.
   
   (3) Sub-regulations (1) and (2) apply in a province unless the MEC has made a replacing regulation.

CHAPTER 3
MUNICIPAL REGULATORY ENTITIES

10. Application to municipality for operating licence.—An application to a MRE for the granting, renewal, amendment or transfer of an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2, and regulation 2 (2) to 2 (4) applies with regard to such an application, with the necessary changes.

11. Application to municipality for conversion of a permit.—(1) An application to a MRE for conversion of a permit to an operating licence must be lodged by submitting the completed standard application form shown in Schedule 1, together with the information and documents specified in the form and the application fee specified in Schedule 2.
   
   (2) Regulation 2 (2) to (4) also applies to such an application, with the necessary changes.

12. Meetings of operating licensing divisions of municipalities.—(1) The members of the division of a MRE contemplated in section 17 (1) (b) of the Act must meet often enough to enable them to process applications relating to operating licences within no more than 60 days of receipt of the application.
   
   (2) The municipality must appoint a chairperson and deputy chairperson of such division from such members.
   
   (3) The chairperson must preside at meetings, or failing the chairperson the deputy-chairperson.
   
   (4) In the absence of the chairperson and deputy-chairperson, the persons present at the meeting must elect one of their number to chair the meeting.
   
   (5) A quorum at those meetings will be 50 percent of the appointed members, and in the case of a deadlock the person presiding will have a deciding vote in addition to his or her normal vote.
   
   (6) An act or decision at such a meeting will not be invalid because a casual vacancy existed in such division at the time or because a member who participated in the act or decision was disqualified at the time from being a member.
   
   (7) Each such municipality must keep at its place of business a file for each operator to whom an operating licence has been issued, both electronic and in hard copy, containing a copy of every operating licence issued to that operator and allow any interested person to obtain a copy thereof on payment of the fee specified in Schedule 2.
   
   (8) The records contemplated in sub-regulation (7) may be deleted or destroyed five years after an operating licence or permit has lapsed or been cancelled or withdrawn.

13. Powers of municipal regulatory entities.—(1) MREs have the powers contemplated in regulation 5 (1) and (2), reading in the necessary changes.
   
   (2) MREs may investigate any matter relating to land transport in their municipal areas and make recommendations thereon to the council of the municipality.
CHAPTER 4
OPERATING LICENCES: GENERAL PROVISIONS

14. Conversion of a permit to an operating licence.—(1) A permit may be converted to an operating licence only if the services authorized by the permit have been provided continuously for a period of 180 days prior to the date on which the application was lodged, and subject to section 47 (3) of the Act.

(2) Subject to the Act and the other provisions of these regulations, the operating licence issued to replace a permit must confer the same authority as the permit.

(3) Before granting an application for conversion of a permit to an operating licence, a regulatory entity must—

(a) be satisfied that the services authorized by the permit have been provided for 180 days prior to the date of commencement of the Act, and 180 days prior to the date on which the application was lodged;

(b) be satisfied by virtue of the applicant’s record as an operator that the applicant is still a fit and proper person to provide public transport services;

(c) be satisfied that the vehicle in question is properly registered and licensed and that a valid roadworthy certificate has been issued for the vehicle as required by the National Road Traffic Act; and

(d) be satisfied that the relevant planning authority is aware of the application and the services being provided by the operator.

(4) Where a permit for a non-contracted scheduled service or minibus taxi-type service is radius or area based, it must be converted to an operating licence that specifies a detailed description of the route or routes on which the vehicle may be used, by specification of street names, road numbers, beacons or land marks: Provided that—

(a) in the case of a feeder or distribution service, a collection area may be specified; and

(b) an area of operation, which may be country-wide, may be authorised for charter services.

(5) Any directions provided by the planning authority based on its ITP as to whether the permit has or has not been in use for 180 days supplied in terms of regulation 3 (2) or 6 (4) shall be binding on the regulatory entity.

(6) Where a permit that is valid for a definite period is converted, the operating licence issued in its place must have the same expiry date as the permit, but that expiry date may not be later than seven years after the date of commencement of the Act.

(7) The NPTR, in consultation with the PREs and MREs, must formulate a strategy for conversion of permits, including dates and programmes for such conversion, which may be in respect of areas or types of permits, or on any other basis, and may include increasing or decreasing application fees or taking other measures to encourage early applications for conversion.

15. Applications for recapitalization.—(1) Where the holder of a permit for a minibus taxi-type service operates a vehicle that has not yet been recapitalized in terms of the procedures determined by the Department, the holder may apply to the relevant regulatory entity for conversion of the permit to an operating licence, and the application must be combined with an application to the Department or its agents for recapitalization of the vehicle, and section 49 (2) of the Act applies in such a case.

(2) Where a holder holds an operating licence for a minibus taxi-type service and operates a vehicle that has not yet been recapitalized in terms of such procedures, that holder may apply to the Department for recapitalization, and where section 49 (2) (b) or (c) of the Act is applicable, may at the same time apply to the relevant regulatory entity for an operating licence for the recapitalized vehicle by submitting the completed form shown in Schedule 1 and paying the application fee specified in Schedule 2.

(3) Where routes authorized by the relevant permit are being or to be operated by or on behalf of a
contracting authority involving BRT, the operating licence issued on conversion of the permit may not include those routes without the written consent of that authority, provided that that authority has complied with section 41 (2) of the Act and the Regulations on Contracting for Public Transport Services promulgated under Notice R.877 dated 31 August 2009.

16. Applications for operating licences for contracted services.—(1) An application for an operating licence for a contracted service must be lodged with the relevant regulatory entity by submitting the completed application form shown in Schedule 1, together with the information and documents specified in the form, which must include a copy of the relevant contract, and the application fee specified in Schedule 2.

(2) The entity must reject a form that is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid.

(3) Where appropriate, that entity may request the contracting authority to supply written confirmation that the contract has been concluded or of any documents or information submitted by the applicant.

17. Publication of applications.—(1) A regulatory entity must give notice of applications received by it in connection with operating licences, at least in the Gazette, and, if it so decides, in such other manner as it deems fit to comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), stating at least the following—

(a) The name and address of the applicant;
(b) the nature of the application (granting, renewal, amendment, transfer or conversion);
(c) the type and passenger capacity of the vehicle or vehicles involved; and
(d) the route or routes or area or areas of operation.

(2) An application need not be so published where it is an application—

(a) to amend the particulars of the same vehicle specified in the operating licence;
(b) in respect of a contracted service contemplated in section 56 of the Act;
(c) for renewal of an operating licence or permit;
(d) to replace the vehicle specified in an operating licence under section 73 of the Act;
(e) for conversion of a permit where the permit is already route based, in the case of a minibus taxi-type service or scheduled service; or
(f) to amend other particulars of an operating licence that are not considered to be material by the entity.

(3) A notice of such applications, including those contemplated in sub-regulation (2), must also be posted on a notice board at the offices of the regulatory entity from the date of receipt of the application until expiry of the period contemplated in sub-regulation (4).

(4) An interested person wishing to submit comments or representations must do so in writing within 21 days of publication of the notice, and the entity must—

(a) allow a person who submits comments or representations, at their request, to inspect the applicant’s application form and supporting documents;
(b) supply such a person with copies of such form and documents on payment of the fee specified in Schedule 2; and
(c) allow the applicant to inspect or have copies of such comments and recommendations on payment of the fee specified in Schedule 2.
18. **Offences to be considered by regulatory entities.**—In considering an application for the granting, renewal, amendment or transfer of an operating licence or permit, or for conversion of a permit, a regulatory entity must consider the following offences—

(a) An offence created by the Act, the National Road Traffic Act or a provincial road traffic act;

(b) an offence listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(c) possession of an unlicensed firearm, explosives or a dangerous weapon; and

(d) any other offence considered relevant by that entity.

19. **Hearings by regulatory entities.**—(1) Where a regulatory entity holds a hearing contemplated in section 59 (3) of the Act, it must allow the applicant and any person who has properly submitted comments or representations, or their representatives, to appear in person or submit written submissions to state their views.

(2) The entity must give the applicant and any person who has so submitted comments or representations not less than seven days’ notice by e-mail, fax or registered post of the hearing, and must with the notice supply the applicant with copies of any comments and representations received.

(3) Where a person is represented by a representative at the hearing, that representative must, on request of the entity, provide written proof of his or her authorization to act as representative.

(4) The entity must convey its decision in writing to the applicant and all persons who submitted comments and representations.

(5) Where a person will require a translator to be present at the hearing to translate the proceedings into an official language other than English, he or she must give written notice to the entity not less than seven days prior to the hearing.

(6) The entity must be satisfied that all persons present at the hearing are able to understand the proceedings.

20. **Temporary operating licences for special events.**—Subject to any regulations made in terms of section 61 of the Act, a person wishing to apply for a temporary operating licence under section 60 of the Act must apply to the regulatory entity to which application must be made for normal operating licences by submitting the completed application form shown in Schedule 1 with the application fee specified in Schedule 2.

21. **Issuing of operating licences.**—(1) Operating licences are issued on the basis of one licence per vehicle, and may authorize the holder to provide more than one type of public transport service, for example a scheduled service plus charter services.

(2) Where a regulatory entity has approved an application for the granting, renewal, amendment or transfer of an operating licence or conversion of a permit, it must notify the applicant by e-mail, fax or registered post once the operating licence is ready for uplift.

(3) An operating licence may not be uplifted by any person except the applicant, or a representative of the applicant who shows written authorization from the applicant that is acceptable to the regulatory entity that he or she is authorized to uplift it.

(4) Where the operator has not uplifted the operating licence within 30 days of being notified, the regulatory entity must contact the applicant by telephone, e-mail or fax to remind the operator that the operating licence is ready, and must then cancel the licence if it is still not uplifted within 60 days after the date that the operator was first so notified.

(5) The operator may request an extension of time by telephone or other method, once only, to uplift the licence, in which case the entity must allow the operator an additional period not exceeding 30 days to uplift the licence.

(6) An operating licence must not be issued to an operator until the operator has produced to the regulatory entity...
22. **Particulars to be contained in an operating licence.**—An operating licence must be in the form shown in Schedule 1 and at least contain the following particulars—

(a) The name and address of the operator;

(b) the registration number, make, vehicle identification number, year of manufacture, type and seating or passenger capacity of the vehicle, as well as, in the case of a modified or converted vehicle, the homologation reference number and the eNaTIS model number and, where applicable, the name and address of any person who modified or converted it;

(c) the type or types of service for which the operating licence has been granted;

(d) the period for which it has been granted;

(e) in the case of a contracted service—
   (i) the type of contract;
   (ii) the contract reference number;
   (iii) the names and addresses of the parties to the contract; and
   (iv) where part of a service in terms of the contract is to be operated by a subcontractor, the name and address of the subcontractor;

(f) in the case of a scheduled service or minibus taxi-type service, a detailed description of the route or routes on which, or, where applicable, the particular area in which, the vehicle is to be used, by specification of street names, road numbers, beacons or landmarks: Provided that in the case of a feeder or distribution service, a collection area may be specified;

(g) the authorised ranks or terminals and other points for picking up and setting down passengers, where applicable, and whether or not passengers may be loaded at each point;

(h) in the case of scheduled services where the entity has imposed the use of approved timetables, a reference to those timetables;

(i) the conditions imposed, if any; and

(j) all other particulars that may be required by the regulatory entity or by provincial laws or municipal by-laws.
23. **Duties of holder of an operating licence or permit.**—The holder of an operating licence or permit must—

(a) comply with the terms of the authorisation conferred by the operating licence or permit and the conditions to which it is subject, and, where the service is one provided for in an ITP, operate the service in accordance with that plan;

(b) keep the original operating licence or permit or a duplicate original in the specified vehicle, and, where the vehicle is temporarily replaced under section 74 of the Act, keep the operating licence or permit and the temporary authorisation issued for the replacing vehicle in that vehicle for the duration of the temporary replacement, but the entity issuing the operating licence may direct in writing on written application by the applicant that the annexures to an operating licence or permit do not have to be kept in such vehicle where they are too bulky to allow for this, if a summary of those annexures approved by the entity is kept in the vehicle;

(c) on demand by an authorised officer, produce that operating licence, permit or authorisation;

(d) keep the operating licence or permit, any duplicate original thereof and the decal that relates thereto in such a condition that the letters and figures thereon are clearly legible and, if they are damaged or cease to be clearly legible, apply for a duplicate within four working days by completing the form shown in Schedule 1 and paying the fee specified in Schedule 2, and must submit the damaged or obscured operating licence, permit or distinguishing mark to the regulatory entity for destruction or an affidavit stating why it cannot be so submitted;

(e) except in the case of a rented vehicle mentioned in regulation 36 (2) cause the operating licence or permit number and the type of service to be painted or displayed on the vehicle in the manner prescribed in regulation 24;

(f) display on or in that vehicle the other particulars prescribed in any condition imposed by the regulatory entity including, but not limited to, timetables where the entity has imposed the use of approved timetables, which must be displayed in the vehicle in a prominent place so that passengers can refer to them;

(g) display and keep affixed the decal contemplated in regulation 21 (8) on the vehicle with its inscribed face facing the front in a conspicuous place on the inside of the windscreen;

(h) apply timeously for renewal of the operating licence or permit in terms of regulation 25;

(i) at all times keep the vehicle in a safe and roadworthy condition and have the vehicle examined for roadworthiness not later than the time allowed therefor by the National Road Traffic Act;

(j) return an operating licence or permit that has lapsed or has been withdrawn or cancelled, with its attendant decal, to the entity that issued it within seven days;

(k) inform the relevant regulatory entity in writing of the sale or any other change of ownership in the vehicle to which an operating licence or permit relates within seven days after such sale or change has taken place;

(l) where the vehicle specified in an operating licence or permit is modified or converted to add one or more new seats—

   (i) submit the vehicle to a testing station for homologation and issuing of a new roadworthy certificate within seven days; and

   (ii) apply to the relevant regulatory entity for amendment of the operating licence or permit within 14 days, and supply that entity with the homologation reference number and the eNaTIS model number and the name and address of the person who modified or converted the vehicle; and

(m) comply with the provisions of the Act and with any other requirements imposed by provincial laws and other legislation.
24. **Particulars to be displayed on vehicles.**—(1) The particulars to be painted or displayed on a vehicle in terms of regulation 23 (e) must comply with the following as a minimum—

(a) Height of figures and letters: 40 mm.

(b) Width of figures and letters: 20 mm.

(c) Breadth of stroke of figures and letters: 5 mm.

(d) Space between consecutive figures and letters: 5 mm.

(e) Space between words on the same line: 15 mm.

(2) Those particulars must be painted or appear on a magnetic or other sticker in a conspicuous place on the vehicle in a colour that shows up clearly against the background.

25. **Application for renewal of operating licence.**—(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.

(2) Where application for renewal was properly made under sub-regulation (1) and the regulatory entity has not issued the licence by the expiry date, the operating licence will remain valid until the entity either issues the renewed licence or notifies the applicant that the application has been refused, and the operator must keep in the vehicle the receipt issued by the regulatory entity as proof that such an application has been made.

(3) Subject to the Act, the regulatory entity may not refuse to renew an operating licence unless—

(a) the applicant, as decided by the entity, is no longer a fit and proper person to provide public transport services for a reason contemplated in section 79 (2) of the Act;

(b) the applicant has failed to provide proof of registration, licensing or roadworthiness of the vehicle as required by the Act;

(c) the services authorized by the licence have not been provided for the previous 180 days, unless the holder has provided acceptable reasons for not providing the services;

(d) a planning authority has directed the entity to refuse the application in terms of section 55 (3) of the Act; or

(e) there is another reason to do so contemplated by the Act.

(4) No permit may be renewed unless it is first converted to an operating licence in terms of the Act and these regulations, but the holder may apply simultaneously for such conversion and renewal.

(5) Regulatory entities must send a notice of renewal to operators not less than 60 days before their operating licences or permits will expire, advising them to apply for renewal, but failure to do so will not affect the expiry of the licence or permit.

26. **Temporary replacement of vehicle.**—(1) An application for written authorisation to replace a vehicle temporarily in terms of section 74 (1) of the Act must be lodged by submitting the completed application form shown in Schedule 1 to the relevant regulatory entity, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) Such authorisation must be in the form shown in Schedule 1.

27. **Decals.**—(1) A decal issued to an operator must be affixed to the lower, inside, left-hand corner of the windscreen of the vehicle to which it relates in such a manner that the print on its face is clearly legible from the outside to a person standing in front of or to the left of the vehicle.

(2) Such a decal must—
(a) be bar-coded or otherwise made or designed to enable authorised officers to determine summarily by means of e-NaTIS or OLAS whether the vehicle is compliant with the Act and the National Road Traffic Act and is being operated by the relevant operator; and

(b) show the operating licence number, the name of the operator, the vehicle registration number, the date of expiry of the licence, the base facility or rank, and indicate where passengers may be picked up or set down.

(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 operate the vehicle for a public transport service on a public road—

(a) without such a decal; or

(b) with a decal, or anything purporting to be a decal, which is not applicable to that vehicle; or

(c) with such a decal which is in any way obscured or has become illegible, unless it has become obscured or illegible temporarily beyond the control of the operator.

28. Duplicate operating licence or decal.—Where an operating licence or decal has been lost or has become obscured or illegible, the operator must apply within four working days for a duplicate by completing the form shown in Schedule 1 and must submit the damaged or obscured licence or decal to that entity for destruction, or an affidavit explaining why it cannot be so submitted, with the application fee specified in Schedule 2.

29. Courtesy services.—(1) A person providing courtesy services by means of fewer than three motor cars is exempt from the operating licensing requirements of the Act in terms of section 53 (1) (a) of the Act.

(2) Persons operating courtesy services by means of three or more motor cars, or a minibus, midibus or bus, must obtain an operating licence from the relevant regulatory entity contemplated in section 51 of the Act.

(3) All persons providing courtesy services that are exempt in terms of sub-regulation (1), must, before operating courtesy services—

(a) notify the NPTR in writing that they are providing courtesy services, and supply particulars of the relevant vehicles and services on the form shown in Schedule 1 and pay the registration fee specified in Schedule 2;

(b) display a decal issued by or on behalf of the NPTR on each vehicle clearly marked “Courtesy service” in the manner contemplated in regulation 23 (g); and

(c) comply with any directions issued by the NPTR or other regulatory entity.

(4) The NPTR must notify the relevant PREs and planning authorities of such services.

(5) As from a date to be determined by the Minister by notice in the Gazette, no person may operate a courtesy service contemplated in sub-regulation (1) without having notified the NPTR in terms of sub-regulation (3) and displaying the decal contemplated in that sub-regulation.

(6) As from a date to be determined by the Minister by notice in the Gazette, no person may operate a courtesy service contemplated in sub-regulation (2) without being in possession of an operating licence.

[Sub-r. (6) inserted by r. 1 of GNR.399 of 14 May 2010.]

CHAPTER 5
ACCREDITATION OF TOURIST TRANSPORT OPERATORS AND RELATED MATTERS

30. Application for accreditation.—(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.
(2) The application form must be fully and properly completed and be accompanied by the documents or proof described in the form and required to be attached, which must include copies of all operating licences and permits issued for vehicles operated by the applicant on the date of application.

(3) The NPTR may require the applicant to submit additional information or documentation.

(4) The applicant must nominate, in the application form, a responsible person as contact person between the NPTR and the operator and must, where such person leaves the employment of the operator, nominate another person as contact person in writing within seven days.

(5) An accredited operator may apply at any time to amend the conditions attached to his, her or its accreditation by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2.

31. Submitting applications to tourism and planning authorities.—(1) Where the Minister has recognized any tourism authority in terms of section 81 (5) of the Act, this must be made known by notice in the Gazette.

(2) On receiving an application for accreditation, the NPTR must refer the application to any relevant authority so recognized, as well as the planning authority in whose area the applicant is based, by submitting a notice to it by e-mail, fax or other method it deems appropriate.

(3) Those authorities must submit their response to the NPTR by any method approved by the NPTR and stated in the notice, within 14 days of receipt of the notice.

(4) If such an authority fails to respond within the time mentioned in sub-regulation (3), the NPTR must proceed to decide the application without that response in terms of section 81 (6) of the Act.

(5) It shall not be necessary to submit an application to a tourism authority that has not been recognised by means of a notice published under sub-regulation (1).

32. Requirements for accreditation.—(1) The NPTR must consider the following when deciding whether to grant or refuse an application for accreditation—

(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 operators who are new in the industry;

(b) whether the vehicles operated by the operator after inspection by suitably qualified officials or agents of the NPTR are roadworthy and acceptable for the type of tourist operations carried on or to be carried on by the applicant;

(c) after a date to be determined by the Minister and made known by notice in the Gazette, that the applicant or one or more of the applicant's employees have passed the tests or examinations or have attended training courses specified by the NPTR, to ensure that they understand the transport industry, road traffic and transport legislation, and other relevant matters;

(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 regular servicing by an acceptable garage or service centre in accordance with the specifications of the manufacturer of the vehicle; or

(ii) in appropriate cases, by suitably qualified staff of the operator in workshops or other facilities that have been inspected and approved by or on behalf of the NPTR;

(e) that the operator keeps maintenance and servicing records to the satisfaction of the NPTR, which must be made available to NPTR inspectors on request;

(f) that the operator has suitably qualified back-up staff and appropriate administrative facilities that, in
(g) that the operator has an acceptable record regarding compliance with road traffic and transport legislation, as well as other applicable legislation;

(h) that the operator’s tax affairs are in order as shown by submission of a valid tax clearance certificate from the South African Revenue Service; and

(i) any other matter required by the NPTR.

(2) The applicant must describe the livery and signage being displayed or to be displayed on the applicant’s vehicles in the application form, and the NPTR may discuss this with the applicant with a view to seeing that the applicant applies livery and signage that is acceptable and tasteful in relation to the image of the tourist industry and any other matter decided by the NPTR.

(3) Where appropriate, the NPTR must inform the operator of steps that must be taken for the operator to qualify for accreditation, and that accreditation will be refused if the steps are not taken within a specified time.

(4) Where, after evaluating the application, it appears to the NPTR that an applicant does not qualify for accreditation the NPTR must furnish the operator with the reasons for non-qualification, and may allow the operator a certain time to rectify the situation or submit outstanding requirements as a condition for later accreditation.

(5) Where the NPTR has taken a final decision to refuse an application for accreditation, the operator may re-apply, but only after a period of 180 days has elapsed from the date of the refusal.

(6) The operator must keep his, her or its vehicles, offices, facilities and records open for inspection by inspectors or authorized agents of the NPTR at all times.

33. Monitoring of accredited tourist transport operators.—(1) The NPTR must see that regular technical and operational monitoring of the operations of all accredited tourist transport operators is carried out to ensure compliance with the Act and other applicable legislation, and in particular the matters listed in regulation 32.

(2) The NPTR must be satisfied on an ongoing basis that such operators’ vehicles are serviced at the required intervals, by checking of vehicle service records by NPTR inspectors or agents.

(3) Such operators must supply the NPTR on request with vehicle maintenance records or proof of servicing of vehicles at any time.

(4) Where appropriate, for example if a tourist transport operator operates larger vehicles or a large number of vehicles, the operator must have maintenance and repair facilities within the operator’s organisation that are satisfactory to the NPTR, staffed with suitably qualified mechanics and support staff.

34. Application for renewal of accreditation.—(1) An operator applying for renewal of accreditation under section 81 (8) of the Act must lodge the application by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2 not later than 60 days before that date that the operator’s accreditation expires.

(2) The provisions of regulation 30 (2) to (4) apply to such an application.

(3) To qualify for renewal of accreditation the operator must comply with regulation 32, the provisions of which apply with the necessary changes.

(4) It shall not be necessary to refer an application for renewal of accreditation to any tourism or planning authority in terms of regulation 31.

(5) In deciding an application for renewal of accreditation, the NPTR must consider the matters listed in regulation 32, either by re-investigating the matters or being satisfied by its agents or inspectors that the operator is complying satisfactorily with all requirements.

35. Certification of vehicles.—(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 each vehicle in the manner set out in sub-regulation (5).

(2) An accredited operator may apply for certification of additional vehicles under section 84 of the Act by completing the application form shown 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.

(3) The applicant must submit with the application—

(a) proof of registration and licensing of the vehicle, showing a valid and current roadworthy certificate; and

(b) any other document or matter required by the NPTR.

(4) On receipt of such an application for certification, an authorised official of the NPTR must verify the validity and authenticity of the documents and matters submitted by checking eNaTIS and by other acceptable means and, if satisfied that the vehicle complies with section 84 (3) of the Act, must certify the vehicle in the manner set out in sub-regulation (5).

(5) On certification of a vehicle, the NPTR must issue to the owner a certificate and token for the vehicle, and the token must be affixed to the lower, inside, left-hand corner of the windscreen of the vehicle in such a manner that the print on its face is clearly legible from the outside to a person standing in front of or to the left of the vehicle.

(6) Such a token must—

(a) be bar-coded or otherwise made or designed to enable authorised officers to determine summarily by means of e-NaTIS or OLAS whether the vehicle is compliant with the Act and the National Road Traffic Act;

(b) be colour coded in relation to the class of vehicle; and

(c) show the operating licence number, the words “tourist transport service” and the vehicle registration number.

(7) No person may operate a vehicle for tourist transport services on a public road—

(a) without such a token; or

(b) with a token, or anything purporting to be such a token, which is not applicable to that vehicle; or

(c) with a token which is in any way obscured or has become illegible, unless it has become obscured or illegible temporarily beyond the control of the operator.

(8) Where such a token has been lost or has become obscured or illegible, the operator must apply within four working days for a duplicate by completing the form shown in Schedule 1 and must submit that form with the damaged or obscured token to the NPTR for destruction, or an affidavit stating why it cannot be submitted, and the fee specified in Schedule 2.

(9) A certificate or token issued in terms of this regulation may be couriered to an operator, but may not be used until the operator has acknowledged receipt in writing to the NPTR by e-mail or fax.

36. Operating licences for tourist transport operators.—(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, it must issue an operating licence for that vehicle to operate tourist transport, which will replace any permit or operating licence already issued for that vehicle.

(2) Where an entity that owns vehicles and wishes to rent them to tourist transport operators as contemplated in section 84 (2) of the Act and has obtained certification of a vehicle, such vehicle may only be used for tourist transport services by an accredited operator, and the operating licence referred to in section 84 (3) of the Act may only be issued to an accredited operator, and for the period of the hiring.

(3) Before being issued with any operating licence, an accredited operator must submit to the NPTR any permit or operating licence previously issued for the relevant vehicle, which must cancel it within 24 hours of issuing the new operating licence.
(4) Where on accreditation of the applicant the NPTR has imposed a condition under section 81 (4) of the Act that only a certain number of vehicles may be operated or that only vehicles of certain classes may be operated, an operating licence may not be issued in conflict with such a condition.

(5) Such an operating licence must stipulate—

(a) appropriate conditions imposed by the NPTR, either at the stage of accreditation or at the stage of issuing the operating licence; and

(b) the area within which the vehicle may be operated, which may be the Republic as a whole.

(6) Such an operating licence may also authorize the operator to undertake charter services, subject to conditions imposed by the NPTR and reflected in the licence.

37. Cancellation of accreditation.—(1) Where the NPTR becomes aware that an accredited operator is or has been guilty of conduct contemplated in section 83 (1) (a) to (f) of the Act, it must, as appropriate, engage with the operator to discuss the issue or issues and steps to be taken by the operator to comply.

(2) In addition to the reasons mentioned in section 83 (1) of the Act, the NPTR may cancel the accreditation of a tourist transport operator if the operator fails to comply with the following requirements—

(a) Failure to comply with a condition imposed by the NPTR at the stage of accreditation of the operator, or a condition stipulated in an operating licence held by the operator;

(b) use of a token by that operator on a vehicle that has not been certified; or

(c) where the operator has allowed a person that has not been properly accredited in terms of the Act to use the vehicle for tourist transport services.

38. Issuing of operating licence for tourist transport vehicle.—(1) If satisfied that the applicant is accredited and that the vehicle complies with the requirements set out in regulation 32 (1), the competent official of the NPTR must issue the operating licence to the applicant 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).

(2) Such an operating licence may not be issued to the operator until conditions imposed by the NPTR have been met, required proof or documents have been submitted, and the operator has submitted the original permit or operating licence previously issued for the vehicle to the NPTR for cancellation under regulation 36 (3).

(3) Such an operating licence may be issued electronically, in which case a printout of the licence must be kept in the vehicle at all times while it is operated for tourist transport services until receipt of the originals.

(4) The NPTR must issue two originals of such an operating licence to the operator, one clearly marked “To be kept in the vehicle” and one clearly marked “File copy” which must be collected by or sent by courier or registered post to the operator.

39. Call centre.—(1) The NPTR must establish a call centre where complaints against operators or their drivers, suggestions or other input from interested persons can be received.

(2) Where a complaint against an operator is received, the NPTR must where appropriate forthwith dispatch one or more inspectors to investigate within 48 hours, and take appropriate action to follow up the matter.

(3) Authorised officers investigating accident scenes who become aware of possible offences having been committed by accredited operators or their drivers, must notify the NPTR in writing or by e-mail within 48 hours.

40. Fees.—The fees for inspecting information in the register of accredited tourist operators in terms of section 81 (7) of the Act shall be as specified in Schedule 2.
41. **Transitional provisions.**—Where an operator has applied for accreditation in terms of regulation 30, that operator may use any operating licence or permit issued to that operator for the vehicle in question until a new operating licence has been issued under regulation 38 (1) and the permit or operating licence has been cancelled in terms of regulation 38 (2), provided that those licences or permits will lapse if the application for accreditation is refused on the date that such refusal is communicated to the applicant.

**CHAPTER 6**
TRANSPORTING OF SCHOLARS, STUDENTS, TEACHERS AND LECTURERS

42. **Scholar transport.**—(1) An application for an operating licence for scholar transport must, in addition to the other matters required by the Act or these regulations, be accompanied by the following—

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

   (b) Certified copies of the professional driving permits of all drivers to be used for the service.

   (2) As from a date to be published by the Minister in the Gazette, operators of scholar transport must comply with the following and submit proof thereof to the relevant regulatory entity within the time stipulated in the notice—

   (a) submit drivers being employed for the service for eye or medical tests in addition to the tests required for a professional driving permit;

   (b) ensure that such drivers obtain the following qualifications as prescribed or described in that notice—

      (i) basic first-aid;

      (ii) defensive driving; or

      (iii) advanced driving;

   (c) obtain qualifications as prescribed in customer service or basic business management;

   (d) install a tracking system device in the vehicle as prescribed or required by the regulatory authority;

   (e) have vehicles fitted with soft seats.

   (3) A notice under sub-regulation (2) may deal with one or more or all of the matters listed in that sub-regulation.

   (4) All vehicles used for scholar transport must—

      (a) be marked in the manner prescribed or required by the relevant regulatory entity to indicate that scholars or students are being carried;

      (b) have a first-aid kit in the vehicle at all times that complies with prescribed requirements or those stipulated by the regulatory entity.

   (5) Regulatory entities must keep a separate database of scholar transport operators and vehicles.

   (6) All drivers engaged in scholar transport must be issued by the regulatory entity with a special identity card with features designed to ensure that it is not possible to be forged, containing at least the following information—

      (a) full names and identity number of the driver;

      (b)
(c) full, recent colour photograph of the driver; and

(d) the code indicating the type of vehicle that the driver may drive.

(7) Such identification cards are not transferable, but a duplicate may be issued if the card is lost or stolen.

(8) All schools and other educational institutions must provide areas off of busy public roads where scholars and students may be picked up or set down by motor vehicles.

(Editorsial Note: Wording as per original Government Gazette.)

(9) Where primary or pre-primary school children are being carried in the course of scholar transport, a teacher or other responsible adult must be in the vehicle at all times to supervise them.

(10) Scholars or students may only be picked up or set down on public roads in areas that are safe for loading, taking into account the fact that the scholars or students may be crossing the road in question.

(11) Where a marked vehicle carrying scholars or students is loading or offloading passengers on a public road, all other vehicles in its vicinity must slow down or stop to ensure the safety of the scholars or students that may be crossing the road.

CHAPTER 7
GENERAL MATTERS

43. Submission of integrated transport plans to NPTR and PRE.—(1) Every planning authority must submit electronic and hard copies of its integrated transport plan after approval thereof to the NPTR and relevant PRE within seven days of such approval, as required by section 36 (6) of the Act.

(2) Planning authorities and regulatory entities must allow operators or prospective operators to examine those plans on payment of the fee specified in Schedule 2.

44. Stopping of vehicles.—An authorised officer may cause a vehicle to be stopped in terms of section 89 (1) (a) of the Act in the manner prescribed for the stopping of vehicles by traffic officers in the National Road Traffic Act and its regulations.

45. Offences.—A person is guilty of an offence and liable on conviction to a fine or to imprisonment for not more than three months, or to both a fine and imprisonment, who—

(a) contravenes any provision of these regulations;

(b) drives a vehicle for scholar transport without a special identity card as required by regulation 42; or

(c) uses such an identity card that does not apply to him or herself.

46. Transitional provisions: general.—(1) The Minister must by notice in the Gazette determine a date by which the NPTR has been established and is ready to undertake its functions.

(2) Prior to the date contemplated in sub-regulation (1), the PREs or, if no PRE has yet been established, the operating licensing board of the province in question, must perform the functions of the NPTR in relation to licensing of interprovincial and tourist services, as set out in these regulations and as contemplated in section 93 (3) (a) of the Act.

47. Transitional provisions: interprovincial services.—Until the date contemplated in regulation 46 (1),
an application for an interprovincial service must be made to the PRE of the province where the journey originates, who must perform the functions of the NPTR in relation to the application.

48. Transitional provisions: tourist transport services.—(1) Until the date contemplated in regulation 46 (1) or the date contemplated in section 81 (1) of the Act, whichever is the soonest—

(a) holders of operating licences or permits authorizing tourist transport services may apply to the PRE of the province that issued the operating licence or permit to amend, renew or transfer it, provided that if the application is granted in the case of a permit an operating licence must be issued; and

(b) persons may apply for new operating licences for such services to the PRE of the province where the journey originates.

(2) Applications contemplated in sub-regulation (1) must be dealt with procedurally as if they were applications to the NPTR for interprovincial services.

49. Forms and fees.—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.

50. Short title and commencement.—These regulations are called the National Land Transport Regulations, 2009, and come into operation on the date of their publication in the Gazette.

Schedule 1:

**FORMS**

<table>
<thead>
<tr>
<th>Form</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form 1A:</td>
<td>(NPTR) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit</td>
</tr>
<tr>
<td>Form 2A:</td>
<td>Application for accreditation or renewal of accreditation by tourist transport operator</td>
</tr>
<tr>
<td>Form 3A:</td>
<td>Application for temporary operating licence</td>
</tr>
<tr>
<td>Form 4A:</td>
<td>Notification to NPTR by provider of courtesy services who is exempt from obtaining an operating licence</td>
</tr>
<tr>
<td>Form 5A:</td>
<td>Application by accredited tourist transport operator for certification of additional vehicles</td>
</tr>
<tr>
<td>Form 6A:</td>
<td>Notification from NPTR to Provincial Regulatory Entity or Planning Authority of application concerning an operating licence</td>
</tr>
<tr>
<td>Form 7A:</td>
<td>Referral of application to NPTR in terms of section 21 (4) of the Act</td>
</tr>
<tr>
<td>Form 8A:</td>
<td>Form of operating licence</td>
</tr>
<tr>
<td>Form 1B:</td>
<td>(PRE) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit</td>
</tr>
<tr>
<td>Form 2B:</td>
<td>Notification to Planning Authority from PRE of application concerning an operating licence</td>
</tr>
<tr>
<td>Form 1C:</td>
<td>(MRE) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit</td>
</tr>
<tr>
<td>Form 1D:</td>
<td>Application for a duplicate operating licence, permit or decal</td>
</tr>
<tr>
<td>Form 2D:</td>
<td>Application for authorization for temporary replacement of vehicle</td>
</tr>
</tbody>
</table>
Form 3D: Subpoena requiring a person to appear before a regulatory entity

Form 4D: Application by hirer of vehicle to certify it for use by tourist transport operator

Form 5D: Form of written authorization for temporary replacement of a vehicle

Schedule 2:

**TABLE OF FEES**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 (1), 3 (1), 6 (1), 7 (1), 10 (1), 11 (1), 15 (2), 16 (1)</td>
<td>Application for granting, renewal, amendment, transfer or conversion of an operating licence or permit</td>
<td>R300,00</td>
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<td>6 (6)</td>
<td>Submission of application to the NPTR in terms of section 21 (4) of the Act</td>
<td>R300,00</td>
</tr>
<tr>
<td>17 (4) (b) and (c)</td>
<td>Inspection of documents or requesting copies</td>
<td>R50,00 per request</td>
</tr>
<tr>
<td>17 (4) (d)</td>
<td>Providing copies</td>
<td>R0,80 per folio</td>
</tr>
<tr>
<td>20</td>
<td>Application for temporary operating licence</td>
<td>R50,00</td>
</tr>
<tr>
<td>26</td>
<td>Application for written authorization to replace a vehicle temporarily</td>
<td>R50,00</td>
</tr>
<tr>
<td>28, 36 (8)</td>
<td>Application for duplicate operating licence or decal</td>
<td>R300,00</td>
</tr>
<tr>
<td>29 (3)</td>
<td>Notification of courtesy service to NPTR</td>
<td>R300,00</td>
</tr>
<tr>
<td>30 (1), 35 (1)</td>
<td>Application for accreditation, or renewal of accreditation of a tourist transport operator or for amendment of conditions of accreditation</td>
<td>R1 000,00</td>
</tr>
<tr>
<td>35 (2)</td>
<td>Application to certify a vehicle for tourist transport services</td>
<td>R300,00 per vehicle</td>
</tr>
</tbody>
</table>

Form 1A

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT FOR INTERPROVINCIAL SERVICES

DEPARTMENT OF TRANSPORT

National Public Transport Regulator

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)
**SECTION A (Compulsory for all application types)**

### TYPE OF APPLICATION

This application is for:

<table>
<thead>
<tr>
<th>Application type</th>
<th>Compulsory sections to be completed by applicant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Transfer of an operating licence or permit</td>
<td>A, B, C, D, E, F, G, H, K, L</td>
</tr>
<tr>
<td>3) Amendment of an operating licence or permit for:</td>
<td></td>
</tr>
<tr>
<td>(a) Additional authority</td>
<td></td>
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<tr>
<td>(b) Amendment of route or area</td>
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<tr>
<td>(c) Change of particulars</td>
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<tr>
<td>(e) Amendment of timetables, tariffs or other conditions</td>
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</tr>
<tr>
<td>(f) Replace existing vehicle</td>
<td></td>
</tr>
<tr>
<td>(g) OL for recapitalized vehicle</td>
<td></td>
</tr>
<tr>
<td>4) Renewal of an operating licence or permit</td>
<td>A, B, C, D, F, G, H, K, L</td>
</tr>
<tr>
<td>5) Conversion of a permit to an operating licence</td>
<td>A, B, C, D, F, G, H, K, L</td>
</tr>
</tbody>
</table>

**SECTION B (Compulsory for all application types)**

### PARTICULARS OF APPLICANT

Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

*Attach a certified copy*
## SECTION B (Compulsory for all application types)

### PARTICULARS OF APPLICANT

<table>
<thead>
<tr>
<th>Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>First names, if sole proprietor (not more than 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of identification</th>
<th>RSA identity document</th>
<th>Temporary identity certificate</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Foreign identity document</td>
<td></td>
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</tbody>
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<th>Certificate of incorporation</th>
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<table>
<thead>
<tr>
<th>Trade name (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Type of business</th>
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</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
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<td></td>
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</table>

<table>
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<tr>
<th>Street address (if different from postal address) <em>Domicilium citandi et executandi</em></th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone number(s)</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Facsimile number (if any)</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
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<table>
<thead>
<tr>
<th>E-Mail address (if any)</th>
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</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Income tax registration number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

[Attach an original Tax Clearance Certificate]
### SECTION C (Compulsory for all application types)

#### PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

**Surname**

**First names (not more than 3)**

**Identity number**

**Type of identification**

<table>
<thead>
<tr>
<th>RSA identity document</th>
<th>Passport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

**Telephone number**

**Cell number**

<table>
<thead>
<tr>
<th>Identity no. / passport no. / business registration number</th>
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</thead>
</table>

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<thead>
<tr>
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SECTION C (Compulsory for all application types)

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

<table>
<thead>
<tr>
<th>Surname</th>
<th>First names (not more than 3)</th>
<th>Identity number</th>
<th>Type of identification</th>
<th>Telephone number</th>
<th>Cell number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>RSA identity document</td>
<td></td>
<td></td>
</tr>
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<td></td>
<td>Passport</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other (specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION D (Compulsory for application types 2, 3, 4 and 5)

PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (in the case of an application for renewal, amendment, transfer or conversion)

<table>
<thead>
<tr>
<th>Operating licence number/permit number</th>
<th>REGULATORY ENTITY which issued the operating licence/permit</th>
<th>Date of issue</th>
<th>Expiry date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Y Y Y / M M D D</td>
<td>Y Y Y / M M D D</td>
</tr>
</tbody>
</table>

Attach a certified copy of operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence.

SECTION E (Compulsory for application type 2)

PARTICULARS OF PERSON OR ENTITY TO WHICH THE OPERATING LICENCE IS TO BE TRANSFERRED (in the case of an application for transfer)

<table>
<thead>
<tr>
<th>Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor</th>
<th></th>
</tr>
</thead>
</table>
First names, if sole proprietor (not more than 3)

Type of identification
- RSA identity document
- Temporary identity certificate
- Passport
- Foreign identity document
- Founding statement
- Certificate of incorporation
- Founding agreement
- Partnership Agreement

Identity no. / business registration number

Trade name (if applicable)

Type of business

Postal address and code

Street address (if different from postal address) *Domicilium citandi et executandi*

Telephone number(s)

Facsimile number (if any)

E-Mail address (if any)

Income tax registration number

*Attach Original Tax Clearance Certificate

* Include written consent of transferor

**SECTION F (Compulsory for all application types)**

**TYPE OF PUBLIC TRANSPORT SERVICE**

[Tick type of service: it may be necessary to tick more than one]

Type of service
- Scheduled bus service
- Minibus taxi-type service
- Staff service
- Charter service
- Courtesy service
- Metered taxi service
- Scholar service
- Other service

* Please attach a certified copy of the contract between the operator and school or other educational institution or
letter of authorisation from the principal or authorised administrative officer.

* Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Number of passengers that will be carried

In the case of a long-distance service, state why passengers cannot use existing transports services and motivate why the proposed service is necessary (supporting documents may be attached)

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?  YES  NO

If NO, give reasons

* Any recommendations or documentation in support of this application may be attached.

SECTION G

PARTICULARS OF ROUTES
(Not applicable for Charter Services and Metered Taxis)

Describe the FIRST route in detail:

Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or landmarks for each city, town, village or settlement: vague route descriptions will not be accepted)
Describe the SECOND route in detail (Complete for application of additional service)

<table>
<thead>
<tr>
<th>Departure point</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Destination</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[If there are more routes, they must be described on a separate sheet of paper]

In the case of Metered Taxis please describe the area which will be serviced:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION H (Compulsory for all application types)

**AUTHORISED RANKS AND TERMINALS**

State the authorised ranks and terminals used or to be used

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION I

**PARTICULARS OF CONTRACT (in case of a contracted service)**

A certified copy of the contract is to be attached. (Note: Only contracts with National, Provincial or local sphere of government)

<table>
<thead>
<tr>
<th>Type of contract</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial service contract</td>
<td></td>
</tr>
<tr>
<td>Subsidised service contract</td>
<td></td>
</tr>
</tbody>
</table>
Negotiated contract

Contract reference number

Names of parties to the contract

Addresses of parties to the contract

Postal Code

Postal Code

Name of sub-contractor (if applicable)

Address of sub-contractor (if applicable)

Postal Code

Duration of contract

From

To

SECTION J

TIME TABLES (in the case of a scheduled service)

The applicable (current) time tables are attached as Annexure

Yes

No

SECTION K (Compulsory for all application types)

DECLARATION

I, the undersigned (full name)
certify that the information furnished in this application form is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.
**SECTION L (Compulsory for all application types)**

**VEHICLE DETAILS**

For a new application please indicate the type of vehicle/s that you intend to purchase (if no vehicle is owned at present):

* Please note that operating licences are granted per vehicle. Therefore, the applicant is required to pay the fee for each vehicle listed in this application. If applications are made for more than three (3) vehicles please attach a separate page containing the details below.

<table>
<thead>
<tr>
<th>Type</th>
<th>No.</th>
<th>Seating capacity:</th>
<th>Number of vehicles to be purchased:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor car</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minibus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Midibus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Vehicle 1:**

- Vehicle registration number
- Vehicle identification number (VIN)
- Type of vehicle
- Year of manufacture
- Make of Vehicle
- Number of passengers to be carried
- Number of kilometres travelled
- Already purchased? YES NO

**Vehicle 2:**

- Vehicle registration number
| **Vehicle identification number (VIN)** |  |
| **Type of vehicle** |  |
| **Year of manufacture** |  |
| **Make of Vehicle** |  |
| **Number of passengers to be carried** |  |
| **Number of kilometres travelled** | Already purchased? | YES | NO |

### Vehicle 3:

| **Vehicle registration number** |  |
| **Vehicle identification number (VIN)** |  |
| **Type of vehicle** |  |
| **Year of manufacture** |  |
| **Make of Vehicle** |  |
| **Number of passengers to be carried** |  |
| Already purchased? | YES | NO |

**SECTION M – FOR OFFICIAL USE ONLY**

**OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)**

This operating licence is issued subject to the following conditions

* Or attach conditions imposed as a schedule

Date of issue

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>YY</td>
<td>YY</td>
<td>MM</td>
<td>DD</td>
<td></td>
</tr>
</tbody>
</table>
## OPERATING LICENCE PARTICULARS

### Operating Licence 1

<table>
<thead>
<tr>
<th>Operating Licence number</th>
<th>Valid from</th>
<th>Valid to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Y Y Y M M D D</td>
<td>Y Y Y M M D D</td>
</tr>
</tbody>
</table>

Captured application details on OLAS: Y Y Y M M D D

Date submitted to Publications: Y Y Y M M D D

Date referred to PREs and Planning Authority: Y Y Y M M D D

### Operating Licence 2

<table>
<thead>
<tr>
<th>Operating Licence number</th>
<th>Valid from</th>
<th>Valid to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Y Y Y M M D D</td>
<td>Y Y Y M M D D</td>
</tr>
</tbody>
</table>

Captured application details on OLAS: Y Y Y M M D D

Date submitted to Publications: Y Y Y M M D D

Date referred to PREs and Planning Authority: Y Y Y M M D D

### Operating Licence 3

<table>
<thead>
<tr>
<th>Operating Licence number</th>
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<th>Valid to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Y Y Y M M D D</td>
<td>Y Y Y M M D D</td>
</tr>
</tbody>
</table>
* In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

**FOR OFFICE USE ONLY**

<table>
<thead>
<tr>
<th>Date Application received</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Captured application details on OLAS</td>
<td></td>
</tr>
<tr>
<td>Reference number</td>
<td></td>
</tr>
<tr>
<td>Receipt number</td>
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</tr>
<tr>
<td>Amount Paid</td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
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<td></td>
</tr>
<tr>
<td>Valid from</td>
<td></td>
</tr>
<tr>
<td>Valid to</td>
<td></td>
</tr>
<tr>
<td>Official's name</td>
<td></td>
</tr>
</tbody>
</table>
APPLICATION FOR ACCREDITATION AS A TOURIST TRANSPORT OPERATOR

DEPARTMENT OF TRANSPORT
National Public Transport Regulator
NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

APPLICATION FOR ACCREDITATION AS A TOURIST TRANSPORT OPERATOR

Please tick appropriate box:
Application for accreditation
Application to amend conditions of accreditation
Application for renewal of accreditation

SECTION A
PARTICULARS OF APPLICANT
### SECTION A

#### PARTICULARS OF THE CONTACT PERSON BETWEEN THE OPERATOR AND THE NPTR

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<table>
<thead>
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<th>Income tax registration number</th>
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<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

[Attach original Tax Clearance Certificate]

* Any recommendations or documentation in support of this application may be attached.
### Surname


### First names (not more than 3)


### Identity number


### Type of identification

<table>
<thead>
<tr>
<th>RSA identity document</th>
<th>Passport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

### Telephone number


### Cell number


### SECTION C

#### VEHICLE PARTICULARS

* The applicant is to attach copies of all operating licences and permits issued for vehicles operated by the applicant. (Except in case of a new operator).

<table>
<thead>
<tr>
<th>Type of vehicle</th>
<th>No.</th>
<th>Seating capacity</th>
<th>Number of vehicles to be purchased</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor car</td>
<td></td>
<td></td>
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</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Bus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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
<table>
<thead>
<tr>
<th><strong>Year of manufacture</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Make of Vehicle</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Number of passengers to be carried</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Vehicle 3:**

<table>
<thead>
<tr>
<th><strong>Vehicle registration number</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vehicle identification number (VIN)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Type of vehicle</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Year of manufacture</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Make of Vehicle</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Number of passengers to be carried</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Service records to be attached*

*In the case of more vehicles provide the same particulars on a separate sheet*

**SECTION D**

**VEHICLE MAINTENANCE**

Is there an appropriate programme put in place for the maintaining and servicing of vehicles operated or to be operated?  

| YES | NO |

If yes, describe:


Are vehicles serviced at a garage or service centre in accordance with the specifications of the vehicle manufacturer?  

If yes, provide name and address of garage or service centre:


Are vehicles serviced at in-house facilities?  

YES  NO  

*If yes, provide the address:  

* Please note that all vehicles and in-house facilities will be inspected by an official for approval.  

* Please attach service records of vehicles.  

SECTION E  

LIVERY AND SIGNAGE  

Description of livery and signage being displayed or to be displayed on vehicle  
(Attach photo if available)  

SECTION F  

CHANGE OF CONDITIONS  

In the case of an application to amend conditions of accreditation, describe the conditions to be amended and the reasons thereof:  

SECTION G  

DECLARATION  

I, the undersigned (full name)  

certify that the information furnished in this application form is true and correct.  

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for in the future.
SECTION H – FOR OFFICIAL USE ONLY

OTHER CONDITIONS IMPOSED BY THE NPTR (if applicable)

This operating licence is issued subject to
the following conditions

* Or attach conditions on a separate sheet

Date of issue

Signature of designated official of Board

FOR OFFICE USE ONLY

Date Application received

Date referred to Recognised Tourism Authority

Reference number

Amount Paid

Official’s name
**OPERATING LICENCE PARTICULARS**

* If more than 3 vehicles, attached these particulars on a separate sheet.

**Operating Licence 1**

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<thead>
<tr>
<th>Operating Licence number</th>
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<tr>
<td>Date Application received</td>
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<tr>
<td>Captured application details on OLAS</td>
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<td>Official's name</td>
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**Operating Licence 2**

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<tr>
<td>Valid to</td>
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</table>
Operating Licence 3

Operating Licence number

Date Application received

Captured application details on OLAS

Reference number

Amount Paid

Valid from

Valid to

Official’s name

CHECKLIST

A certified copy of one of the following:
- RSA Identity Document
- Passport
- Temporary RSA Identity Document
- Foreign Identity Document
- Partnership Agreement
- Board Resolution/Founding agreement

Valid Tax Clearance Certificate.

Valid vehicle licence and registration.

Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Labour.

Copies of operating licences or permits of vehicles operated (if applicable).

Letter or document of recommendation in support of the application (if any).
**APPLICATION FOR TEMPORARY OPERATING LICENCE (SPECIAL EVENT)**

**Name or description of Special Event**

**Duration of the event**

| Y | Y | Y | M | M | D | D | to | Y | Y | Y | M | M | D | D |

**SECTION A**

**PARTICULARS OF APPLICANT**

**Name of company, partnership, corporation or other legal entity, or sole proprietor**

**First names, if sole proprietor (not more than 3)**

**Type of identification**

<table>
<thead>
<tr>
<th>RSA identity document</th>
<th>Temporary identity certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passport</td>
<td>Foreign identity document</td>
</tr>
<tr>
<td>Founding statement</td>
<td>Certificate of incorporation</td>
</tr>
<tr>
<td>Memorandum of</td>
<td>Partnership Agreement</td>
</tr>
<tr>
<td>Understanding</td>
<td></td>
</tr>
</tbody>
</table>

* Attach a certified copy

**Identity number/Business number**

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<table>
<thead>
<tr>
<th>Trade name (if applicable)</th>
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<tbody>
<tr>
<td>Type of business</td>
<td></td>
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<tr>
<td>Postal address and code</td>
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<tr>
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<td></td>
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<tr>
<td>Telephone number(s)</td>
<td></td>
</tr>
<tr>
<td>Facsimile number (if any)</td>
<td></td>
</tr>
<tr>
<td>E-Mail address (if any)</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION B**

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

<table>
<thead>
<tr>
<th>Surname</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>First names (not more than 3)</td>
<td></td>
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<tr>
<td>Identity number</td>
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<tr>
<td>Type of identification</td>
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<tr>
<td>Telephone number</td>
<td></td>
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<tr>
<td>Cell number</td>
<td></td>
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</tbody>
</table>

Board/regulatory entity that issued operating licence or permit:

<table>
<thead>
<tr>
<th>Number of existing operating licence or permit</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of expiry of OL or permit</td>
<td></td>
</tr>
<tr>
<td>Board/regulatory entity that issued operating licence or permit</td>
<td></td>
</tr>
</tbody>
</table>

**Telephone number(s)**: Code [Position]

**Facsimile number (if any)**: Code [Position]

**E-Mail address (if any)**: [Position]

**SECTION B**

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

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Board/regulatory entity that issued operating licence or permit:

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<td></td>
</tr>
<tr>
<td>Board/regulatory entity that issued operating licence or permit</td>
<td></td>
</tr>
</tbody>
</table>

**Telephone number(s)**: Code [Position]

**Facsimile number (if any)**: Code [Position]

**E-Mail address (if any)**: [Position]
SECTION C

PARTICULARS OF ROUTES (if available)

Describe the FIRST route in detail
Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or landmarks for each city, town, village or settlement: vague route descriptions will not be accepted)

Describe the SECOND route in detail
Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or landmarks for each city, town, village or settlement: vague route descriptions will not be accepted)

(If there are more routes, they must be described on a separate sheet of paper)

If not route based describe the service:

SECTION D (If feasible)

AUTHORISED RANKS AND TERMINALS
**STATE THE AUTHORISED RANKS AND TERMINALS USED OR TO BE USED**

**SECTION E**

**VEHICLE DETAILS**

<table>
<thead>
<tr>
<th>Vehicle 1:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle registration number</td>
<td></td>
</tr>
<tr>
<td>Type of vehicle</td>
<td></td>
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<tr>
<td>Year of manufacture</td>
<td></td>
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<tr>
<td>Make of Vehicle</td>
<td></td>
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<tr>
<td>Number of passengers to be carried</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Vehicle 2:</th>
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<tbody>
<tr>
<td>Vehicle registration number</td>
<td></td>
</tr>
<tr>
<td>Type of vehicle</td>
<td></td>
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<tr>
<td>Year of manufacture</td>
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<tr>
<td>Make of Vehicle</td>
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<tr>
<td>Number of passengers to be carried</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Vehicle 3:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle registration number</td>
<td></td>
</tr>
<tr>
<td>Type of vehicle</td>
<td></td>
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<tr>
<td>Year of manufacture</td>
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<tr>
<td>Make of Vehicle</td>
<td></td>
</tr>
<tr>
<td>Number of passengers to be carried</td>
<td></td>
</tr>
</tbody>
</table>

* In the case of more vehicles provide the same particulars on a separate sheet
## TEMPORARY OPERATING LICENCE PARTICULARS

**Operating Licence 1**
- Valid from: Y Y Y Y M M D D
- Valid to: Y Y Y Y M M D D

**Operating Licence 2**
- Valid from: Y Y Y Y M M D D
- Valid to: Y Y Y Y M M D D

**Operating Licence 3**
- Valid from: Y Y Y Y M M D D
- Valid to: Y Y Y Y M M D D

* Limited to the duration of the event.
* If more than 3, include a separate page as an attachment.

### CHECKLIST

- Proof of registration and licensing of vehicle.
- Valid Tax Clearance Certificate.
- Valid vehicle licence and registration incorporating proof of roadworthiness

---

**Form 4A**

NOTIFICATION FROM COURTESY SERVICE PROVIDERS WHO ARE EXEMPT FROM OBTAINING OPERATING LICENCES (SECTION 53 (1) (a) OF THE ACT)

FORM 4A PAGE 1
DEPARTMENT OF TRANSPORT  
National Public Transport Regulator  
NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)  

NOTIFICATION FROM COURTESY SERVICE PROVIDERS WHO ARE EXEMPT FROM OBTAINING OPERATING LICENCES (SECTION 53 (1) (a) OF THE ACT)  

SECTION A  
PARTICULARS OF SERVICE PROVIDER  

| Name of company, partnership, corporation or other legal entity, or sole proprietor |  |
| First names, if sole proprietor (not more than 3) |  |
| Postal address and code |  |
| Street address (if different from postal address) *Domicilium citandi et executandi* |  |
| Telephone number |  |
| Facsimile number (if any) |  |
| E-Mail address (if any) |  |

SECTION B  
VEHICLE DETAILS  

**Details of first vehicle (Vehicle 1):**  
Vehicle registration number |  |
Type of vehicle |  |
Year of manufacture |  |
Make of vehicle

Vehicle seating capacity

Number of kilometers travelled

Details of second vehicle (Vehicle 2):

Vehicle registration number

Type of vehicle

Year of manufacture

Make of vehicle

Vehicle seating capacity

Number of kilometers travelled

SECTION C

DECLARATION

I, the undersigned (full name) certify that the information furnished in this form is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

Signature

Date

Name of person

Name of legal entity (if applicable)

Note: If a mini bus, midi bus or bus is operated, or there are 3 or more motor cars that are operated, then an application must be made for an operating licence.

Form 5A
### APPLICATION FROM ACCREDITED TOURIST TRANSPORT OPERATOR FOR CERTIFICATION OF ADDITIONAL VEHICLES

#### SECTION A

**PARTICULARS OF APPLICANT**

<table>
<thead>
<tr>
<th>Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor</th>
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<tbody>
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<tr>
<th>First names, if sole proprietor (not more than 3)</th>
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<table>
<thead>
<tr>
<th>Type of identification</th>
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<tbody>
<tr>
<td>RSA identity document</td>
</tr>
<tr>
<td>Passport</td>
</tr>
<tr>
<td>Founding statement</td>
</tr>
<tr>
<td>Memorandum of Understanding</td>
</tr>
</tbody>
</table>

* (Attach a certified copy)

**Complete only if particulars have changed:**

<table>
<thead>
<tr>
<th>Identity no. / passport no. / business registration number</th>
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<th>Trade name (if applicable)</th>
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<th>Postal address and code</th>
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<th>Street address (if different from postal address) Domicilium citandi et executandi</th>
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</table>
SECTION B

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname

First names (not more than 3)

Identity number

Type of identification

RSA identity document

Passport

Other (specify)

Telephone number

Cell number

SECTION C

PARTICULARS OF ADDITIONAL VEHICLES FOR CERTIFICATION

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture
<table>
<thead>
<tr>
<th>Make of Vehicle</th>
<th></th>
<th>Number of passengers to be carried</th>
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**Vehicle 2:**

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<tr>
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<th>Year of manufacture</th>
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**Vehicle 3:**

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<th>Type of vehicle</th>
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<th>Year of manufacture</th>
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</tbody>
</table>

* In the case of more vehicles, provide the same particulars on a separate sheet as an attachment.

**SECTION D**

DECLARATION

I, the undersigned (full name) certify that the information furnished in this application is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

Signature  Date
Name of person

Name of legal entity (if applicable)

Signature of designated official

Captured application details on OLAS

Y Y Y M M D D

Reference number

Amount Paid

R

Official’s name

Y Y Y M M D D

CHECKLIST

A certified copy of one of the following:
- RSA Identity Document
- Passport
- Temporary RSA Identity Document
- Foreign Identity Document
- Partnership Agreement
- Board Resolution/Founding agreement

Proof of registration and licensing of vehicle.

Service records of vehicle/s.

Form 6A

LETTER OF REFERRAL ADDRESSED TO RELEVANT PRE/PLANNING AUTHORITY

FORM 6A PAGE 1

NATIONAL PUBLIC TRANSPORT REGULATOR
LETTER OF REFERRAL ADDRESSED TO RELEVANT PRE/PLANNING AUTHORITY

ADDRESSEE:

1. Relevant PREs
   Date: [**********]
   OL Ref number: [**********]
   Contact Person: [**********]
   Tel: [**********]
   Fax: [**********]
   Email: [**********]

2. Relevant Planning authorities

REQUEST TO PROVINCIAL REGULATORY ENTITY/PLANNING AUTHORITY FOR RECOMMENDATIONS/COMMENTS: CONCERNING AN APPLICATION IN CONNECTION WITH AN OPERATING LICENCE

Dear Sir/Madam

In accordance with the National Land Transport Act, 2009 (Act No. 5 of 2009), the following application has been made in connection with an operating licence for the provision of public transport services:

[Name of Applicant] has made an application for the [granting/renewal/amendment/transfer/conversion] of an operating licence or permit to provide Interprovincial public transport services.

You are requested to supply your recommendations and comments regarding this application.

The attached application form contains all of the necessary information that will allow you to make the appropriate recommendations and/or comments.

If no response is received from your institution within the allocated time, then the NPTR may proceed to process and decide upon the application without your input.

Please supply your recommendation by no later than [dd/mm/yyyy].

Yours sincerely

[Insert Name and designation]

[Signature]

On behalf of the National Public Transport Regulator

Form 7A

Referral of application to NPTR in terms of section 21 (4) of the Act
Referral of application to NPTR in terms of section 21 (4) of the Act

* Please note that an applicant may only refer their application to the NPTR if the application has not been processed within 60 days of its receipt by the PRE.

Date application lodged with Provincial Regulator Entity

| Y | Y | Y | M | M | D | D |

Reference number issued to applicant

Receipt number issued to applicant

Provincial Regulatory Entity where application was lodged

Provide full reasons for submitting the application to the NPTR

*(Attach on a separate page if the space provided is not sufficient)

SECTION A

PARTICULARS OF APPLICANT

Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

| RSA identity document | Temporary identity certificate |
| Passport | Foreign identity document |
| Founding statement | Certificate of incorporation |
| Memorandum of Understanding | Partnership Agreement |
**Identity no. / passport no. / business registration number**

**Trade name (if applicable)**

**Type of business**

**Postal address and code**

**Postal code**

**Street address (if different from postal address) Domicilium citandi et executandi**

**Telephone number(s)**

**Code**

**Facsimile number (if any)**

**Code**

**E-Mail address (if any)**

### SECTION B

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

**Surname**

**First names (not more than 3)**

**Identity number**

**Type of identification**

- RSA identity document
- Passport
- Other (specify)

**Telephone number**

**Code**

**Cell number**
DECLARATION

I, the undersigned (full name) certify that the information furnished in this application form is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

Signature Date

Name of person

Name of legal entity (if applicable)

Form 8A

LICENCE HOLDER PARTICULARS

DEPARTMENT OF TRANSPORT
OPERATING LICENCE

Issued in terms of and subject to the provisions of the National Land Transport, 2000 (Act No. 22 of 2000), subject to the particulars and conditions set out below

LICENCE HOLDER PARTICULARS

Association Name  Association Name
RAS Registration No.  RAS Registration No.
Operating Licence Number  Operating Licence Number
Application Number  Application Number
ID-number  ID-number
Name  Name
Address  Address

VEHICLE PARTICULARS

Vehicle Registration Number  Vehicle Registration Number
ANNEXURE 1

Issued in conjunction with the following Public Operating Licence Number:

This Operating Licence authorises and is restricted to the conveyance as set out in the following description (where applicable):

The conveyance of:

National Route Code:
Board Route Code:
Origin:
Destination:
Description

National Route Code:
Board Route Code:
Origin:
Destination:
Description
National Route Code:
Board Route Code:
Origin:
Destination:
Description

CONTRACTED SERVICE (IF APPLICABLE)

Type of contract:
Contract reference number:
Names and address of parties in the contract:
FORM 8A PAGE 4

AUTHORIZED RANKS AND TERMINALS:

Authorized ranks and / or terminals and other Points for picking up and setting down of Passengers

TIME TABLES (in the case of scheduled services)

The applicable time tables are attached as annexures

SERVICE CONDITIONS IMPOSED BY THE BOARD

This operating Licence is issued subject to the following conditions:

Date of issue of Operating Licence:

Form 1B

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

FORM 1B PAGE 1

*PROVINCIAL LOGO*

********PROVINCIAL REGULATORY ENTITY

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

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT
SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

<table>
<thead>
<tr>
<th>Application type</th>
<th>Compulsory sections to be completed by applicant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Transfer of an operating licence or permit</td>
<td>A, B, C, D, E, F, G, H, K, L</td>
</tr>
<tr>
<td>3) Amendment of an operating licence or permit for:</td>
<td>A, B, C, D, F, G, H, K, L</td>
</tr>
<tr>
<td>(a) Additional authority</td>
<td></td>
</tr>
<tr>
<td>(b) Amendment of route or area</td>
<td></td>
</tr>
<tr>
<td>(c) Change of particulars</td>
<td></td>
</tr>
<tr>
<td>(d) Amendment of timetables, tariffs or other conditions</td>
<td></td>
</tr>
<tr>
<td>(e) Replace existing vehicle</td>
<td></td>
</tr>
<tr>
<td>(f) OL for recapitalized vehicle</td>
<td></td>
</tr>
<tr>
<td>4) Renewal of an operating licence or permit</td>
<td>A, B, C, D, F, G, H, K, L</td>
</tr>
<tr>
<td>5) Conversion of a permit to an operating licence</td>
<td>A, B, C, D, F, G, H, K, L</td>
</tr>
</tbody>
</table>

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

<table>
<thead>
<tr>
<th>RSA identity document</th>
<th>Temporary identity certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passport</td>
<td>Foreign identity document</td>
</tr>
</tbody>
</table>

*Attach a certified copy

Identity no. / passport no. / business registration number
**Trade name (if applicable)**

**Type of business**

**Postal address and code**

**Postal code**

**Street address (if different from postal address) ** *Domicilium citandi et executandi*

**Postal code**

**Telephone number(s)**

**Code**

**Facsimile number (if any)**

**Code**

**E-Mail address (if any)**

**Income tax registration number**

[Attach an original Tax Clearance Certificate]

**SECTION C (Compulsory for all application types)**

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

**Surname**

**First names (not more than 3)**

**Identity number**

**Type of identification**

<table>
<thead>
<tr>
<th>RSA identity document</th>
<th>Passport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

**Telephone number**

**Code**

**Cell number**

**SECTION D (Compulsory for all application types 2, 3, 4 and 5)**

**PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (in the case of an application for renewal, amendment, transfer or conversion)**
### Operating licence number/permit number

### REGULATORY ENTITY which issued the operating licence/permit

### Date of issue

<table>
<thead>
<tr>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>M</th>
<th>M</th>
<th>D</th>
<th>D</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Expiry date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
</tr>
</tbody>
</table>

### FORM 1B PAGE 3

**SECTION E (Compulsory for application type 2)**

**PARTICULARS OF PERSON OR ENTITY TO WHICH THE OPERATING LICENCE IS TO BE TRANSFERRED (in the case of an application for transfer)**

**Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor**

<table>
<thead>
<tr>
<th>Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor</th>
</tr>
</thead>
</table>

**First names, if sole proprietor (not more than 3)**

<table>
<thead>
<tr>
<th>First names, if sole proprietor (not more than 3)</th>
</tr>
</thead>
</table>

**Type of identification (attach certified copies)**

<table>
<thead>
<tr>
<th>Type of identification</th>
<th>RSA identity document</th>
<th>Temporary identity certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passport</td>
<td></td>
<td>Foreign identity document</td>
</tr>
<tr>
<td>Founding statement</td>
<td></td>
<td>Certificate of incorporation</td>
</tr>
<tr>
<td>Founding agreement</td>
<td></td>
<td>Partnership Agreement</td>
</tr>
</tbody>
</table>

**Identity no. / business registration number**

<table>
<thead>
<tr>
<th>Identity no. / business registration number</th>
</tr>
</thead>
</table>

**Trade name (if applicable)**

<table>
<thead>
<tr>
<th>Trade name (if applicable)</th>
</tr>
</thead>
</table>

**Type of business**

<table>
<thead>
<tr>
<th>Type of business</th>
</tr>
</thead>
</table>

**Postal address and code**

<table>
<thead>
<tr>
<th>Postal address and code</th>
<th>Postal code</th>
</tr>
</thead>
</table>

**Street address (if different from postal address) Domicilium citandi et executandi**

<table>
<thead>
<tr>
<th>Street address (if different from postal address) Domicilium citandi et executandi</th>
<th>Postal code</th>
</tr>
</thead>
</table>

**Telephone number(s)**

<table>
<thead>
<tr>
<th>Telephone number(s)</th>
<th>Code</th>
</tr>
</thead>
</table>
**SECTION F (Compulsory for all application types)**

**TYPE OF PUBLIC TRANSPORT SERVICE**

[Tick type of service: it may be necessary to tick more than one]

<table>
<thead>
<tr>
<th>Type of service</th>
<th>Scheduled bus service</th>
<th>Minibus taxi-type service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff service</td>
<td></td>
<td>Charter service</td>
</tr>
<tr>
<td>Courtesy service</td>
<td></td>
<td>Metered taxi service</td>
</tr>
<tr>
<td>Scholar service</td>
<td></td>
<td>Other service</td>
</tr>
</tbody>
</table>

*Please attach a certified copy of the contract between the operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.

* Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Number of passengers that will be carried

In the case of a long-distance service, state why passengers cannot use existing transport services and motivate why the proposed service is necessary (supporting documents may be attached)

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?
**SECTION G**

**PARTICULARS OF ROUTES**

*(Not applicable for Charter Services and Metered Taxis)*

Describe the FIRST route in detail:

<table>
<thead>
<tr>
<th>Departure point</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Destination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or landmarks for each city, town, village or settlement: vague route descriptions will not be accepted)

<table>
<thead>
<tr>
<th>Route description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Describe the SECOND route in detail (Complete for application of additional service)

<table>
<thead>
<tr>
<th>Departure point</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Destination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or landmarks for each city, town, village or settlement: vague route descriptions will not be accepted)

<table>
<thead>
<tr>
<th>Route description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>
[If there are more routes, they must be described on a separate sheet of paper]

In the case of Metered Taxis please describe the area which will be serviced:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>

SECTION H (Compulsory for all application types)

**AUTHORISED RANKS AND TERMINALS**

State the authorised ranks and terminals used or to be used:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>

SECTION I

**PARTICULARS OF CONTRACT (in the case of a contracted service)**

A certified copy of the contract is to be attached. (Note: Only contracts with National, Provincial or local sphere of government)

<table>
<thead>
<tr>
<th>Type of contract</th>
<th>Commercial service contract</th>
<th>Subsidised service contract</th>
<th>Negotiated contract</th>
</tr>
</thead>
</table>

Contract reference number

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
</table>

Names of parties to the contract

1

2

Addresses of parties to the contract

<table>
<thead>
<tr>
<th>Postal code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Postal code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Name of sub-contractor (if applicable)
### SECTION J

**TIME TABLES (in the case of a scheduled service)**

The applicable (current) time tables are attached as Annexure.

Yes  No

### SECTION K (Compulsory for all application types)

**DECLARATION**

I, the undersigned (full name)

**certify that the information furnished in this application form is true and correct.**

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

**Signature**  
**Date**

**Name of person**

**Name of legal entity (if applicable)**

### SECTION L (Compulsory for all application types)

**VEHICLE DETAILS**

For a new application please indicate the type of vehicle/s that you intend to purchase (if no vehicle is owned at present):

* Please note that operating licences are granted per vehicle. Therefore, the applicant is required to pay the fee for each vehicle listed in this application. If applications are made for more than three (3) vehicles please attach a separate page containing the details below.

<table>
<thead>
<tr>
<th>Type</th>
<th>No.</th>
<th>Seating capacity</th>
<th>Number of vehicles to be purchased</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor car</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minibus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Midibus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Vehicle 1:

- **Vehicle registration number**
- **Vehicle identification number (VIN)**
- **Type of vehicle**
- **Year of manufacture**
- **Make of Vehicle**
- **Number of passengers to be carried**
- **Number of kilometers travelled**
- **Already purchased?**

### Vehicle 2:

- **Vehicle registration number**
- **Vehicle identification number (VIN)**
- **Type of vehicle**
- **Year of manufacture**
- **Make of Vehicle**
- **Number of passengers to be carried**
- **Number of kilometers travelled**
- **Already purchased?**

### Vehicle 3:

- **Vehicle registration number**
- **Vehicle identification number (VIN)**
- **Type of vehicle**
- **Year of manufacture**
- **Make of Vehicle**
- **Number of passengers to be carried**
SECTION M – FOR OFFICIAL USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions

*Or attach conditions imposed as a schedule

Date of issue

Signature of designated official of Regulatory Entity

FORM 1B PAGE 8

OPERATING LICENCE PARTICULARS

Operating Licence 1

Operating Licence number

Valid from

Valid to

Captured application details on OLAS

Date submitted to Publications

Date referred to PREs and Planning Authority

Operating Licence 2

Operating Licence number
Valid from
YYYY MM DD

Captured application details on OLAS
YYYY MM DD

Date submitted to Publications
YYYY MM DD

Date referred to PREs and Planning Authority
YYYY MM DD

Operating Licence 3

Operating Licence number

Valid from
YYYY MM DD

Captured application details on OLAS
YYYY MM DD

Date submitted to Publications
YYYY MM DD

Date referred to PREs and Planning Authority
YYYY MM DD

* In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

FORM 1B PAGE 9

FOR OFFICE USE ONLY

Date Application received
YYYY MM DD

Captured application details on OLAS
YYYY MM DD

Reference number

Receipt number
Form 2B

LETTER OF REFERRAL ADDRESSED TO RELEVANT PLANNING AUTHORITY

FORM 2B PAGE 1

 desi}

A certified copy of one of the following: RSA Identity Document
Passport
Temporary RSA Identity Document
Foreign Identity Document
Partnership Agreement
Board Resolution/Founding agreement
Valid Tax Clearance Certificate.
Valid vehicle licence and registration
Written consent of transferor in the case of a transfer and a certified copy of transferor’s operating licence or permit.
Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Labour.
Letter or document of recommendation in support of the application (if any).

Address: [**********]

Date: [*******]


Form 2B

LETTER OF REFERRAL ADDRESSED TO RELEVANT PLANNING AUTHORITY

FORM 2B PAGE 1

(ISERT COAT OF ARMS/LOGO)

(ISERT PROVINCE) PROVINCIAL REGULATORY ENTITY

LETTER OF REFERRAL ADDRESSED TO RELEVANT PLANNING AUTHORITY

ADDRESS: [**********]
REQUEST TO PLANNING AUTHORITY FOR RECOMMENDATIONS/COMMENTS: CONCERNING AN APPLICATION IN CONNECTION WITH AN OPERATING LICENCE

Dear Sir/Madam

In accordance with the National Land Transport Act, 2009 (Act No. 5 of 2009) the following application has been made in connection with an operating licence for the provision of public transport services:

[Name of Applicant] has made an application for the [granting/renewal/amendment/transfer/conversion] of an operating licence or permit in your area.

You are requested to supply your recommendations and comments regarding this application.

The attached application form contains all of the necessary information that will allow for you to make the appropriate recommendations and/or comments.

If no response is received from your institution within the allocated time, then the [Province] Provincial Regulatory Entity may proceed to process and decide upon the application without your input.

Please supply your recommendation by no later than [dd/mm/yyyy].

Yours sincerely

[Insert Name and designation]

[Signature]

On behalf of the [Province] Provincial Regulatory Entity

Form 1C

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

FORM 1C PAGE 1
## APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

### SECTION A (Compulsory for all application types)

#### TYPE OF APPLICATION

This application is for:

<table>
<thead>
<tr>
<th>Application type</th>
<th>Compulsory sections to be completed by applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Transfer of an operating licence or permit</td>
<td>A, B, C, D, E, F, G, H, K, L</td>
</tr>
<tr>
<td>3) Amendment of an operating licence or permit for:</td>
<td></td>
</tr>
<tr>
<td>(a) Additional authority</td>
<td></td>
</tr>
<tr>
<td>(b) Amendment of route or area</td>
<td></td>
</tr>
<tr>
<td>(c) Change of particulars</td>
<td></td>
</tr>
<tr>
<td>(e) Amendment of timetables, tariffs or other conditions</td>
<td></td>
</tr>
<tr>
<td>(f) Replace existing vehicle</td>
<td></td>
</tr>
<tr>
<td>(g) OL for recapitalized vehicle</td>
<td></td>
</tr>
<tr>
<td>4) Renewal of an operating licence or permit</td>
<td>A, B, C, D, F, G, H, K, L</td>
</tr>
<tr>
<td>5) Conversion of a permit to an operating licence</td>
<td>A, B, C, D, F, G, H, K, L</td>
</tr>
</tbody>
</table>

### SECTION B (Compulsory for all application types)

#### PARTICULARS OF APPLICANT

<table>
<thead>
<tr>
<th>Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor</th>
</tr>
</thead>
<tbody>
<tr>
<td>First names, if sole proprietor (not more than 3)</td>
</tr>
<tr>
<td>Type of identification</td>
</tr>
<tr>
<td>Identity no. / passport no. / business registration number</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trade name (if applicable)</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Type of business</th>
<th></th>
</tr>
</thead>
</table>

| Postal address and code |  |

| Street address (if different from postal address) Domicilium citandi et executandi |  |

| Telephone number(s) | Code |

| Facsimile number (if any) | Code |

| E-Mail address (if any) |  |

| Income tax registration number |  |

| [Attach an original Tax Clearance Certificate] |  |

**SECTION C (Compulsory for all application types)**

**PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON**

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

<table>
<thead>
<tr>
<th>Surname</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>First names (not more than 3)</th>
<th></th>
</tr>
</thead>
</table>

| Identity number |  |

| Type of identification | RSA identity document | Passport |
SECTION D (Compulsory for application types 2, 3, 4 and 5)

PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (in the case of an application for renewal, amendment, transfer or conversion)

Operating licence number/permit number

REGULATORY ENTITY which issued the operating licence/permit

Date of issue

Expiry date

YYYY MM DD YYYY MM DD

Attach a certified copy of operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence.

SECTION E (Compulsory for application type 2)

PARTICULARS OF PERSON OR ENTITY TO WHICH THE OPERATING LICENCE IS TO BE TRANSFERRED (in the case of an application for transfer)

Name of company, partnership, corporation or other legal entity, or surname in the case of a sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

(attach certified copies)

RSA identity document

Temporary identity certificate

Passport

Foreign identity document

Founding statement

Certificate of incorporation

Founding agreement

Partnership Agreement

Identity no. / business registration number

Trade name (if applicable)

Type of business
### Postal address and code

<table>
<thead>
<tr>
<th>Postal code</th>
</tr>
</thead>
</table>

### Street address (if different from postal address) *Domicilium citandi et executandi*

<table>
<thead>
<tr>
<th>Postal code</th>
</tr>
</thead>
</table>

### Telephone number(s)

<table>
<thead>
<tr>
<th>Code</th>
</tr>
</thead>
</table>

### Facsimile number (if any)

<table>
<thead>
<tr>
<th>Code</th>
</tr>
</thead>
</table>

### E-Mail address (if any)

### Income tax registration number

* Attach original Tax Clearance Certificate
* Include written consent of transferor

### SECTION F (Compulsory for all application types)

#### TYPE OF PUBLIC TRANSPORT SERVICE

<table>
<thead>
<tr>
<th>Scheduled bus service</th>
<th>Minibus taxi-type service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff service</td>
<td>Charter service</td>
</tr>
<tr>
<td>Courtesy service</td>
<td>Metered taxi service</td>
</tr>
</tbody>
</table>

* Please attach a certified copy of the contract between the operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.

* Please attach certified copies of the professional driving permits of all the drivers to be used for this service.

### Other type of service (describe)

### Number of passengers that will be carried
In the case of a long-distance service, state why passengers cannot use existing transports services and motivate why the proposed service is necessary (supporting documents may be attached).

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

YES | NO

If NO, give reasons

* Any recommendations or documentation in support of this application may be attached.

SECTION G

PARTICULARS OF ROUTES
(Not applicable for Charter Services and Metered Taxis)

Describe the FIRST route in detail:

Departure point

Destination

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or landmarks for each city, town, village or settlement: vague route descriptions will not be accepted)

Describe the SECOND route in detail (Complete for application of additional service)

Departure point

Destination
Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or landmarks for each city, town, village or settlement: vague route descriptions will not be accepted)

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

[If there are more routes, they must be described on a separate sheet of paper]

In the case of Metered Taxis please describe the area which will be serviced:

<table>
<thead>
<tr>
<th>Area description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

SECTION H (Compulsory for all application types)

AUTHORISED RANKS AND TERMINALS

State the authorised ranks and terminals used or to be used

<table>
<thead>
<tr>
<th>Rank/Terminal</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
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</tbody>
</table>

SECTION I

PARTICULARS OF CONTRACT (in the case of a contracted service)

A certified copy of the contract is to be attached. (Note: Only contracts with National, Provincial or local sphere of government)

<table>
<thead>
<tr>
<th>Type of contract</th>
<th>Commercial service contract</th>
<th>Subsidised service contract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Negotiated contract

<table>
<thead>
<tr>
<th>Contract reference number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Names of parties to the contract

1

2

<table>
<thead>
<tr>
<th>Names of parties to the contract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
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<td></td>
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</tbody>
</table>

Addresses of parties to the contract

1

<table>
<thead>
<tr>
<th>Addresses of parties to the contract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<tr>
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</tbody>
</table>
SECTION J

TIME TABLES (in the case of a scheduled service)

The applicable (current) time tables are attached as Annexure.

Yes  No

SECTION K (Compulsory for all application types)

DECLARATION

I, the undersigned (full name)
certify that the information furnished in this application form is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

Signature  Date

Name of person

Name of legal entity (if applicable)

SECTION L (Compulsory for all application types)

VEHICLE DETAILS
For a new application please indicate the type of vehicle/s that you intend to purchase (if no vehicle is owned at present):

* Please note that operating licences are granted per vehicle. Therefore, the applicant is required to pay the fee for each vehicle listed in this application. If applications are made for more than three (3) vehicles please attach a separate page containing the details below.

<table>
<thead>
<tr>
<th>Type</th>
<th>No.</th>
<th>Seating capacity</th>
<th>Number of vehicles to be purchased</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor car</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minibus</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Midibus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Vehicle 1:**
- Vehicle registration number
- Vehicle identification number (VIN)
- Type of vehicle
- Year of manufacture
- Make of Vehicle
- Number of passengers to be carried
- Number of kilometers travelled
- Already purchased? YES NO

**Vehicle 2:**
- Vehicle registration number
- Vehicle identification number (VIN)
- Type of vehicle
- Year of manufacture
- Make of Vehicle
- Number of passengers to be carried
- Number of kilometers travelled
- Already purchased? YES NO

**Vehicle 3:**
- ________________________________
| **Vehicle registration number** |  |
| **Vehicle identification number (VIN)** |  |
| **Type of vehicle** |  |
| **Year of manufacture** |  |
| **Make of Vehicle** |  |
| **Number of passengers to be carried** |  |

**Already purchased?**  
[YES]  [NO]

**SECTION M – FOR OFFICIAL USE ONLY**

**OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)**

This operating licence is issued subject to the following conditions

*Or attach conditions imposed as a schedule

**Date of issue**  
YYYY MM DD

**Signature of designated official of Regulatory Entity**

**FORM 1C PAGE 8**

**OPERATING LICENCE PARTICULARS**

**Operating Licence 1**

**Operating Licence number**  

**Valid from**  
YYYY MM DD

**Valid to**  
YYYY MM DD

**Captured application details on OLAS**  
YYYY MM DD
**Operating Licence 2**

Operating Licence number

Valid from

Valid to

Captured application details on OLAS

Date submitted to Publications

Date referred to PREs and Planning Authority

*In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.*

---

**Operating Licence 3**

Operating Licence number

Valid from

Valid to

Captured application details on OLAS

Date submitted to Publications

Date referred to PREs and Planning Authority

---

* In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.
<table>
<thead>
<tr>
<th><strong>CHECKLIST</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>A certified copy of one of the following:</th>
<th>RSA Identity Document</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Passport</td>
</tr>
<tr>
<td></td>
<td>Temporary RSA Identity Document</td>
</tr>
<tr>
<td></td>
<td>Foreign Identity Document</td>
</tr>
<tr>
<td></td>
<td>Partnership Agreement</td>
</tr>
<tr>
<td></td>
<td>Board Resolution/Founding agreement</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Valid Tax Clearance Certificate.</th>
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<table>
<thead>
<tr>
<th>Valid vehicle licence and registration.</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Written consent of transferor in the case of a transfer and a certified copy of transferor’s operating licence or permit.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Labour.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Letter or document of recommendation in support of the application (if any).</th>
</tr>
</thead>
</table>
Form 1D

APPLICATION FOR DUPLICATE OPERATING LICENCE, PERMIT OR DECAL

DEPARTMENT OF TRANSPORT
National Public Transport Regulator / Provincial Regulatory Entity / Municipal Regulatory Entity

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

APPLICATION FOR DUPLICATE OPERATING LICENCE, PERMIT OR DECAL

Request for duplicate (Check applicable box):

Operating licence

 Permit

 Decal

* Attach original operating licence, permit or decal.
* If you are no longer in possession of the operating licence, permit or decal an affidavit must be supplied with the application giving the reasons why you are unable to submit it.

SECTION A

PARTICULARS OF APPLICANT

Name of company, partnership, corporation or other legal entity, or sole proprietor

First names, if sole proprietor (not more than 3)

Postal address and code

Street address (if different from postal address) Domicilium citandi et executandi

Postal code
<table>
<thead>
<tr>
<th><strong>Telephone number</strong></th>
<th>Code</th>
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<tr>
<th><strong>Facsimile number (if any)</strong></th>
<th>Code</th>
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<tr>
<th><strong>E-Mail address (if any)</strong></th>
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<table>
<thead>
<tr>
<th><strong>Number of operating licence or permit</strong></th>
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<table>
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<tr>
<th><strong>Date of expiry of OL or permit</strong></th>
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<table>
<thead>
<tr>
<th><strong>Board/ Regulatory Entity that issued operating licence or permit</strong></th>
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---

**SECTION B (Compulsory for all application types)**

**DECLARATION**

I, the undersigned (full name),

certify that the information furnished in this application form is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

**Signature**

**Date**

**Name of person**

**Name of legal entity (if applicable)**
**APPLICATION FOR TEMPORARY REPLACEMENT OF VEHICLE**

Requested period for replacement of vehicle

<table>
<thead>
<tr>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>M</th>
<th>M</th>
<th>D</th>
<th>D</th>
<th>until</th>
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</tr>
</tbody>
</table>

**SECTION A**

**PARTICULARS OF APPLICANT**

Name of company, partnership, corporation or other legal entity, or sole proprietor

Postal address and code

Domicilium citandi et executandi

Postal code

Telephone number

Facsimile number (if any)

E-Mail address (if any)

Number of existing operating licence

Date of expiry of OL or permit

<table>
<thead>
<tr>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>M</th>
<th>M</th>
<th>D</th>
<th>D</th>
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<tbody>
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</tbody>
</table>

Board/ Regulatory Entity that issued operating licence or permit
**SECTION B**

**TYPE OF PUBLIC TRANSPORT SERVICE**

[Tick type of service: it may be necessary to tick more than one]

<table>
<thead>
<tr>
<th>Type of service</th>
<th>Scheduled bus service</th>
<th>Minibus taxi-type service</th>
<th>Staff service</th>
<th>Charter service</th>
<th>Courtesy service</th>
<th>Metered taxi service</th>
<th>Other service</th>
</tr>
</thead>
</table>

Other type of service (describe)

Number of passengers that will be carried

**SECTION C**

**VEHICLE DETAILS**

**Vehicle to be replaced:**

- Vehicle registration number
- Type of vehicle
- Year of manufacture
- Make of Vehicle
- Number of passengers to be carried
- Vehicle seating capacity

**Replacement Vehicle:**

- Vehicle registration number
- Type of vehicle
- Year of manufacture
<table>
<thead>
<tr>
<th>Make of vehicle</th>
<th>Number of passengers to be carried</th>
<th>Vehicle seating capacity</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>FOR OFFICE USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Application received: Y Y Y Y M M D D</td>
</tr>
<tr>
<td>Reference number</td>
</tr>
<tr>
<td>Amount Paid: R</td>
</tr>
<tr>
<td>Official's name</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TEMPORARY VEHICLE REPLACEMENT PARTICULARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid from: Y Y Y Y M M D D</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHECKLIST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proof of registration and licencing of vehicle to be replaced.</td>
</tr>
<tr>
<td>Valid vehicle registration and licence incorporating road worthiness of replacement vehicle.</td>
</tr>
</tbody>
</table>

Form 3D

FORM OF SUBPOENA REQUIRING A PERSON TO APPEAR BEFORE THE NPTR/PRE/MRE

DEPARTMENT OF TRANSPORT
NATIONAL PUBLIC TRANSPORT REGULATOR / PROVINCIAL REGULATORY ENTITY / MUNICIPAL REGULATORY ENTITY
FORM OF SUBPOENA REQUIRING A PERSON TO APPEAR BEFORE THE NPTR/PRE/MRE

NOTICE

Name

Residential Address

Postal Code

You are hereby requested and directed to appear personally before the NPTR/PRE/MRE at:

(place)
(day)
(date)

to testify and declare what you know with regard to:


and to bring the following for submission to the NPTR/PRE/MRE:


SIGNED AT on this day of 20

AUTHORISED OFFICIAL OF THE OFFICE OF THE NPTR/PRE/MRE

FOR OFFICE USE ONLY

I certify that I have served this notice on the above-named person by-

[ * Delete whichever is not applicable + Tick appropriate one.]

* delivering a true copy to him/her personally


Form 4D

APPLICATION BY HIRER OF VEHICLE TO CERTIFY IT FOR USE BY TOURIST TRANSPORT OPERATOR IN TERMS OF SECTION 84 (2) OF THE ACT

SIGNED AT on this day of 20

and at the same time informing him/her of the nature thereof.

SIGNATURE OF AUTHORISED OFFICER

SECTION A

PARTICULARS OF APPLICANT

Name of company, partnership, corporation or other legal entity, or sole proprietor

First names, if sole proprietor (not more than 3)

Postal address and code
Postal code | 
Street address (if different from postal address) Domicilium citandi et executandi | 
Telephone number | Code | 
Facsimile number (if any) | Code | 
E-Mail address (if any) | 
Number of existing operating licence | 
Date of expiry of OL or permit | 
Board/Regulatory Entity that issued operating licence or permit | 

SECTION B

VEHICLE DETAILS

An application is hereby made to certify the following vehicles in terms of Section 84 of the Act:

Vehicle 1:
Vehicle registration number | 
Vehicle identification number (VIN) | 
Type of vehicle | 
Year of manufacture | 
Make of Vehicle | 
Number of passengers to be carried | 

SECTION C

DECLARATION

I, the undersigned (full name)
I certify that the information furnished in this form is true and correct.

I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

Signature Date

Name of person

Name of legal entity (if applicable)

FOR OFFICE USE ONLY

Date Application received

Reference number

Amount Paid

Official's name

Certificate number

Date certificate issued

CHECKLIST

A certified copy of one of the following:
- RSA Identity Document
- Passport
- Temporary RSA Identity Document
- Foreign Identity Document
- Partnership Agreement
- Board Resolution/Founding agreement

Proof of registration and licencing of vehicles.

Form 5D

FORM OF WRITTEN AUTHORISATION FOR THE TEMPORARY REPLACEMENT OF A VEHICLE
FORM OF WRITTEN AUTHORISATION FOR THE TEMPORARY REPLACEMENT OF A VEHICLE

[Name of Operator] [ID/Registration number] who is the holder of operating licence/permit number [**********], is hereby authorised to replace the vehicle with the registration number [******] with the vehicle with the registration number [*******] for the period [dd/mm/yyyy] until [dd/mm/yyyy].

[Signature]

Signed by official on behalf of [Regulatory Entity]

[Insert Name and designation]

OFFICIAL STAMP

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GNR.511 of 17 June 2011: Regulations relating to Integrated Fare Systems (Government Gazette No. 34363)

DEPARTMENT OF TRANSPORT

The Minister of Transport has under section 8 (1) (b) of the National Land Transport Act, 2009 (Act No. 5 of 2009), and in consultation with the MEC’s for Transport made the Regulations in the Schedule.

These Regulations are published for general information and compliance.

(Signed)
S’busiso J Ndebele
Minister of Transport
Date: 2011-05-27

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Purpose of Regulations
1. Definitions.—In these Regulations, any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and unless the context otherwise indicates—

“**AFC**” means automated fare collection;

“**AFC data structure**” means the automated fare collection data structure, which utilises specific tags on the EMV chip of bank issued fare media for electronically recording and retrieving public transport-related data;

“**AFC Guideline**” means the automated fare collection guideline document, which includes the—

(a) AFC Data Structure; and

(b) MIOS for Information Systems in Government,

and which is obtainable from the Department;

“**AFC system**” means the automated fare collection system, which—

(a) enables the electronic collection of public transport fares and associated data; and

(b) comprises a bank issued fare media system;

“**Bank Issued Fare Media**” means a participating bank issued payment instrument based on EMV specifications and conforming to the requirements of the AFC data structure;

“**Bank Issued Fare Media System**” means a fare collection system, which comprises—

(a) a payment instrument distribution network and value loading infrastructure;

(b) an electronic payment transaction clearing and settlement function;

(c) a payment transaction initiation and acceptance infrastructure and acquiring function; and

(d) associated information systems utilised for the management and analysis of fare schedules and data so collected and their conversion into information;

“**EMV**” means the integrated circuit card specifications for chip-based bank issued fare media and point of sale (“POS”) acceptance devices;

“**EMVCo**” means the independent organisation formed in 1999 by the EMV card associations to manage and enhance the EMV specifications;

“**EMV specifications**” means the specifications managed and enhanced by EMVCo, which cover elements such as general physical characteristics of terminals, the terminal-card interface, including contactless interface for initiating payment transactions, transaction processing, data management and data security;

“**ITS**” means intelligent transport systems;

“**legacy AFC system**” means any existing AFC system, whether fully operational or not, of which the banking industry does not form part through any bank issued fare media;

“**MIOS for Information Systems in Government**” means Minimum Interoperability Standards for the Public Service, issued in terms of Chapter 5, Part III, regulation B.1 of the Public Service Regulations, 2001, as published in Government Notice No. R.1346 of 1 November 2002 as amended from time to time;

“**participating banks**” means banks which are members of the Payments Association of South Africa and the relevant payment clearing house;
“payment clearing house” means a payment clearing house as defined in section 1 of the National Payment System Act, 1998 (Act No. 78 of 1998);

“Payments Association of South Africa” means the payment system management body recognised by the Reserve Bank in terms of section 3 of the National Payment System Act, 1998;

“STANSA SC71H Committee” means the technical subcommittee responsible for developing new standards or amending existing standards for ITS in terms of the Standards Act, 2008 (Act No. 29 of 2008);

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

2. Purpose of Regulations.—(1) The AFC system for any public transport service must comply with the requirements contemplated in these Regulations.

(2) The requirements must be read together with the AFC guideline.

(3) In the event of any inconsistency between these Regulations and the AFC guideline, these Regulations shall prevail.

3. Requirements for AFC system implementation in public transport.—The following minimum requirements apply to AFC system implementation in public transport—

(a) To achieve an integrated AFC system for public transport that is compatible nationally—

(i) AFC must be made through any bank issued fare media;

(ii) AFC must be interoperable through all participating banks;

(iii) clearing and settlement of payment transactions must take place through the National Payment System in accordance with the National Payment System Act, 1998 (Act No. 78 of 1998);

(iv) passengers with a suitable bank account must be able to use bank issued fare media obtained as a result of their relationship with any participating bank;

(v) passengers without a suitable bank account must be able to obtain prepaid stored value bank issued fare media from a participating bank or a third party card issuer operating in conjunction with the participating bank;

(vi) the payment system must adhere to the banking and payment regulatory framework; and

(vii) the AFC data structure must be loaded onto all bank issued fare media;

(b) occasional or infrequent passengers of public transport services which have implemented AFC may be able to obtain a prepaid single trip ticket from the public transport operator who is providing the single trip public transport service or any third party operating in conjunction with that operator: Provided that—

(i) the prepaid single trip ticket is issued exclusively for the redemption of the single trip public transport service provided by that operator;

(ii) the prepaid single trip ticket consists of any appropriate fare media and not necessarily a bank issued fare media; and

(iii) the prepaid single trip ticket is non-reloadable;

(c) in the transportation data system for those public transport services that have implemented AFC—

(i) public transport data must be collected electronically through the AFC system concurrently with the payment or redemption transaction;

(ii)
(iii) data must be collected for planning and operational purposes, and must include data per transaction on location, fare and passenger;

(iv) the database must enable the extraction of suitable data by the relevant organ of state for planning, monitoring, subsidy management and related purposes; and

(v) the data system must comply with the MIOS for Information Systems in Government;

(d) the AFC system must be flexible to accommodate fare structures based on local needs, but must be aligned with any national fare policy, which may be adopted from time to time;

(e) the AFC system must comply with the relevant standards endorsed by the STANSA SC71H Committee, which conform to these requirements, or, if there are no such standards, international non-proprietary open standards, to ensure compatibility as contemplated in section 8 (1) (b) of the Act; and

(f) legacy AFC systems, which do not comply with these requirements, must be either upgraded to comply with them or be phased out.

4. Date of compliance.—(1) After the date of publication of these Regulations, all new AFC systems in public transport services must comply with the requirements contemplated in regulation 3.

(2) Any legacy AFC system must be able to accept bank issued fare media within five years from the date of publication of these Regulations.

5. Implementation process.—(1) The AFC system implementation process must be planned in a systematic manner, taking due cognisance of technical and operational requirements.

(2) Resulting technical and functional specifications must be developed as input into the design process.

6. Short title and commencement.—These Regulations are called the Regulations relating to Integrated Fare Systems, 2011 and come into operation on the date of their publication in the Gazette.