

NATIONAL LAND TRANSPORT ACT 5 OF 2009

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PROPOSED REGULATIONS

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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)

DEPARTMENT OF TRANSPORT

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

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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;

“**I TP**” means an integrated transport plan;

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

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

2000).

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
- (c) the province or municipality, as agreed between them and the Department, may conclude a contract 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 firstmentioned 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 ring fencing, 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) “ownership control” means the ability to exercise or to influence substantially the exercise, of any of 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, 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 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) that parties must provide each other with a list of names of witnesses to be called, with a statement of the substance of their evidence and that, save with the leave of the arbitrator, no witness shall be called in respect of whom such name and summary has not been provided;
 - (viii) that the hearing should proceed on documents (including written submissions), only, without the presentation of other evidence.

(12) 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.

(13) 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.

(14) 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

Notice	Government Gazette	Date
R.398	33185	14 May 2010

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

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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 eThekweni 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;

[Definition of “host city” substituted by r. 1 (b) of GNR.398 of 14 May 2010.]

“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 to or from places of accommodation or entertainment, or 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.]

- (c)

[Para. (c) deleted by r. 2 (b) 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;

[Para. (a) substituted by r. 3 of GNR.398 of 14 May 2010.]

- (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 relevant parties in relation to the licensing of public transport operations for the Event; and
- (b) ensure that relevant timescales are met to enable such transport to function efficiently for the Event.

(2) 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**

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

Form 1 Page 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)

Name of relevant Host City

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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

<p>Interprovincial Provinces)</p> <p>Route:</p> <p>From Province (A) to A Province (B)</p>	<p>(between</p> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 10px auto;"></div> <div style="border: 1px solid black; width: 150px; height: 150px; margin: 10px auto;"> <table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="height: 30px;"></td></tr> <tr><td style="height: 30px;"></td></tr> <tr><td style="height: 30px;"></td></tr> <tr><td style="height: 30px;"></td></tr> <tr><td style="height: 30px;"></td></tr> <tr><td style="height: 30px;"></td></tr> </table> </div>																														
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<p>Request for temporary operating licence for the following period</p>		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="font-size: 20px;">/</td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="font-size: 20px;">/</td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="font-size: 20px;">to</td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="font-size: 20px;">//</td> </tr> <tr> <td style="text-align: center;">Y</td> <td style="text-align: center;">Y</td> <td style="text-align: center;">Y</td> <td style="text-align: center;">Y</td> <td></td> <td style="text-align: center;">M</td> <td style="text-align: center;">M</td> <td></td> <td style="text-align: center;">D</td> <td style="text-align: center;">D</td> <td></td> <td style="text-align: center;">Y</td> <td style="text-align: center;">Y</td> <td style="text-align: center;">YYMMDD</td> </tr> </table>						/			/			to			//	Y	Y	Y	Y		M	M		D	D		Y	Y	YYMMDD
				/			/			to			//																		
Y	Y	Y	Y		M	M		D	D		Y	Y	YYMMDD																		

SECTION A

PARTICULARS OF APPLICANT																					
<p>Name of company, partnership, corporation or other legal entity, or sole proprietor</p>	<table border="1" style="width: 100%; height: 30px; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td> </tr> </table>																				
<p>First names, if sole proprietor (not more than 3)</p>	<table border="1" style="width: 100%; height: 30px; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> </table>																				
<p>Type of identification *(Attach a certified copy)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">RSA identity document</td> <td style="width: 50%; padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Passport</td> <td style="padding: 5px;"></td> </tr> </table> </td> <td style="width: 40%; padding: 5px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Temporary identity certificate</td> <td style="width: 50%; padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Foreign identity document</td> <td style="padding: 5px;"></td> </tr> </table> </td> </tr> </table>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">RSA identity document</td> <td style="width: 50%; padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Passport</td> <td style="padding: 5px;"></td> </tr> </table>	RSA identity document		Passport		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Temporary identity certificate</td> <td style="width: 50%; padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Foreign identity document</td> <td style="padding: 5px;"></td> </tr> </table>	Temporary identity certificate		Foreign identity document											
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RSA identity document																					
Passport																					
Temporary identity certificate																					
Foreign identity document																					

	Traffic Register Number		Certificate of incorporation
	Founding statement		Partnership agreement
	Memorandum of Understanding		

Identity no. /business registration no.			
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	
		Code	
Facsimile number (if any)		Code	
		Code	
E-Mail address (if any)			
Income tax registration number			

*(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 represent it must be given:

Surname	<input type="text"/>																									
First names (not more than 3)	<input type="text"/>																									
Identity number	<input type="text"/>																									
Type of identification	RSA identity document													Passport												
	Other (specify)																									
Telephone number	<input type="text"/>													Code	<input type="text"/>											
Cell number	<input type="text"/>													Code	<input type="text"/>											

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 (Note: Only contracts with National, Provincial, Host Cities or Public Institutions)			
Contracted Services	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;"><input type="text" value="NO"/></td> </tr> </table>	YES	<input type="text" value="NO"/>
YES	<input type="text" value="NO"/>		
If yes, provide the following:			
Contract reference number	<input type="text"/>		
Names of parties to the contract	1 <input type="text"/>		
	2 <input type="text"/>		
Addresses of parties to the contract	1		
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
	Postal code		
2			
<input type="text"/>			
<input type="text"/>			
<input type="text"/>			
Postal code			
Duration of contract	From <input style="width: 40px; height: 20px;" type="text"/> / <input style="width: 40px; height: 20px;" type="text"/> / <input style="width: 40px; height: 20px;" type="text"/> to// <input style="width: 150px; height: 20px;" type="text"/> <div style="display: flex; justify-content: space-around; width: 100%;"> Y Y Y Y M M D DYYYYMMDD </div>		

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 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 of PRE

FOR OFFICE USE ONLY

Date Application received

				/			/		
Y	Y	Y	Y		M	M		E	D

Reference number

Amount Paid

R							

Official's name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

TEMPORARY OPERATING LICENCE PARTICULARS

Operating Licence 1

Operating Licence number

--	--	--	--	--	--	--	--	--	--

Valid from

				/			/			/						
Y	Y	Y	Y		M	M		D	D		Y	Y	Y	Y	M	M

Valid to

Operating Licence 2

Operating Licence number

Valid from / / Valid to / /
Y Y Y Y M M D D Y Y Y Y M M

Operating Licence 3

Operating Licence number

Valid from / / Valid to / /
Y Y Y Y M M D D Y Y Y Y M M

- * 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

Proof of registration and licencing of vehicle.

Valid Tax Clearance Certificate.

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.

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.

ADDRESSEE
Host City/Planning Authority/Public Institution

Date:[*****]

OL Reference number: [*****]

Contact Person: [*****]

Tel: [*****]

Fax: [*****]

Email: [*****]

**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

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

as amended by

Notice	Government Gazette	Date
R.399	33185	14 May 2010

DEPARTMENT OF TRANSPORT

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

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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;

“**IPT**” 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 uplifting.

(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—

- (a) proof of registration and licensing of the vehicle, with proof that a valid roadworthy certificate has been issued for the vehicle not earlier than a point in time determined by the regulatory entity;
- (b) a valid tax clearance certificate issued by the South African Revenue Services;
- (c) proof of compliance with any other condition imposed by the entity;
- (d) proof or certification of any other matter required by the entity; and
- (e) proof by showing an identity document, passport or other document acceptable to the entity that the person uplifting the licence is the applicant or, in the case of a representative, is that representative, and written proof that the representative is authorized by the applicant to uplift the licence.

(7) In the case of conversion of a permit or renewal, amendment or transfer of an operating licence or permit, the new operating licence must not be issued to the applicant unless the replaced permit or operating licence, together with its attendant decal, have been submitted to the entity.

(8) Operating licences must be issued with a decal for display on the vehicle in the manner prescribed in regulation 27.

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 land marks: 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: 40mm.
- (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: 15mm.

(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 the opinion of the NPTR, are sufficient to run his or her transport business efficiently;
- (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) name of the operator;
 - (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.
- (Editorial 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

Form 1A:	(NPTR) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
Form 2A:	Application for accreditation or renewal of accreditation by tourist transport operator
Form 3A:	Application for temporary operating licence
Form 4A:	Notification to NPTR by provider of courtesy services who is exempt from obtaining an operating licence
Form 5A:	Application by accredited tourist transport operator for certification of additional vehicles
Form 6A:	Notification from NPTR to Provincial Regulatory Entity or Planning Authority of application concerning an operating licence
Form 7A:	Referral of application to NPTR in terms of section 21 (4) of the Act
Form 8A:	Form of operating licence
Form 1B:	(PRE) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
Form 2B:	Notification to Planning Authority from PRE of application concerning an operating licence
Form 1C:	(MRE) Application for the granting, renewal, amendment, transfer or conversion of an operating licence or permit
Form 1D:	Application for a duplicate operating licence, permit or decal
Form 2D:	Application for authorization for temporary replacement of vehicle
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

<i>Regulation</i>	<i>Description</i>	<i>Fee</i>
2 (1), 3 (1), 6 (1), 7 (1), 10 (1), 11 (1), 15 (2), 16 (1)	Application for granting, renewal, amendment, transfer or conversion of an operating licence or permit	R300,00
6 (6)	Submission of application to the NPTR in terms of section 21 (4) of the Act	R300,00
17 (4) (b) and (c)	Inspection of documents or requesting copies	R50,00 per request
17 (4) (d)	Providing copies	R0,80 per folio

20	Application for temporary operating licence	R50,00
26	Application for written authorization to replace a vehicle temporarily	R50,00
28, 36 (8)	Application for duplicate operating licence or decal	R300,00
29 (3)	Notification of courtesy service to NPTR	R300,00
30 (1), 35 (1)	Application for accreditation, or renewal of accreditation of a tourist transport operator or for amendment of conditions of accreditation	R1 000,00
35 (2)	Application to certify a vehicle for tourist transport services	R300,00 per vehicle

Form 1A

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT FOR INTERPROVINCIAL SERVICES

FORM 1A

DEPARTMENT OF TRANSPORT

National Public Transport Regulator

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 FOR INTERPROVINCIAL SERVICES

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

Application type:

1) New operating licence

Compulsory sections to be completed by applicant:

A, B, C, F, G, H, K, L

2) Transfer of an operating licence or permit

A, B, C, D, E, F, G, H, K, L

A, B, C, D, F, G, H, K, L

3) Amendment of an operating licence or permit for:

(a) Additional authority

(b) Amendment of route or area

(c)	Change of particulars	<input type="text"/>	
(Editorial Note: Numbering as per original <i>Government Gazette</i> .)			
(e)	Amendment of timetables, tariffs or other conditions	<input type="text"/>	
(f)	Replace existing vehicle	<input type="text"/>	
(g)	OL for recapitalized vehicle	<input type="text"/>	
4)	Renewal of an operating licence or permit	<input type="text"/>	A, B, C, D, F, G, H, K, L
5)	Conversion of a permit to an operating licence	<input type="text"/>	A, B, C, D, F, G, H, K, L

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	<input type="text"/>
--	----------------------

First names, if sole proprietor (not more than 3)	<input type="text"/>
---	----------------------

Type of identification	RSA identity document	<input type="checkbox"/>	Temporary identity certificate	<input type="checkbox"/>
*Attach a certified copy	Passport	<input type="checkbox"/>	Foreign identity document	<input type="checkbox"/>
	Founding statement	<input type="checkbox"/>	Certificate of incorporation	<input type="checkbox"/>
	Memorandum of Understanding	<input type="checkbox"/>	Partnership Agreement	<input type="checkbox"/>

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	<input type="text"/>
--	----------------------

First names, if sole proprietor (not more than 3)	<input type="text"/>
---	----------------------

Type of identification	RSA identity document	Temporary identity certificate
*Attach a certified copy	Passport	Foreign identity document
	Founding statement	Certificate of incorporation
	Memorandum of Understanding	Partnership Agreement

Identity no. / passport no. / business registration number	<input type="text"/>
--	----------------------

Trade name (if applicable)					
Type of business					
Postal address and code					
Street address (if different from postal address) <i>Domicilium citandi et executandi</i>					
Telephone number(s)					
Facsimile number (if any)					
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	RSA identity documentPassport				
	Other (specify)				
Telephone number					
Cell number					

Identity no. / passport 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 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

RSA identity document	Passport
Other (specify)	

Telephone number

--	--	--	--	--	--

Cell number

--	--	--	--	--

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

				/	
Y	Y	Y	Y		MM

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

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 trans

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

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

<input type="checkbox"/>	Scheduled bus service	<input type="checkbox"/>	Minibus taxi-type service
--------------------------	-----------------------	--------------------------	---------------------------

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)

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 land marks 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]

In the case of Metered Taxis please describe the area which will be serviced:

SECTION H (Compulsory for all application types)

AUTHORISED RANKS AND TERMINALS

State the authorised ranks and terminals used or to be used

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)

Type of contract

Commercial service contract	<input type="checkbox"/>	Subsidised service contract
Negotiated contract	<input type="checkbox"/>	

Contract reference number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Names of parties to the contract

	1	
	2	

Addresses of parties to the contract

	1	
	2	

Name of sub-contractor (if applicable)

--

Address of sub-contractor (if applicable)

Duration of contract

From

				/		
Y	Y	Y	Y		M	M

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 of

.....
Signature

.....
Date

.....
Name of person

Name of legal entity (if applicable)

--	--	--	--	--	--	--	--	--	--

FORM 1/

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 a for more than three (3) vehicles please attach a separate page containing the details below.

Type:	No.	Seating capacity:	Number of vehicles to be purchased:
Motor car			<input type="text"/>
Minibus			
Midibus			
Bus			
Other			

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?	<input type="checkbox"/> YES <input type="checkbox"/> NO

Vehicle 2:

Vehicle registration number	
-----------------------------	--

Vehicle identification number (VIN)

.....
[Grid for VIN]

Type of vehicle

[Grid for Type of vehicle]

Year of manufacture

[Grid for Year of manufacture]

Make of Vehicle

[Grid for Make of Vehicle]

Number of passengers to be carried

[Grid for Number of passengers to be carried]

Number of kilometres travelled

[Grid for Number of kilometres travelled]

Already purchased?

YES

NO

Vehicle 3:

Vehicle registration number

[Grid for Vehicle registration number]

Vehicle identification number (VIN)

[Grid for Vehicle identification number (VIN)]

Type of vehicle

[Grid for Type of vehicle]

Year of manufacture

[Grid for Year of manufacture]

Make of Vehicle

[Grid for Make of Vehicle]

Number of passengers to be carried

[Grid for Number of passengers to be carried]

Already purchased?

YES

NO

FORM 1A

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

[Large empty box for conditions]

* Or attach conditions imposed as a schedule

Date of issue

[Grid for Date of issue: YY YY / MM / DD]

.....
Signature of designated official of Regulatory Entity

OPERATING LICENCE PARTICULARS

				/			/		
Y	Y	Y	Y		M	M		D	D

FORM 1A

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	
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).	

Form 2A

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

Application for renewal of accreditation

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

* (Attach a certified copy)

Identity no. / passport 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]

* Any recommendations or documentation in support of this application may be attached.

SECTION B

PARTICULARS OF THE CONTACT PERSON BETWEEN THE OPERATOR AND THE NPTR

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

Other (specify)

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).

Type:	No.	Seating capacity:	Number
Motor car			
Minibus			
Midibus			
Bus			
Other			

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of Vehicle

Number of passengers to be carried

Vehicle 2:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of Vehicle

Number of passengers to be carried

Vehicle 3:

Vehicle registration number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Vehicle identification number (VIN)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Type of vehicle

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Year of manufacture

--	--	--	--

Make of Vehicle

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Number of passengers to be carried

--	--	--

*** 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?

YES

NO

*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:

Date Application received

					/			/		
Y	Y	Y	Y			M	M		D	D

Captured application details on OLAS

					/			/		
Y	Y	Y	Y			M	M		D	D

Reference number

--	--	--	--	--	--	--	--	--	--

Amount Paid

R								
---	--	--	--	--	--	--	--	--

Valid from

					/			/		
Y	Y	Y	Y			M	M		D	D

Valid to

					/		
Y	Y	Y	Y			M	M

Official's name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

					/			/		
Y	Y	Y	Y			M	M		D	D

Operating Licence 2

Operating Licence number

--	--	--	--	--	--	--	--	--	--	--	--

Date Application received

					/			/		
Y	Y	Y	Y			M	M		D	D

Captured application details on OLAS

					/			/		
Y	Y	Y	Y			M	M		D	D

Reference number

--	--	--	--	--	--	--	--	--	--

Amount Paid

R								
---	--	--	--	--	--	--	--	--

Valid from

					/			/		
Y	Y	Y	Y			M	M		D	D

Valid to

					/		
Y	Y	Y	Y			M	M

Official's name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

					/			/		
Y	Y	Y	Y			M	M		D	D

Official's name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

TEMPORARY OPERATING LICENCE PARTICULARS

Operating Licence 1

Valid from

Y	Y	Y	Y

M	M

D	D

Valid to

Operating Licence 2

Valid from

Y	Y	Y	Y

M	M

D	D

Valid to

Operating Licence 3

Valid from

Y	Y	Y	Y

M	M

D	D

Valid to

* 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 4.

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) 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
 Postal code

Street address (if different from postal address)
Domicilium citandi et executandi
 Postal code

Telephone number Code

Facsimile number (if any) Code

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

Other (specify)	
-----------------	--

Telephone number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Code

--

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

--	--	--	--	--

Make of Vehicle

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Number of passengers to be carried

--	--	--	--

Vehicle 2:

Vehicle registration number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Vehicle identification number (VIN)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Type of vehicle

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Year of manufacture

--	--	--	--	--

Make of Vehicle

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Number of passengers to be carried

--	--	--	--

Vehicle 3:

Vehicle registration number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Vehicle identification number (VIN)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Type of vehicle

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Year of manufacture

--	--	--	--	--

Make of Vehicle

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Number of passengers to be carried

--	--	--	--

*** In the case of more vehicles, provide the same particulars on a separate sheet 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 o

.....
Signature Date

.....
Name of person

Name of legal entity (if applicable)

.....
Signature of designated official

Captured application details on OLAS / /
Y Y Y Y M M D D

Reference number

Amount Paid R

Official's name
 / /
Y 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 licencing of vehicle.

Service records of vehicle/s.

Form 6A

LETTER OF REFERRAL ADDRESSED TO RELEVANT PRE/PLANNING AUTHORITY

FORM 6A

NATIONAL PUBLIC TRANSPORT REGULATOR

LETTER OF REFERRAL ADDRESSED TO RELEVANT PRE/PLANNING AUTHORITY

ADDRESSEE:

1. Relevant PREs
2. Relevant Planning authorities

Date: [*****]
OL Ref number: [*****]
Contact Person: [*****]
Tel: [*****]
Fax: [*****]
Email: [*****]

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 for 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]

Cell number

--	--	--

--	--	--	--	--	--	--	--

SECTION C

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 o

.....

Signature

.....

Date

.....

Name of person

Name of legal entity (if applicable)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Form 8A

LICENCE HOLDER PARTICULARS

FORM 8A

**DEPARTMENT OF TRANSPORT
OPERATING LICENCE**

**DEPARTMENT OF TRANSP
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

Associat

RAS Registration No.

RAS Regist

Operating Licence Number

Operating Licenc

Application Number

Applicatio

ID-number

I

Name

Address

VEHICLE PARTICULARS

Vehicle Registration Number

Vehicle Registration Number

VIN Number	_____	VIN Number
Engine Number	_____	Engine Number
Chassis Number	_____	Chassis Number
Make	_____	Make
Passenger capacity	_____	Passenger capacity
Type	_____	Type
Year of Manufacture	_____	Year of Manufacture
Homologation reference number (if applicable)	_____	Homologation reference number (if applicable)
eNatis model number (if applicable)	_____	eNatis model number (if applical

FORM 8A

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 _____

FORM 8A

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: _____

Name and address of sub-contractor (if applicable): _____

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**

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:

Application type:

1) New operating licence

Compulsory sections to be completed by applicant:

A, B, C, F, G, H, K, L

*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.

Staff service		Charter service
Courtesy service		Metered taxi service
*Scholar service		Other service

FORM 11

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 land marks for each city, town, village or settlement: vague route descriptions will not be accepted)

FORM 11

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 land marks 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]

In the case of Metered Taxis please describe the area which will be serviced:

SECTION H (Compulsory for all application types)

AUTHORISED RANKS AND TERMINALS

OPERATING LICENCE PARTICULARS

Operating Licence 1

Operating Licence number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Valid from

Y	Y	Y	Y	M	M	D	D				

Valid to

Y	Y	Y	Y	M	M

Captured application details on OLAS

Y	Y	Y	Y	M	M	D	D		

Date submitted to Publications

Y	Y	Y	Y	M	M	D	D

Date referred to PREs and Planning Authority

Y	Y	Y	Y	M	M	D	D

Operating Licence 2

Operating Licence number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Valid from

Y	Y	Y	Y	M	M	D	D				

Valid to

Y	Y	Y	Y	M	M

Captured application details on OLAS

Y	Y	Y	Y	M	M	D	D		

Date submitted to Publications

Y	Y	Y	Y	M	M	D	D

Date referred to PREs and Planning Authority

Y	Y	Y	Y	M	M	D	D

Operating Licence 3

Operating Licence number

12 empty boxes for Operating Licence number

Valid from

YYYY / MM / DD format for Valid from

Valid to

YYYY / MM format for Valid to

Captured application details on OLAS

YYYY / MM / DD format for OLAS details

Date submitted to Publications

YYYY / MM / DD format for Date submitted to Publications

Date referred to PREs and Planning Authority

YYYY / MM / DD format for 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.

FORM 11

FOR OFFICE USE ONLY

Date Application received

YYYY / MM / DD format for Date Application received

Captured application details on OLAS

YYYY / MM / DD format for OLAS details

Reference number

8 empty boxes for Reference number

Receipt number

8 empty boxes for Receipt number

Amount Paid

R followed by 7 empty boxes for Amount Paid

Date submitted to Publications

YYYY / MM / DD format for Date submitted to Publications

Date referred to PREs and Planning Authority

YYYY / MM / DD format for Date referred to PREs and Planning Authority

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

FO

MUNICIPAL LOGO

*****MUNICIPAL 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:

	<input type="text"/>	Postal code	<input type="text"/>
Street address (if different from postal address) <i>Domicilium citandi et executandi</i>	<input type="text"/>		
	<input type="text"/>	Postal code	<input type="text"/>
Telephone number(s)	<input type="text"/>	Code	<input type="text"/>
	<input type="text"/>	Code	<input type="text"/>
Facsimile number (if any)	<input type="text"/>	Code	<input type="text"/>
E-Mail address (if any)	<input type="text"/>		
Income tax registration number	<input type="text"/>		
[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	<input type="text"/>															
First names (not more than 3)	<input type="text"/>															
Identity number	<input type="text"/>															
Type of identification	<input type="text"/>					<input type="text"/>					<input type="text"/>					
	RSA identity document					Passport					Other (specify)					
Telephone number	<input type="text"/>											Code	<input type="text"/>			
Cell number	<input type="text"/>			<input type="text"/>												

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	<input type="text"/>															
REGULATORY ENTITY which issued the operating licence/permit	<input type="text"/>															
Date of issue	<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>	Expiry date	<input type="text"/>	/	<input type="text"/>							
	Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y	M	M		

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 permit must be handed in upon upliftment of operating licence.

Type of 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.

Scheduled bus service		Minibus taxi-type service
Staff service		Charter service
Courtesy service		Metered taxi service
*Scholar service		Other service

FORM 10

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:

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

Already purchased?

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

Y Y Y Y / M M / D D

Signature of designated official of Regulatory Entity

OPERATING LICENCE PARTICULARS

Operating Licence 1

Operating Licence number

Valid from / / Valid to /
 Y Y Y Y M M D D Y Y Y Y M M

Captured application details on OLAS / /
 Y Y Y Y M M D D

Date submitted to Publications / /
 Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
 Y Y Y Y M M D D

Operating Licence 2

Operating Licence number

Valid from / / Valid to /
 Y Y Y Y M M D D Y Y Y Y M M

Captured application details on OLAS / /
 Y Y Y Y M M D D

Date submitted to Publications / /
 Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
 Y Y Y Y M M D D

Operating Licence 3

Operating Licence number

12 empty boxes for Operating Licence number

Valid from

YYYY/MM/DD format for Valid from

Valid to

YYYY/MM format for Valid to

Captured application details on OLAS

YYYY/MM/DD format for Captured application details on OLAS

Date submitted to Publications

YYYY/MM/DD format for Date submitted to Publications

Date referred to PREs and Planning Authority

YYYY/MM/DD format for 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.

FORM 10

FOR OFFICE USE ONLY

Date Application received

YYYY/MM/DD format for Date Application received

Captured application details on OLAS

YYYY/MM/DD format for Captured application details on OLAS

Reference number

8 empty boxes for Reference number

Receipt number

8 empty boxes for Receipt number

Amount Paid

R followed by 8 empty boxes for Amount Paid

Date submitted to Publications

YYYY/MM/DD format for Date submitted to Publications

Date referred to PREs and Planning Authority

YYYY/MM/DD format for Date referred to PREs and Planning Authority

Form 3D

**FORM OF SUBPOENA REQUIRING A PERSON TO APPEAR BEFORE THE
NPTR/PRE/MRE**

FORM 3D

DEPARTMENT OF TRANSPORT
NATIONAL PUBLIC TRANSPORT REGULATOR / PROVINCIAL REGULATORY ENTITY / MUNICIPAL REGULATORY ENTITY
NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

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:

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 _____

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
 Postal code

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 / /
 Y Y Y Y M M D D

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)
 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 o

.....
 Signature Date

.....
 Name of person

Name of legal entity (if applicable)

FOR OFFICE USE ONLY

Date Application received / /
Y Y Y Y M M D D

Reference number

Amount Paid R

Official's name

Certificate number

Date certificate issued / /
Y 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 licencing of vehicles.	

Form 5D

FORM OF WRITTEN AUTHORISATION FOR THE TEMPORARY REPLACEMENT OF A

VEHICLE

FORM 5D

NATIONAL PUBLIC TRANSPORT REGULATOR / PROVINCIAL REGULATORY ENTITY / MUNICIPAL REGULATORY ENTITY
NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

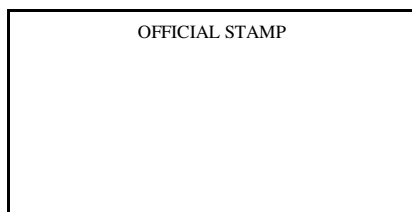
FORM OF WRITTEN AUTHORISATION FOR THE TEMPORARY REPLACEMENT OF A VEHICLE

[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]



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
3. Requirements for AFC system implementation in public transport
4. Date of compliance
5. Implementation process
6. Short title and commencement

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) the relevant organ of state must take ownership of the data collected through the AFC system;
 - (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*.

**GNR.825 of 3 October 2011: Regulations relating to Minimum Requirements for the
Preparation of Provincial Land Transport Frameworks, 2011
(Government Gazette No. 34657)**

DEPARTMENT OF TRANSPORT

In terms of section 8 (1) (a), read with section 35 (1), of the National Land Transport Act, 2009 (Act No. 5 of 2009), I, S’busiso Joel Ndebele, Minister of Transport, in consultation with all MECs have made the regulations in the Schedule.

(Signed)

S. J. Ndebele

23/09/11

Minister of Transport

SCHEDULE

**REGULATIONS RELATING TO MINIMUM REQUIREMENTS FOR THE PREPARATION
OF PROVINCIAL LAND TRANSPORT FRAMEWORKS, 2011**

Arrangement of regulations

1. Definitions
2. Purpose of regulations
3. Principles for preparing Provincial Land Transport Frameworks
4. Process for completion and approval by MEC
5. Minimum contents of provincial land transport frameworks
6. Repeal of regulations
7. Short title and commencement

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

“non-motorised transport” means all forms of transport that do not rely on an engine or a motor for mobility;

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

2. Purpose of regulations.—(1) The purpose of these regulations is to provide for a process for the preparation of Provincial Land Transport Frameworks and their minimum contents.

(2) All Provincial Land Transport Frameworks prepared by the MECs in compliance with section 35 of the Act must comply with the requirements set out in these regulations.

(3) The purpose of a Provincial Land Transport Framework is—

- (a) to give broad strategic direction to the development of transport in the province;
- (b) to give an overview of the *status quo* of transport in the province from a provincial

perspective;

- (c) to indicate land use development trends and the desirable spatial development of the province, and what transport measures and actions should be put in place to support the intended spatial development;
- (d) to give an overview of development initiatives of provincial significance in the province, including budgets and implementation programmes;
- (e) to report on the monitoring of transport in the province and identified trends;
- (f) to indicate and summarise actions taken in the province to coordinate and integrate transport planning and management initiatives by municipalities and other organs of state in the province responsible for transport matters; and
- (g) to indicate how the MEC has implemented the functions and responsibilities assigned to the province by the Act.

3. Principles for preparing Provincial Land Transport Frameworks.—(1) In preparing the Provincial Land Transport Frameworks, the MECs must have due regard to and apply any principles for transport planning promulgated under section 8 (1) (q) of the Act.

(2) In addition to those principles, the following must be applied—

- (a) in preparing the Provincial Land Transport Framework, the MEC must be guided by the National Land Transport Strategic Framework;
- (b) plans must pay due attention to the development of rural areas;
- (c) non-motorised forms of transport must be taken into account;
- (d) transport for special categories of passengers must receive special attention;
- (e) the integrated transport planning process must be continuous, i.e. plans must be updated continuously;
- (f) the Provincial Land Transport Framework must be synchronised with other planning initiatives and its integration into the provincial transport and land use planning processes must be indicated;
- (g) in compliance with paragraph (f), specific reference must be made to the integrated development planning and land development objective processes insofar as they affect transport, the municipal budgeting process and the spatial planning processes;
- (h) in the case of any of the 12 cities identified in the *Public Transport Strategy and Action Plan, 2007*, specific reference must be made to their Integrated Rapid Public Transport Networks and Bus Rapid Transit systems, if any; and
- (i) specific reference must be made to the Integrated Public Transport Network that has been developed for rural areas if any.

4. Process for completion and approval by MEC.—(1) The Provincial Land Transport Framework must be prepared for a five-year period as required by section 35 (1) of the Act.

(2) The Provincial Land Transport Framework must also be updated every two years in compliance with section 35 (9) of the Act.

(3) In developing the Provincial Land Transport Framework, the MEC must consult with planning authorities in the province, the rail, bus, taxi and other industries providing public transport in the province, the Provincial Regulatory Entity, and other stakeholders.

(4) The head of the provincial department must liaise with the Department to ensure that the Provincial Land Transport Framework is prepared, approved by the MEC and submitted to the Minister by the date fixed by the Minister in terms of section 35 (4) of the Act.

(5) The Provincial Land Transport Framework when submitted to the Minister must be accompanied by copies of any agreements regarding interprovincial transport concluded between the province and other provinces.

(6) As contemplated in section 35 (11) of the Act, if the Minister is of the opinion that—

- (a) the Provincial Land Transport Framework is in conflict with the National Land Transport Strategic Framework, national policy regarding interprovincial transport and cross-border transport or applicable legislation;
- (b) the Provincial Land Transport Framework is in conflict with procedures and financial issues that affect the national government;
- (c) the MEC did not follow the correct procedures or comply with the prescribed requirements; or
- (d) the Provincial Land Transport Framework will adversely affect modes of transport under the control of the national government or national public entities,

the Minister may request the MEC to amend or supplement the plan, as the case may be, and the MEC must comply with such request within the time stipulated by the Minister in that request.

5. Minimum contents of Provincial Land Transport Frameworks.—(1) Although the format may be different, the Provincial Land Transport Framework must at least contain the minimum information set out below—

Executive summary

(2) The Provincial Land Transport Framework must contain a concise executive summary that includes at least the following—

- (a) a brief background to and purpose of the Provincial Land Transport Framework;
- (b) the primary goals and objectives of the province on transport development and how they relate to other planning and policy initiatives in the province, as well as national requirements;
- (c) a brief summary of the *status quo* of transport in the province;
- (d) spatial and transport trends and problems in the province;
- (e) proposed interventions and projects, with implementation programmes and budget implications, indicating key focus or priority areas for interventions or application of funds; and
- (f) an indication of how transport is monitored in the province.

Chapter 1: Process and consultation

- (a) This chapter must outline the process followed in preparing the Provincial Land Transport Framework, including the consultation process, with reference to public meetings held, and documents and drafts published for comment.
- (b) It must also indicate the status of the document, i.e. the dates on which it was

approved by the MEC and Minister, or, as the case may be, when it will be submitted for such approval.

Chapter 2: Transport vision, policy and objectives

- (a) This chapter must start with an interpretation of the National Land Transport Strategic Framework as it relates to the province, with reference to specific needs and challenges.
- (b) It must deal with provincial land transport policy published in terms of section 9 (1) of the Act and attach that policy as an annexure or provide details of where it may be obtained. If such policy has been published, for example in the form of a white paper or green paper, such policy must be attached or details be provided of where it can be obtained.
- (c) Where there is no published policy, white paper or green paper, this chapter must provide policy guidance for at least the promotion, management, regulation and control of public transport in the province.
- (d) It must highlight current or potential areas of conflict between the national and provincial land transport policy.
- (e) It must formulate specific objectives relating to the overall vision and key priorities of the province, which must be acceptable, measurable, understandable and achievable.

Chapter 3: *Status quo* of transport in the province

This chapter must contain at least the following—

- (a) tables and maps showing—
 - (i) demographic features of industry and economic sectors, with demographic statistics per metropolitan and district municipality;
 - (ii) national and provincial road networks showing the category and state of such networks;
 - (iii) strategic public transport networks, including rail networks;
 - (iv) transport nodes of provincial significance;
 - (v) freight transport routes, including the routes for the transporting of dangerous goods contemplated in section 35 (5) of the Act; and
 - (vi) spatial development, economic development and housing development in the province, including development initiatives, master plans and development programmes;
- (b) a description of public transport operations in the province, including minibuss taxi, metered taxi, bus and rail transport operations;
- (c) a description of intraprovincial and interprovincial long-distance services and interprovincial commuting services – a description of charter and staff services may be included;
- (d) the status of integrated rapid public transport networks and bus rapid transit systems, if any, and of the integrated public transport networks required by the Act, in the province;
- (e) a list of perceived problems and issues relevant to land transport in the province; and

- (f) a description of the information systems being kept by the province as required by section 6 of the Act, how this information was used to compile the Provincial Land Transport Framework and the data collection processes being followed.

Chapter 4: Integrated transport plans

This chapter must contain at least the following—

- (a) a list of planning authorities in the province, with their classification and the types of plans to be prepared by them;
- (b) a programme for the preparation of the integrated transport plans and their coordination with the Provincial Land Transport Framework;
- (c) a reference to the summary of all available integrated transport plans in the province required by section 35 (7) of the Act, which must be contained in an annexure. The summary should be brief and focus on aspects and projects of regional or provincial significance.

Chapter 5: Integrated development framework

This chapter must include at least the following, unless already provided under Chapter 3—

- (a) the approved spatial development strategy or plan for the province including—
 - (i) an integrated map illustrating the frameworks for future development, with a short description of—
 - (aa) spatial development;
 - (bb) economic development;
 - (cc) housing development; and
 - (dd) other development initiatives;
 - (ii) the map referred to in (i) also indicating where the growth areas of the province are and where specific development initiatives are taking place that require improved transportation;
 - (iii) information on each spatial development initiative in the province, with its status and urban renewal and rural development nodes, where applicable; and
 - (iv) a full description of relevant social, demographic and environmental issues that affect transport;
- (b) a statement of how the transport strategy will facilitate the achievement of the approved spatial development plan and economic development in the province, the integration of social, economic and human settlement development strategies as well as other relevant development initiatives or strategies;
- (c) an indication of the strategic transport network of roads and railways and provincial public transport networks in relation to land use development and the built environment; and
- (d) a summary of strategies promoting land use and transport integration, in keeping with national policies.

Chapter 6: Public transport strategy

This chapter must include at least the following—

- (a) an identification of deficiencies in the public transport system and proposed or current provincial measures to address them;
- (b) a description of strategic and high priority focus areas for public transport of provincial significance;
- (c) a summary of initiatives planned or taken by the province to promote public transport over private transport;
- (d) a list of planned initiatives or initiatives undertaken by the province to improve the transportation of persons with disabilities and of other special categories of passengers;
- (e) a list of planned provincial initiatives or initiatives undertaken with regard to—
 - (i) modal integration strategies;
 - (ii) the rationalisation of subsidised public transport;
 - (iii) plans/initiatives to address the progress of the regulatory entities within the province;
 - (iv) the establishment of integrated public transport networks;
 - (v) engagement with municipalities, where appropriate, regarding the assignment of the operating licencing function to them;
 - (vi) the status of dispensing and dealing with operating licences in the province;
 - (vii) passenger rail services in the province;
 - (viii) public transport security;
 - (xi) corridor development strategies;
 - (x) the status of financial and economic support to public transport where the management of contracts concluded under the National Land Transport Transition Act, 2000 (Act No. 22 of 2000) has not yet been assigned to municipalities;
 - (ix) the use of adapted light delivery vehicles in public transport in the province; and
 - (iix) a rural transport strategy;

(Editorial Note: Numbering as per original *Government Gazette*.)
- (f) details of agreements with other provinces regarding interprovincial transport, if any; and
- (g) a summary of public transport strategies of provincial significance taken from the municipal integrated transport plans, focusing mainly on strategies, actions and projects.

Chapter 7: Non-motorised and environmentally sustainable transport

This chapter must include at least the following—

- (a) an indication of how non-motorised transport is provided for in the general road plan of the province, by pointing out—
 - (i) the integration of non-motorised transport planning with land transport and land

- use planning;
 - (ii) the improvement and expansion of pedestrian sidewalks and dedicated public space to interlink public transport stations, ranks and other facilities in city areas along provincial roads;
 - (iii) the provision of dedicated non-motorised transport facilities and infrastructure along provincial roads (e.g. infrastructure for wheelchairs, pedestrian walkways, foot bridges, overhead bridges and interchanges); and
 - (iv) the promotion of the Shova Kalula bicycle programme, walking and animal-drawn transportation strategies;
- (b) a detailed strategy to promote and encourage the use of non-motorised transport in rural or in urban areas if so requested by the relevant planning authority, which strategy must include—
- (i) a non-motorised transport policy;
 - (ii) a scholar transport policy;
 - (iii) a cycling masterplan;
 - (iv) a walking masterplan; and
 - (v) an animal-drawn transportation plan if such transportation has significance in the province; and
- (c) an indication of measures to minimise the negative impact of transport on the environment, including, but not limited to, measures to limit fuel usage and decrease carbon footprints in line with national and international commitments to decreasing greenhouse gas emissions.

Chapter 8: Transport infrastructure strategy

This chapter must include at least the following—

- (a) a list of major planned provincial infrastructure and facility development initiatives, as well as transport priorities and projects regarding infrastructure, including roads, railway lines and major intermodal facilities; and
- (b) a summary of strategies of planning authorities and major initiatives of provincial significance regarding infrastructure, highlighting those taken from integrated transport plans, where applicable.

Chapter 9: Transportation management strategy, including dangerous goods

This chapter must deal with transport management aspects, and must include the following—

- (a) a freight transport strategy;
- (b) routes for the movement of dangerous goods and safety measures relating to such goods;
- (c) intelligent transport system measures as applied on roads of provincial significance;
- (d) measures for dealing with accidents and emergencies (incident management); and
- (e) a travel demand management strategy relevant to the provincial transport system.

Chapter 10: Tourist transport

This chapter must contain a comprehensive strategy dealing with the transportation needs of tourists, as well as policies and standards for tourist transport services in the province.

Chapter 11: Funding strategy and implementation programme

All actions identified in the different transport strategies must be subject to a process of prioritisation and allocation of funds. This chapter must include at least—

- (a) a summary of prioritised provincial transport planning and implementation projects and the budget for each;
- (b) a summary, description and programme of municipal transport projects taken from the integrated transport plans of municipalities in the province, listing only projects that are funded by the province or that are of provincial significance and the budget for each;
- (c) a summary in tabular form as indicated in Schedule 1 of the projects referred to in paragraphs (a) and (b), indicating target dates, milestones and development periods;
- (d) a summary of financial programmes in tabular form as indicated in Schedule 2;
- (e) a financial programme showing expected sources of revenue and estimates of expenditure arising from the preparation, implementation and operation of the different transport strategies in the five-year period in which the plan is to be implemented. Budgets must be aligned with general government budget cycles such as Medium-Term Expenditure Framework cycles, and include funding sources and expenditure relating to—
 - (i) the preparation of the Provincial Land Transport Framework and integrated transport plans in the province;
 - (ii) subsidies for road-based public transport falling within the responsibility of the province, and a summary of subsidies shown in integrated transport plans;
 - (iii) monitoring of public transport contracts;
 - (iv) provincial roads and other infrastructure;
 - (v) assistance to special categories of passengers;
 - (vi) provision and maintenance of infrastructure and facilities; and
 - (vii) institutional arrangements.

Chapter 12: Monitoring

This chapter must include at least the following—

- (a) a list of key performance indicators for in line with national key performance indicators set out in the National Land Transport Strategic Framework;
- (b) a report on how and to what extent the key performance indicators set for the province in the National Land Transport Strategic Framework have been met; and
- (c) a report on how and to what extent the key performance indicators set in the previous year's Provincial Land Transport Frameworks have been met.

Chapter 13: Coordination structures and measures, liaison and conflict resolution

This chapter must contain at least the following—

- (a) measures, where appropriate, to ensure proper coordination regarding land transport between adjacent municipalities;
- (b) measures to assist municipalities that lack capacity to carry out their planning responsibilities;
- (c) measures to ensure implementation of the provincial integrated development strategy, with due attention to rural areas, and with the focus on less capacitated municipalities or those that do not fulfil their responsibilities in respect of transport delivery, either by direct implementation or assistance under paragraph (b) above;
- (d) details of existing or contemplated liaison mechanisms and structures between authorities themselves and between authorities and the private sector with special reference to the establishment by planning authorities of intermodal planning committees as contemplated in section 15, and land transport advisory boards as contemplated in section 16, of the Act;
- (e) liaison structures between the three spheres of government, including the Public Transport Integration Committee established in terms of the Division of Revenue Acts, 2009 and 2010 (Act No. 12 of 2009 and Act No. 1 of 2010), and a description of the activities of those structures and shortcomings or challenges; and
- (f) a summary of regulations made by the MEC in terms of section 10 of the Act.

6. Repeal of regulations.—Regulations published in terms of National Land Transport Transition Act, 2000 (Act No. 22 of 2000), in *Government Gazette* No. 23685 of 24 July 2002 are repealed.

7. Short title and commencement.—These regulations are called Regulations relating to minimum requirements for the preparation of Provincial Land Transport Frameworks, 2011, and come into operation on the date of their publication in the *Government Gazette*.

Schedule 1

Project	Location/area	Budget	Target date	Main milestones	Development periods

Schedule 2

Key strategy	Programme/project	Budget estimates	Source	Gaps/shortfalls	Period	Location	Responsibility
e.g. Non Motorised Transport	PEDESTRIAN BROADWALK	15Million	SANRAL	3Million	02/03/11	Cacadu: DM	Province DM