

# KWAZULU URBAN TRANSPORT ACT NO. 19 OF 1985

[ASSENTED TO BY THE STATE PRESIDENT ON THE 11 JULY, 1986 – ENGLISH TEXT  
SIGNED.]

as amended by

KwaZulu Urban Transport Amendment Act, No. 23 of 1992

## GENERAL NOTE

In terms of Proclamation No. 107 of 17 June, 1994, the administration of Act No. 19 of 1985 has been assigned to this Province.

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## ACT

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

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

“**approved transport plan**” means any transport plans approved under section 5;

“**core city**” means a core city as contemplated in section 3;

“**Joint Services Board**” means a joint services board established in terms of section 4 (1) (a) of the KwaZulu and Natal Joint Services Act, 1990 (Act 84 of 1990);

[Definition of “Joint Services Board” inserted by Act 23 of 1992.]

“**Metropolitan Transport Advisory Board**” means a Metropolitan Transport Advisory Board appointed in the Republic in terms of section 12 of the Urban Transport Act, 1977 (Act No. 78 of 1977);

[Definition of “Metropolitan Transport Advisory Board” inserted by Act 23 of 1992.]

“**metropolitan transport areas**” means any areas declared as such under section 2;

“**Minister**” means the Minister of Works;

“**National Institute**” means the National Institute for Transport and Road Research of the Council for Scientific and Industrial Research mentioned in section 2 of the Scientific Research Council Act, 1962 (Act 31 of 1962);

“**officer**” means an officer as defined in section 1 of the KwaZulu Public Service Act, 1975 (Act 7 of 1975), and includes an allocated officer as so defined;

“**Official Gazette**” means the KwaZulu *Official Gazette*;

“**Secretary**” means the Secretary of Works;

“**South African Roads Board**” means the South African Roads Board established by section 2

of the South African Roads Boards Act, 1988 (Act No. 74 of 1988);

[Definition of “South African Roads Board” inserted by Act 23 of 1992.]

“**this Act**” includes the regulations;

[Definition of “this Act” inserted by Act 23 of 1992.]

“**township council**” means a township council established under regulation 1(10) of Chapter 8 of the Regulations for the administration and control of Townships in Black areas promulgated under Proclamation R.293 of 1962 and any tribal authority as defined in section 1 of the Black Authorities Act, 1951 (Act 68 of 1951), the area of which tribal authority is included partly or in whole in a metropolitan transport area and which has been ordered by the Minister to participate in the execution of this Act.

**2. Establishment of metropolitan transport area.**—The Minister may on the recommendation of the Cabinet by notice in the *Official Gazette*—

- (a) declare any area consisting of the area or areas under the jurisdiction of one or more township councils, or any portion thereof and any other adjoining area, 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 township council or any other area, in or exclude any area from, any metropolitan transport area;
- (c) withdraw any notice issued under paragraph (a) or (b).

**3. Core city.**—(1) The Minister may for every metropolitan transport area in which the areas, or any portion thereof, under the jurisdiction of two or more township councils have been included, designate one such township council as the core city.

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

(3) In the case where a joint services board has been charged in terms of section 4 (1) (b) of the KwaZulu and Natal Joint Services Act, 1990 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 joint services board in question shall be the core city for every metropolitan transport area situated wholly within its region: Provided that a joint services board 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;

[Sub-s. (3) substituted by Act 23 of 1992.]

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

[Sub-s. (4) inserted by Act 23 of 1992.]

**4. Functions of minister in respect of objects of this act.**—In order to achieve the objects of this Act, the Minister shall—

- (a) in any metropolitan transport area regulate and control the formation and application of an urban transport policy which is in his opinion efficacious;

- (b) determine the functions of any authority concerned in the implementation of such policy;
- (c) ensure that any such authority implements such policy properly in all respects;
- (d) co-ordinates and supervise all matters concerning urban transport in KwaZulu;
- (e) by himself or in collaboration with or, if agreed upon between the Government of KwaZulu and the National Institute, through the National Institute or any other person or authority—
  - (i) ensure that research in connection with urban transport matters is co-ordinated on a regional basis;
  - (ii) 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 Minister will promote the objects of this act;
  - (iii) 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 area;
- (f) consult with interested authorities and township councils in order to ensure that adequate provision is made for any foreseeable increase or change in urban road transport facilities needed;
- (g) perform any other task falling within the objects of this Act as he may deem necessary.

**5. General powers of Minister.**—(1) In order to perform his functions the Minister may—

- (a) consider and approve a properly prepared transport plan in relation to any metropolitan transport area or a properly prepared application to amend an approved transport plan;
- (b) effect such alterations to any such plan as he may consider necessary, and withhold or discontinue the payment of moneys already made available for its implementation, after being so approved, if the Minister 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 Minister may have incurred in any such case;
- (c) recommend to the Cabinet the introduction of legislation regarding any matter connected with urban transport and which in the opinion of the Minister will promote the objects of this act;
- (d) 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 him in terms of this Act;
- (e) ensure that public passenger transport has preference in any urban traffic regulative system in any manner he may think fit;
- (f) with the approval of the Cabinet, take any other steps which in the opinion of the Minister may be necessary to achieve the objects of this Act.

(2) Any approved transport plan shall, in respect of such portion of the metropolitan transport area concerned, specify the ratio or 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 Minister.

(3) The Minister shall ensure that in respect of any building which to be erected in any metropolitan transport area in terms of any town planning scheme, such provision is made for the loading and offloading of goods as is adequate in the opinion of the Minister.

(4) If in the opinion of the Minister any township council fails to exercise or to perform any power or function conferred or imposed on it by or in terms of this Act, the Minister may, after written notice to that township council exercise or perform or cause to be exercised or performed such power or function and the Minister may recover from that township council the expenditure in connection therewith.

**6. Transport studies, investigation and plans.**—(1) The Minister may 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 township councils with a view to the coming into being of a metropolitan transport area, and such study, investigation or plan shall be referred to the township council concerned for its comments.

(2) A core city may conduct or prepare or cause to be conducted or prepared a study, an investigation or a plan in a relation to transport in respect of its metropolitan transport area or amending an approved transport plan.

**7. Function of a core city.**—A core city shall—

- (a) give guidance in connection with the preparation of any contemplated transport plan for its metropolitan transport area or with the preparation of an amendment of the approved transport plan for its metropolitan transport area;
- (b) implement any applicable approved transport plan in such manner as may be determined by the Minister;
- (c) give guidance to any township council 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 Minister may request;
- (f) revise and bring up to date the applicable approved transport plan;
- (g) with a view to co-ordination concerning urban road transport matters, maintain contact with any township council and tribal 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;
- (h) conduct any investigation in connection with any scheme for amalgamating the revenues and expenditure and the service rendered by different transport undertakings in its metropolitan transport area;
- (i) do such other work in connection with urban transport in its metropolitan transport area as the Minister may direct it to do.

**8. Publication of approved transport plans.**—(1) The Minister shall after approving any transport plan or any amendment thereof, publish such particulars thereof as he may think fit by notice in the *Official Gazette*.

(2) As from the date of publication of any approved transport plan or any amendment thereof in terms of subsection (1), no person shall, unless authorised thereto by the Minister or authorised 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 amendment, 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.

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and liable on conviction 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.

(4) Notwithstanding anything to the contrary in any law contained, the court convicting any person of contravening subsection (2) shall order such person to either demolish or restore the building to its original lawful state within three months of such order, failing which the Minister may carry out such order without further notice and recover the costs from the person concerned.

**9. Further power of township councils.**—Notwithstanding the provisions if any other law, any township 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 vehicles may enter any such portion;
- (b) regulate or prohibit the entry of any class or 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.

**10. Delegation of powers.**—(1) The Minister may in writing delegate any power conferred on him by section 6 (1) and 8 (2) to any officer of his department.

(2) If agreed upon between the Government of KwaZulu and the South African Roads Board the Minister may in writing delegate any power conferred on him by this Act, except the powers conferred on him by section 2 and 5 (4), and the power to withhold or discontinue the payments of moneys referred to in section 5 (1) (b), to such South African Roads Board, subject to such conditions as may be so agreed upon and the South African Roads Board may, subject to the approval of the Minister, delegate any power so delegated to it to any member or officer of the South African Roads Board or the chairman of a core city.

[Sub-s. (2) amended by Act 23 of 1992.]

**10A. Agreements.**—(1) The Minister may enter into an agreement with the Government of the Republic that the South African Roads Board, a Metropolitan Advisory Board or a core city situated in the Republic may exercise such powers, perform such functions and spend such money on behalf of or in any area in KwaZulu as may be agreed upon.

(2) For the purposes of this Act, any area referred to in sub-section (1) shall as from the date of the agreement, on the conditions therein referred to and for the purposes of the agreement, be deemed to form a portion of any metropolitan transport area within the Republic as may be determined in the agreement.

(3) Subject to the provisions of sub-sections (1) and (2), the Minister may enter into agreements and contracts with any other government body or person in the Republic in order to give effect to the powers granted to the Minister under this Act.

[S. 10A inserted by Act 23 of 1992.]

**11. Regulations.**—(1) Any township council referred to in section 9 may make regulations with reference to any matter mentioned in that section.

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

(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.

**12. Government 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 Government of KwaZulu except in so far as criminal liability is concerned.

**13. Short title.**—This Act shall be called the KwaZulu Urban Transport Act, 1985.

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