

URBAN TRANSPORT ACT NO. 78 OF 1977

[ASSENTED TO 7 JUNE, 1977]
[DATE OF COMMENCEMENT: 1 SEPTEMBER, 1977]

(Afrikaans text signed by the State President)

as amended by

Regional Services Councils Act, No. 109 of 1985
[with effect from 31 July, 1985]

Urban Transport Amendment Act, No. 77 of 1990
KwaZulu and Natal Joint Services Act, No. 84 of 1990
[with effect from 1 August, 1990]

Urban Transport Amendment Act, No. 14 of 1992
Constitution of the Republic of South Africa, No. 200 of 1993
[with effect from 13 October, 1995—see Proclamation No. R.90 of 1995]

National Land Transport Transition Act, No. 22 of 2000

GENERAL NOTE

This Act was amended by section 25 of Act No. 84 of 1990 in so far as it applies to the Province of Natal and that part of KwaZulu which falls outside that province.

ACT

To promote the planning and provision of adequate urban transport facilities; for that purpose to provide for the establishment of certain transport funds, metropolitan transport areas and metropolitan transport advisory boards and for the preparation and implementation of urban transport plans; and to provide for matters connected therewith.

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

“Administrator”, in so far as a provision of this Act is applied in or with reference to a particular province, means—

- (a) the competent authority to whom the administration of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), been assigned in that province;
- (b) for the purposes of sections 11, 13, 14, 15 and 16 in the case where a regional services council or a transitional metropolitan council, as the case may be, is the core city, the regional services council or transitional metropolitan council in question;

[Definition of “Administrator” substituted by s. 17 of Act No. 109 of 1985, by s. 1 (a) of Act No. 77 of 1990 and by Proclamation No. R.90 of 1995.]

Wording of Sections

“approved transport plan” means, subject to subsection (7) of section 6, any transport plan approved by the urban transport board under that section and includes a programme in respect of—

- (a) the estimated maintenance required for the duration of the design life of any capital project included in the transport plan; or
- (b) the estimated maintenance required for the duration of the design life or part thereof of any capital project not included in the transport plan but which could have qualified for a grant from the fund under section 10, and for which maintenance funding from the fund is required;

[Definition of “approved transport plan” substituted by s. 1 (b) of Act No. 77 of 1990 and amended by Proclamation No. R.90 of 1995.]

Wording of Sections

“board” means a Metropolitan Transport Advisory Board appointed in terms of section 12;

“commission”

[Definition of “commission” deleted by s. 1 (c) of Act No. 77 of 1990.]

Wording of Sections

“core city” means a core city as contemplated in section 4;

“fund”, in so far as a provision of this Act is applied in or with reference to a particular province, means the fund established for that province by section 8A;

[Definition of “fund” substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

“guide plan committee” means a guide plan committee established under section 6A (1) of the Environment Planning Act, 1967 (Act No. 88 of 1967);

“local authority” means a transitional metropolitan substructure, transitional local council or local government body, as the case may be, contemplated in section 1 (1) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other institution or body recognized by the urban transport board as a local authority for the purposes of this Act, in so far as it is so recognized;

[Definition of “local authority” substituted by s. 1 (d) of Act No. 77 of 1990 and by Proclamation No. R.90 of 1995.]

Wording of Sections

“metropolitan transport area” means any area declared as such under section 3;

“Minister” means the Minister of Transport in the national government;

[Definition of “Minister” substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

“Minister of Finance”—

(a) in so far as the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993, been assigned to a competent authority within the jurisdiction of the government of a province and the provision is applied in or with reference to the province concerned, means the member of the Executive Council of that province responsible for the budget in the province; or

(b) in so far as the administration of a provision of this Act has not been so assigned, means the Minister of Finance in the national government;

[Definition of “Minister of Finance” inserted by Proclamation No. R.90 of 1995.]

“National Institute”

[Definition of “National Institute” deleted by s. 1 (e) of Act No. 77 of 1990.]

Wording of Sections

“officer”, in relation to the roads board, means an officer or employee provided in terms of section 12 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), to assist the roads board in the performance of its functions;

“province” means a province established in terms of section 124 of the Constitution of the Republic of South Africa, 1993;

[Definition of “province” inserted by Proclamation No. R.90 of 1995.]

“regional services council” means a regional services council established in terms of the Regional Services Councils Act, 1985;

[Definition of “regional services council” inserted by s. 17 of Act No. 109 of 1985.]

“roads board” means the South African Roads Board established by section 2 of the South African Roads Board Act, 1988 (Act No. 74 of 1988);

[Definition of “roads board” inserted by s. 1 (f) of Act No. 77 of 1990.]

“self-governing territory”

[Definition of “self-governing territory” inserted by s. 1 (f) of Act No. 77 of 1990 and deleted by Proclamation No. R.90 of 1995.]

Wording of Sections

“transitional local council” means a transitional local council as defined in section 1 (1) of the Local Government Transition Act, 1993;

[Definition of “transitional local council” inserted by Proclamation No. R.90 of 1995.]

“transitional metropolitan council” means a transitional metropolitan council as defined in section 1 (1) of the Local Government Transition Act, 1993;

[Definition of “transitional metropolitan council” inserted by Proclamation No. R.90 of 1995.]

“transitional metropolitan substructure” means a transitional metropolitan substructure as defined in section 1 (1) of the Local Government Transition Act, 1993;

[Definition of “transitional metropolitan substructure” inserted by Proclamation No. R.90 of 1995.]

“transport fund” means a Consolidated Metropolitan Transport Fund established by section 18;

“urban transport board”, in so far as a provision of this Act is applied in or with reference to a particular province, means the urban transport board established for that province by section 5;

[Definition of “urban transport board” inserted by Proclamation No. R.90 of 1995.]

“Urban Transport Fund” means the Urban Transport Fund established in terms of section 6.

[Definition of “Urban Transport Fund” inserted by Proclamation No. R.90 of 1995.]

2. Interpretation of regulations.—(1) Any reference in a regulation made under this Act to the roads board, shall be construed as a reference to the urban transport board in question, except in so far as such a regulation applies or relates to section 4A, 8 or 10A.

(2) In so far as a regulation made under this Act applies or relates to section 4A, 8 or 10A, and refers to the fund, such a reference shall be construed as a reference to the Urban Transport Fund.

[S. 2 substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

3. Establishment of metropolitan transport areas.—(1) Notwithstanding the provisions of any other law, the Administrator may, on the recommendation of the urban transport board, by notice in the *Provincial Gazette*—

- (a) declare any area consisting of the area or areas under the jurisdiction of one or more local authorities, or any portion thereof and any other area whether or not it adjoins such area or areas under jurisdiction, to be a metropolitan transport area with effect

from such date as may be specified in the notice;

- (b) from time to time include the area or any portion of the area under the jurisdiction of any local authority or any other area, in, or exclude any area from, any metropolitan transport area;
- (c) withdraw any notice issued under paragraph (a) or (b).

[Sub-s. (1) substituted by s. 2 (a) of Act No. 77 of 1990 and amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) If by virtue of the provisions of subsection (1) (a) or (b) any metropolitan transport area consists of any area not under the jurisdiction of any local authority, such area shall for the purposes of this Act be deemed to be a portion of the area under the jurisdiction of such local authority as the Administrator may determine and which is included in such metropolitan transport area.

[Sub-s. (2) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

(3) Any metropolitan transport area so declared under this section prior to the date upon which the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), been assigned to a competent authority within the government of a province, shall be deemed to have been so declared under subsection (1).

[Sub-s. (3) added by Proclamation No. R.90 of 1995.]

4. Core city.—(1) (a) Subject to subsection (2), the Administrator shall, for every metropolitan transport area in which the areas, or any portion thereof, under the jurisdiction of two or more local authorities have been included, designate one such local authority as the core city: Provided that where the area, or any portion thereof, under the jurisdiction of a single transitional metropolitan council has also been included in such a metropolitan transport area, that transitional metropolitan council shall be the core city for such metropolitan transport area.

(b) The Administrator shall, for every metropolitan transport area in which the areas, or any portion thereof, under the jurisdiction of two or more transitional metropolitan councils have been included, designate one such transitional metropolitan council as the core city.

[Sub-s. (1) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) Where the area, or any portion thereof, under the jurisdiction of only one transitional local council or transitional metropolitan council has been included in a metropolitan transport area, that transitional local council or transitional metropolitan council, as the case may be, shall be the core city for such metropolitan transport area.

[Sub-s. (2) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

(3) (a) In the case where a regional services council has been charged in terms of section 3 (1) (b) of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), with the function or any part thereof of land use and transport planning in a region where a metropolitan transport area has been declared in terms of this Act, the regional services council in question shall be the core city for every metropolitan transport area situated wholly within its region: Provided that a regional services council shall not become a core city unless it has been charged with all the functions entrusted to a core city in terms of this Act.

(b) Where a metropolitan transport area referred to in paragraph (a) is situated wholly within the area under the jurisdiction of a transitional metropolitan council, the regional services council in question shall cease to be the core city for such a metropolitan transport area and that transitional

metropolitan council shall be the core city for such a metropolitan transport area.

[Sub-s. (3) added by s. 3 of Act No. 77 of 1990. Para. (b) added by Proclamation No. R.90 of 1995.]

(4) A regional services council which is a core city may enter into an agreement with a local authority whose area of jurisdiction falls within the region of such regional services council, in terms of which that local authority may, on behalf of that regional services council, exercise or perform any function or part thereof entrusted to a core city in terms of this Act.

[Sub-s. (4) added by s. 3 of Act No. 77 of 1990.]

(5) A transitional metropolitan council which is a core city may enter into an agreement with any relevant transitional metropolitan substructure in terms of which that transitional metropolitan substructure may, on behalf of that transitional metropolitan council, exercise or perform any function or part thereof, entrusted to a core city in terms of this Act.

[Sub-s. (5) added by Proclamation No. R.90 of 1995.]

4A. Functions of roads board in respect of objects of this Act.—(1) In order to achieve the objects of this Act, the roads board shall, by itself or in collaboration with or through any person or authority—

- (a) ensure that research in connection with urban transport matters is co-ordinated on a national basis;
- (b) and subject to subsection (2), do research or cause research to be done, or make any other investigation or cause any other investigation to be made, whether in the Republic or elsewhere, in connection with urban transport planning or traffic control or any other matter which in the opinion of the roads board will promote the objects of this Act.

(2) The roads board shall perform its functions in terms of paragraph (b) of subsection (1) only after consultation with the respective urban transport boards and with the approval of the Minister.

[S. 4A inserted by s. 4 of Act No. 77 of 1990 and substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

5. Establishment and functions of urban transport boards.—(1) There is hereby established an urban transport board for each province.

(2) The Administrator shall determine by regulation—

- (a) the constitution of the urban transport board;
- (b) the term of office of members of the urban transport board;
- (c) the quorum for and procedure at meetings of the urban transport board;
- (d) the way in which the chairperson and vice-chairperson of the urban transport board shall be designated or elected;
- (e) after consultation with the Minister of Finance, the remuneration and allowances of members of the urban transport board who are not in the service of the State.

(3) In order to achieve the objects of this Act, the urban transport board shall after consultation with the Administrator—

- (a) in any metropolitan transport area in the province concerned, regulate and control the formulation and application of an urban transport policy which is in its opinion efficacious;

- (b) determine the functions of any authority concerned in the implementation of such policy in the province concerned;
- (c) ensure that any such authority implements such policy properly in all respects;
- (d) co-ordinate and supervise all matters concerning urban transport in the province concerned;
- (e) by itself or in collaboration with or through the roads board or any other person or authority—
 - (i) do research or cause research to be done, or make any other investigation or cause any other investigation to be made in connection with urban transport planning or traffic control or any other matter which in the opinion of the urban transport board will promote the objects of this Act;
 - (ii) make or cause to be made any investigation in connection with transport matters with a view to the declaration of any particular area to be a metropolitan transport area;
- (f) consult with interested authorities and local authorities in order to ensure that adequate provision is made for any foreseeable increase or change in urban transport facilities needed;
- (g) perform such other tasks falling within the objects of this Act as the Administrator may impose upon the urban transport board.

(4) All administrative work in connection with the performance of the functions of the urban transport board, shall be performed by the Director-General of the provincial administration of the province concerned and such other officers and employees of that provincial administration as the Director-General may designate.

(5) The urban transport board shall cause records to be kept of the proceedings at every meeting held by it in connection with its functions in terms of this Act.

[S. 5 substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

6. General powers of urban transport board.—(1) In order to perform its functions the urban transport board may—

- (a) consider and approve a properly prepared transport plan in relation to any metropolitan transport area which has been submitted to it by the Administrator;

[Para. (a) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

- (b) effect such alterations to any such plan as it may consider necessary, and withhold or discontinue the payment of moneys already made available for its implementation, after being so approved, if the urban transport board has reason to believe that the contemplated purpose of such plan will be frustrated by the manner in which it will be implemented, but subject to any obligation the urban transport board may have incurred in any such case;

[Para. (b) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

- (c) purchase, hire or otherwise acquire, or hold, sell, exchange, let or otherwise dispose of or deal with, movable or immovable property for the purposes of this Act, including office accommodation for the urban transport board or its officers for such purposes;

- (d) recommend to the Administrator the introduction of legislation regarding any matter connected with urban transport or urban traffic control and which in the opinion of the urban transport board will promote the objects of this Act;

[Para. (d) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

- (e) take out insurance against any risk, loss or damage in connection with the exercise of its powers or the performance of its functions in terms of this Act;
- (f) prescribe the form or manner in which any transport study or plan or application or other matter is to be submitted, prepared or made to it in terms of this Act;
- (fA) lay down guidelines for programmes in respect of maintenance and the periodic updating thereof;

[Para. (fA) inserted by s. 5 of Act No. 77 of 1990.]

- (g) ensure that public passenger transport has preference in any urban traffic regulative system in any manner it may think fit;
- (h) ensure that persons undertaking public urban transport apply and regularly revise, to the satisfaction of the urban transport board management practices which in the opinion of the urban transport board are appropriate and efficient;
- (i) with the approval of the Administrator, take any other steps which in the opinion of the urban transport board may be necessary to achieve the objects of this Act.

[Para. (i) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) Any approved transport plan shall, in respect of such portion of the metropolitan transport area concerned as may be agreed upon by the urban transport board and the Administrator, specify the ratio of the permissible floor space of any building to the area of the land upon which it has been or is to be erected, as provided by the town planning scheme concerned, and from such ratio there shall be no deviation without prior consultation with the urban transport board.

[Sub-s. (2) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(3) The Administrator shall ensure that in respect of any building agreed upon by the urban transport board and the Administrator and which is to be erected in any metropolitan transport area in terms of any town planning scheme, such provision is made for the loading and off-loading of goods as is adequate in the opinion of the Administrator and the urban transport board.

[Sub-s. (3) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(4) Any officer of the urban transport board either generally or specially authorized thereto by it in writing may, subject to the provisions of subsection (5), for the information of the urban transport board at all reasonable times examine or make copies of, or take extracts from, any book, statement or other document which refers or is suspected to refer to any public bus passenger transport service conducted in any metropolitan transport area and in respect of which a grant from the fund is made or has been applied for.

(5) If any officer referred to in subsection (4) is so requested, he shall, before exercising any power conferred upon him by that subsection, exhibit the written authority issued to him in terms of that subsection to any person who will be affected by the exercise of such power.

(6) If any local authority or transitional metropolitan council, as the case may be, in the opinion of the Administrator fails to exercise or to perform any power or function conferred or

imposed on it by or in terms of this Act, the Administrator may, on the recommendation of the urban transport board and after written notice to that local authority or transitional metropolitan council, direct the urban transport board to exercise or perform or cause to be exercised or performed such power or function, and the urban transport board may recover from that local authority or transitional metropolitan council the expenditure in connection therewith.

[Sub-s. (6) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

(7) An approved transport plan which existed immediately prior to the date upon which the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), been assigned to a competent authority within the government of a province, shall be deemed to have been approved under subsection (1) (a).

[Sub-s. (7) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

7. Transport studies, investigations and plans.—(1) The Administrator may, after consultation with the urban transport board, conduct or prepare or cause to be conducted or prepared a study, an investigation or a plan in relation to transport in respect of the area or areas under the jurisdiction of one or more specified local authorities with a view to the coming into being of a metropolitan transport area, and such study, investigation or plan shall be referred to the local authority concerned for its comments.

[Sub-s. (1) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) The Administrator shall submit a transport plan so prepared to the urban transport board for consideration and approval in terms of section 6 (1) (a) or (b), with a view to its implementation, if so approved, by the local authority or authorities concerned.

[Sub-s. (2) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

8. Establishment and administration of Urban Transport Fund.—(1) The roads board shall establish a fund, to be known as the Urban Transport Fund, into which shall be paid—

(a) the amount of any contribution for which the roads board is liable in terms of the provisions of the National Roads Act, 1971 (Act No. 54 of 1971), in relation to the construction of a throughway in the area under the jurisdiction of a local authority in any metropolitan transport area, if such throughway constitutes part of an approved transport plan which has been or will be put into operation in such metropolitan transport area;

(b) moneys appropriated by Parliament for the Urban Transport Fund;

[Para. (b) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(c) interest on invested cash balances belonging to the Urban Transport Fund;

[Para. (c) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(d) any other moneys received by the roads board in terms of or for the purposes of this Act.

(2) The roads board shall administer the Urban Transport Fund and shall defray from it, except in so far as Parliament may in relation to any specified approved transport plan in operation in, or in relation to any local authority of which the area under its jurisdiction has been included in, any

metropolitan transport area, provide otherwise, and subject to the provisions of section 12 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), all expenditure incurred in connection with the exercise or performance of the powers or functions of the roads board in terms of this Act or the regulation made thereunder.

[Sub-s. (2) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(3) There shall be paid from the Urban Transport Fund into the National Revenue Fund, at such times as may be determined by the Minister with the concurrence of the Minister of Finance, such amounts as may be so determined as recoverable amounts in respect of salaries or allowances paid to members of the roads board in terms of section 5 of the said Transport (Co-ordination) Act, 1948, or in respect of expenditure incurred by the Director-General: Transport in terms of section 12 of the said Act or any other law in connection with the functions of the roads board in terms of this Act.

[Sub-s. (3) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(4) The roads board shall annually submit to the Minister for his approval, estimates of expenditure to be defrayed from the Urban Transport Fund, and shall make no payment from the Urban Transport Fund except in accordance with estimates so approved or with the prior approval of the Minister.

[Sub-s. (4) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(5) The roads board may with the approval of the Minister invest moneys in the Urban Transport Fund not immediately required by it.

[Sub-s. (5) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(6) The roads board shall keep proper accounts of all moneys accruing to or paid out of the Urban Transport Fund, and such accounts shall be audited by the Auditor-General.

[Sub-s. (6) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(7)

[Sub-s. (7) deleted by Proclamation No. R.90 of 1995.]

Wording of Sections

8A. Establishment and administration of Provincial Urban Transport Funds.—(1) There is hereby established a fund for each province to be known as the Provincial Urban Transport Fund and into which shall be paid—

- (a) moneys appropriated by the provincial legislature in question for the fund;
- (b) interest on invested cash balances belonging to the fund;
- (c) any other moneys received by the urban transport board in terms of or for the purposes of this Act.

(2) The urban transport board shall administer the fund and shall defray from it all expenditure incurred in connection with the exercise or performance of the powers or functions of the urban transport board in terms of this Act or the regulations made thereunder, except in so far as the provincial legislature in question may provide otherwise in relation to any specified approved transport plan in operation in, or in relation to any local authority of which the area under its jurisdiction has been included in, any metropolitan transport area.

(3) The urban transport board shall annually submit to the Administrator for his approval, estimates of expenditure to be defrayed from the fund, and shall make no payment from the fund except in accordance with estimates approved or with the prior approval of the Administrator.

(4) The urban transport board may with the approval of the Administrator invest moneys in the fund not immediately required by it.

(5) The urban transport board shall keep proper accounts of all moneys accruing to or paid out of the fund, and such accounts shall be audited by the Auditor-General.

(6) (a) When the Administrator or any local authority or transitional metropolitan council collects moneys or pays moneys to the urban transport board on behalf of the fund, the Administrator, local authority or transitional metropolitan council, as the case may be, shall in respect thereof submit annually to the urban transport board, for inclusion in its own accounts, statements of account in such form as the provincial treasury in question after consultation with the Auditor-General may approve, which have been audited by the auditor of the province concerned or any person who acts as auditor of the local authority or transitional metropolitan council in terms of any law, as the case may be, and are supported by such auditor's or person's report and the necessary documentary evidence.

(b) For the purposes of an audit in terms of subsection (5), the Auditor-General shall accept the certificate of a provincial auditor or other person referred to in paragraph (a) of this subsection, and the statements of account and documentary evidence concerned, but the Auditor-General may, if he thinks fit, comment thereon in his report.

[S 8A added by Proclamation No. R.90 of 1995.]

9. Loans to urban transport board.—(1) The Administrator may from time to time, from moneys appropriated by the provincial legislature in question therefor, grant loans to the urban transport board for the purposes of this Act.

(2) The urban transport board shall from the fund pay the interest on any loan so granted and redeem any loan so granted in such instalments and within such period as the Administrator, with the concurrence of the Minister of Finance, may determine.

[S. 9 substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

10. Utilization of fund.—The urban transport board may further in its discretion and on such conditions as it may think fit, from the fund—

(a) on request, make a grant, for the promotion of transport planning, to the Administrator or any local authority for defraying a specified part of the cost involved in conducting or preparing a transport study, investigation or plan, provided—

(i) the Administrator or such local authority has satisfied the urban transport board that such study, investigation or plan will in general promote transport planning; and

[Sub-para. (i) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(ii) the urban transport board has first approved such study, investigation or plan and the estimated cost connected with the conducting or preparation thereof;

[Para. (a) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(b) defray a specified part of the expenditure incurred by any person or body in connection with urban transport research;

[Para. (b) substituted by s. 6 (a) of Act No. 77 of 1990.]

Wording of Sections

(c)

[Para. (c) deleted by Proclamation No. R.90 of 1995.]

Wording of Sections

(d) make a grant to any person for training in transport engineering or transport economics or any other matter in relation to transport;

(e) make a grant for defraying a specified part of the cost of equipment, of land and of establishing road facilities and incidental facilities, in substitution for or for improving public passenger service facilities and required in terms of an approved transport plan, and for the use of land in connection therewith;

[Para. (e) substituted by s. 6 (b) of Act No. 77 of 1990.]

Wording of Sections

(f) make a grant to any person conducting in any metropolitan transport area a public passenger transport service;

[Para. (f) substituted by s. 6 (b) of Act No. 77 of 1990.]

Wording of Sections

(fA) make a grant for defraying the costs incurred in respect of maintenance as provided for in a programme in respect of maintenance;

[Para. (fA) inserted by s. 6 (c) of Act No. 77 of 1990.]

(g) defray a specified part of the expenditure, incurred by any local authority, which is connected with the construction of a road constituting part of an approved transport plan;

(h) defray a specified part of the cost of additional equipment required by any local authority for regulating and controlling traffic in a metropolitan transport area in terms of an approved transport plan;

(i) contribute to an extent determined by it towards covering losses sustained in respect of any suburban railway service for the conveyance of specified classes of passengers;

(j)

[Para. (j) deleted by Proclamation No. R.90 of 1995.]

Wording of Sections

(k)

[Para. (k) substituted by s. 6 (d) of Act No. 77 of 1990 and deleted by Proclamation No. R.90 of 1995.]

Wording of Sections

(l) defray the cost or part of the cost of any publication or publicity material or any activity which in the opinion of the urban transport board will promote the objects of this Act;

(m) make a grant to the Administrator for defraying the cost incurred by any board in connection with the performance of its functions.

[Para. (m) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

10A. Utilization of Urban Transport Fund.—The roads board may further in its discretion

and on such conditions as it may think fit, from the Urban Transport Fund—

- (a) defray a specified part of the expenditure incurred by any person or body in connection with urban transport research;
- (b) make a grant for the establishment and maintenance of a chair of transport engineering or transport economics, or any other subject directly connected with transport, at a university or other educational institution approved by it;
- (c) make a grant to any person for training in transport engineering or transport economics or any other matter in relation to transport;
- (d) make a grant for defraying the costs incurred in respect of maintenance as provided for in a programme in respect of maintenance;
- (e) provide subsidized transport for officers of the roads board;
- (f) defray the cost or part of the cost incurred by any officer of the roads board in using his or her private transport, with the prior approval of the roads board, for the purposes of his or her official functions, at such tariff as the Director-General: Transport may from time to time determine in respect of the class of motor vehicle such officer so uses;
- (g) make a grant or loan to a transport authority, as defined in section 1 of the National Land Transport Transition Act 2000, to enable it to perform its functions under that Act.

[S. 10A added by Proclamation No. R.90 of 1995. Para. (g) added by s. 130 of Act No. 22 of 2000. (Editorial Note: In terms of section 130 of Act No. 22 of 2000, section 104 must be amended. It is suggested that section 10A was in fact meant.)]

Wording of Sections

11. Chairman of board or boards.—If there is in any province one or more metropolitan transport areas, the Administrator concerned shall designate an officer of his administration as chairman of the board or boards concerned.

12. Appointment of Metropolitan Advisory Boards.—(1) Where no transitional metropolitan council or, a regional services council in terms of section 4 (3), is the core city, the Administrator shall appoint a Metropolitan Transport Advisory Board.

(2) If a regional services council or transitional metropolitan council, as the case may be, is the core city, the regional services council or transitional metropolitan council shall appoint a Metropolitan Transport Advisory Board.

[S. 12 substituted by s. 7 of Act No. 77 of 1990 and by Proclamation No. R.90 of 1995.]

Wording of Sections

13. Constitution of a board.—(1) A board shall consist of—

- (a) the chairman designated in terms of section 11;
 - (b) one member nominated by the urban transport board;
 - (c) not more than three members nominated by the Administrator;
- [Para. (c) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

- (d) two members nominated by and in respect of the core city of the metropolitan transport area concerned, and one member nominated by and in respect of every other local authority of which the area under its jurisdiction or of which any portion of the

area under its jurisdiction has been included in such metropolitan transport area;

- (e) not more than two members nominated jointly by such bodies, excluding the bodies referred to in paragraph (f), as in the opinion of the Administrator are representative of organized commerce and industry in the metropolitan transport area concerned;
- (f) not more than three members nominated jointly by such bodies as in the opinion of the Administrator are representative of public transport operators, including public transport operators conveying passengers for hire or reward in the metropolitan transport area concerned;
- (g) one member who in the opinion of the Administrator is representative of road and public transport users in the metropolitan transport area concerned;
- (h) not more than two members who in the opinion of the Administrator have special knowledge with regard to urban transport matters.
- (i)

[Sub-s. (1) substituted by s. 8 of Act No. 77 of 1990. Para. (i) deleted by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) The Administrator shall designate one member of a board as deputy chairman.

(3) A member of a board, other than the chairman, shall be appointed for such period (not exceeding two years) and on such conditions as the Administrator may in every particular case determine: Provided that the Administrator may, if in his opinion there exist sufficient reasons therefor, after consultation with the urban transport board terminate the services of any such member at any time before the expiry of his period of office.

[Sub-s. (3) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(4) If for any reason a vacancy occurs on a board, the Administrator may in accordance with the provisions of subsections (1) and (3) appoint a person to fill the vacancy.

(5) A person whose period of office as a member of a board has expired by effluxion of time, shall be eligible for reappointment.

(6) No act or decision of a board shall be invalid by reason only of the fact that a person who was entitled to receive notice of a meeting of the board did not receive such notice, or by reason only of the fact that a person who was disqualified from being a member of the board, or in whose appointment there was some defect, acted as a member of the board when such act was performed or such decision was taken, whether or not such person's concurrence was necessary for the performance of that act or the taking of that decision.

(7) (a) At the request of a board, the Administrator may from time to time appoint not more than two additional members to that board for a particular purpose on the ground of their special knowledge of the matter for the purpose of which they are appointed.

(b) A member so appointed shall hold office until the matter for the purpose of which he was appointed has been disposed of by the board.

14. Remuneration and allowances of members of a board.—(1) The remuneration and allowances of the members of a board, save the remuneration of any member who is in the service of the State, as determined by the Administrator after consultation with the urban transport board, shall be paid out of the transport fund concerned.

[Sub-s. (1) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) A member of a board who is in the service of the State shall not be paid, in respect of services rendered by him, any remuneration in addition to his salary as a person in the service of the State, and such a member who is in the service of the State shall not be paid an allowance in respect of subsistence and travelling expenses at a rate higher than that applicable to him as a person in the service of the State.

(3) If the Administrator, on the recommendation of the urban transport board and after consultation with the Minister of Finance, is of opinion that a member mentioned in subsection (2), other than the chairman, devotes the whole or a substantial portion of his time to his functions as a member of a board, the Administrator may, after such consultation, direct the board to refund to the State from the transport fund concerned the remuneration paid to such member as a person in the service of the State, or so much thereof as the Administrator may after such consultation determine.

[Sub-s. (3) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

15. Meetings of a board.—(1) A board shall meet at such times and places as the chairman or, if he is absent, the deputy chairman may determine.

(2) The chairman or, if he is absent, the deputy chairman shall preside at all meetings of a board, and if both the chairman and the deputy chairman are absent from a meeting of a board, the members present shall elect a person from among themselves to preside at such meeting.

(3) The majority of the members of a board shall constitute a quorum for a meeting of the board.

(4) The decision of a majority of the members of a board present at a meeting of the board shall constitute a decision of the board, and in the event of an equality of votes on any matter, the person presiding at the meeting concerned shall have a casting vote in addition to his deliberative vote.

(5) A board shall cause records to be kept of the proceedings at every meeting held by it in connection with its functions in terms of this Act, and the Administrator shall make them available to the urban transport board on request.

[Sub-s. (5) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

16. Functions of a board.—(1) A board shall—

- (a) advise the Administrator on matters regarding transport in the metropolitan transport area concerned;
- (b) advise the Administrator on the determination or alteration of the limits of the metropolitan transport area concerned;
- (c) at the request of the Administrator conduct any study in relation to transport and advise the Administrator on the preparation of a transport plan by the local authorities or a transitional metropolitan council, as the case may be, of which the areas or area under their or its jurisdiction or of which any portion of the areas or area under their or its jurisdiction have or has been included in the metropolitan transport area concerned;

[Para. (c) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

- (d) promote collaboration between such local authorities in order to effect the preparation of an efficacious transport plan;
- (e) promote the co-ordination of transport in the metropolitan transport area concerned,

including the staggering of working hours;

- (f) (i) submit to the Administrator for his approval and make available to the urban transport board its estimates, which shall be prepared on an annual basis;
 - (ii) make available to the Administrator and the urban transport board the estimates of the local authorities or transitional metropolitan council concerned, which shall be prepared on an annual basis and show all revenues and expenditure regarding transport in the metropolitan transport area concerned;
- [Sub-para. (ii) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

- (g) make recommendations to the Administrator concerning the utilization of moneys made available from the fund for the implementation of any transport plan;
 - (h) submit annual reports with regard to its functions to the Administrator, who shall forward copies thereof to the urban transport board.
- [Sub-s. (1) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) A board may appoint committees from among its members to perform on its behalf any of its functions.

(3) All administrative work in connection with the performance of the functions of any board, shall be performed by such persons of his administration and such other persons as may be made available by the Administrator to such board.

17. Functions of a core city.—A core city shall—

- (a) in collaboration with the board appointed for its metropolitan transport area and any guide plan committee established in respect of its metropolitan transport area, give guidance in connection with the preparation of any contemplated transport plan for such area or, if directed thereto by the Administrator, prepare such plan with such assistance or collaboration and on such conditions as may be determined by the Administrator after consultation with the urban transport board;
- (b) implement any applicable approved transport plan in such manner as may be determined by the Administrator after consultation with the urban transport board;
- (c) give guidance to any other local authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in its metropolitan transport area, in connection with the implementation of such part of any approved transport plan as may refer to such area or portion;
- (d) if there is no such map, prepare a complete map of its metropolitan transport area and make it available to any interested person;
- (e) conduct such investigation in relation to the various aspects of transport as may from time to time be necessary, or as the Administrator may after consultation with the urban transport board request;
- (f) revise and bring up to date the applicable approved transport plan;
- (g) with a view to co-ordination concerning urban transport matters, remain continually informed as to the transport problems, needs, policies and planning of any other authority of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in its metropolitan transport area, the Department of Transport, the Provincial Administration concerned and the operators and users of public transport within its metropolitan transport area;

[Para. (g) substituted by s. 9 (a) of Act No. 77 of 1990.]

Wording of Sections

- (h) conduct any investigation in connection with any scheme for amalgamating the revenues and expenditure of and the services rendered by, different transport undertakings in its metropolitan transport area;
- (i) assist the chairman of the board for its metropolitan transport area in preparing any report or estimate for consideration by that board;
- (j) administer the transport fund established by section 18 for its metropolitan transport area;
- (k) do such other work in connection with urban transport in its metropolitan transport area as the Administrator may after consultation with the urban transport board direct it to do;
- (l) conduct a programme to involve the public, in the manner prescribed by regulation, in the planning of urban transport facilities.

[S. 17 amended by Proclamation No. R.90 of 1995. Para. (l) added by s. 9 (b) of Act No. 77 of 1990.]

Wording of Sections

18. Consolidated Metropolitan Transport Funds.—(1) For every metropolitan transport area there is hereby established a fund to be known as the Consolidated Metropolitan Transport Fund, into which shall be paid—

- (a) all moneys received in terms of section 21 (2) and 22 (2) (a);
- (b) moneys granted by the Administrator from the Provincial Revenue Fund in question;
[Para. (b) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

- (c) moneys granted by the urban transport board out of the fund;
- (d) interest on cash balances belonging to the transport fund and invested with the approval of the urban transport board;
- (e) moneys granted by a local authority or transitional metropolitan council of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in the metropolitan transport area, with the approval or at the request of the urban transport board, for the implementation of an applicable approved transport plan;

[Para. (e) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

- (f) all other moneys which may accrue to the transport fund from any other source.

(2) The moneys in a transport fund shall be utilized to defray—

- (a) such cost as any local authority or transitional metropolitan council of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in the metropolitan transport area concerned, may incur in performing its functions in terms of this Act, or such part of such cost as may be determined by the Administrator with the approval of the urban transport board;

[Para. (a) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

- (b) the cost incurred by the Administrator, any local authority or a transitional metropolitan council in respect of the metropolitan transport area concerned in connection with the preparation of an applicable transport plan or the implementation of an applicable approved transport plan, or such part of such cost as the urban transport board may determine;

[Para. (b) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

- (c) any other expenditure incurred, as requested by the Administrator with the approval of the urban transport board, for the purposes of this Act;
- (d) the cost, as approved by the urban transport board, incurred by the core city concerned in connection with the administration of the transport fund;
- (e) the remuneration and allowances payable in terms of section 14 to the members of the board concerned.

19. Publication of approved transport plans.—(1) The urban transport board shall after approving any transport plan or any alteration thereof, publish such particulars thereof as it may think fit by notice in the *Provincial Gazette*.

[Sub-s. (1) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) As from the date of publication of any approved transport plan or any alteration thereof in terms of subsection (1), no person shall, unless authorized thereto by the Administrator after consultation with the urban transport board or authorized or required to do so in terms of any law or applicable town planning scheme, use any land or building which may be affected by such plan or alteration, for any purpose other than that for which it was used on the said date, or erect or make additions or alterations to any building on such land which in any way vary the ratio of the permissible floor space of the building in question to the area of the land on which it has been erected.

[Sub-s. (2) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

20. Expropriation by local authority or transitional metropolitan council.—Notwithstanding the provisions of any other law, any local authority or transitional metropolitan council may, subject to the provisions of the Expropriation Act, 1975 (Act No. 63 of 1975), expropriate in a metropolitan transport area any land, including any real right in or over land but excluding State land and any real right in or over State land, necessary for the implementation of any applicable approved transport plan.

[S. 20 substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

21. Levies by local authorities or transitional metropolitan councils.—(1) Notwithstanding the provisions of any other law, any local authority or transitional metropolitan council of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in any metropolitan transport area, may from time to time impose, in accordance with any applicable approved transport plan, levies determined or approved by the Administrator, and which may differ from case to case, on—

- (a) specified classes of motor vehicles entering specified portions of the metropolitan transport area in the area under its jurisdiction at specified times;
- (b) land or buildings, except in so far as they are used or intended for private dwelling purposes and land or buildings of which the State is the owner, in the metropolitan transport area in the area under its jurisdiction;
- (c) the parking of motor vehicles in any buildings or premises in specified portions of the metropolitan transport area in the area under its jurisdiction;
- (d) parking-places for motor vehicles in such portions;
- (e) places where goods are off-loaded from or loaded onto motor vehicles in such portions.

(2) Amounts received by way of levy in terms of—

- (a) subsection (1) (a), (c), (d) and (e), shall once in a month be paid into the transport fund concerned;
- (b) subsection (1) (b), shall once in a year be paid into the transport fund concerned.

[S. 21 substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

22. Further powers of local authority or transitional metropolitan council.—(1) Notwithstanding the provisions of any other law, any local authority or transitional metropolitan council of which the area under its jurisdiction or of which any portion of the area under its jurisdiction has been included in any metropolitan transport area, may in accordance with any applicable approved transport plan—

- (a) regulate the size, class or number of motor vehicles that may enter any specified portion of the metropolitan transport area in the area under its jurisdiction, and determine the time or times when any class of vehicle may enter any such portion;
- (b) regulate or prohibit the entry of any class of motor vehicle in any such portion during any specified period;
- (c) prohibit the loading or off-loading of goods motor vehicles in any such portion during any specified period or periods, and determine the time or times when such loading or off-loading may take place;
- (d) regulate or prohibit the provision of parking-places for vehicles in any building or premises in any such portion during any specified period.

(2) Any such local authority or transitional metropolitan council may, with the approval of the urban transport board, let to any person the unoccupied part of land or of any building in any such portion which has been acquired in any manner for the purposes of any applicable approved transport plan, and shall pay the nett proceeds thereof into the transport fund concerned, unless such land (with or without improvements) was acquired or such building was erected by such local authority or transitional metropolitan council solely at its own expense.

[S. 22 substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

23. Exercise of powers and performance of duties of local authorities or transitional metropolitan council.—The Administrator may, with the approval of the urban transport board, by himself exercise or perform or cause to be exercised or performed any power or duty conferred or imposed by this Act on any local authority or transitional metropolitan council, including a core city,

and in that case any moneys payable from the fund or the transport fund concerned to such local authority or transitional metropolitan council may be utilized by the Administrator for the purpose for which they are intended, and the Administrator may recover from such local authority or transitional metropolitan council any relevant cost for which it may be liable.

[S. 23 substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

24. Delegation of powers.—(1) The urban transport board may, subject to the approval of the Administrator, delegate any power conferred on it by this Act to any member or officer of the urban transport board or the deputy of a core city.

[Sub-s. (1) substituted by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) The Administrator may in writing delegate any power conferred on him by this Act to a core city or any person in the services of his administration.

[Sub-s. (2) substituted by s. 17 of Act No. 109 of 1985 and amended by Proclamation No. R.90 of 1995.]

Wording of Sections

25. Regulations.—(1) Any local authority or transitional metropolitan council referred to in section 21 (1) or 22 (1) may make regulations with reference to any matter mentioned in section 21 or 22.

[Sub-s. (1) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(2) Subject to the provisions of subsection (1), the Minister or the Administrator, as the case may be, may make regulations for achieving the objects and purposes of this Act.

[Sub-s. (2) amended by Proclamation No. R.90 of 1995.]

Wording of Sections

(3) Any regulations made under this section may prescribe for any contravention thereof or failure to comply therewith penalties not exceeding a fine of five hundred rand or imprisonment for a period of six months.

26. State bound.—Save as by this Act expressly or by implication otherwise provided, the provisions of this Act and the regulations made thereunder shall bind the State except in so far as criminal liability is concerned.

27. Short title and commencement.—This Act shall be called the Urban Transport Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.
