

25 January 2018

**NATIONAL LAND TRANSPORT AMENDMENT BILL, 2016 – VERSION [B7B-2016]
AMENDMENTS SUGGESTED BY THE DEPARTMENT OF TRANSPORT
PURSUANT TO THE PUBLIC HEARINGS ON 28 NOVEMBER 2017**

[Suggested changes are marked in yellow]

Clause 3(e) of the Bill – section 8(1)(y) of the Act

Replace clause 3(e) of the Bill with the following:

“(e) by the substitution in subsection (1) for paragraph (y) of the following subparagraph:

“(y) guidelines and desired outcomes for vehicles and facilities to accommodate the needs of targeted categories of passengers, including the provision of minimum standards required in any aspect of the public transport network to achieve that objective, and requirements for planning authorities to produce universal access plans for all modes of public transport and safety measures to protect pedestrians and users of public transport;”.

Clause 7(h) of the Bill – section 11(1)(c)(xxvi) of the Act

Replace clause 7(h) with the following:

“(h) by the substitution in subsection (1)(c) for subparagraph (xxvi) of the following subparagraph:

“(xxvii) concluding subsidised service contracts, commercial service contracts, [and] negotiated contracts, and stopgap contracts contemplated in section [41(1)] 41A, with operators for services within their areas, subject to subsections (6) and (9) and after following the prescribed procedures: Provided that in the case of municipalities that have not already concluded any such contracts using funds granted by the Public Transport Network Grant provided in terms of the relevant Division of Revenue Act, the municipality meets the requirements and criteria prescribed by the Minister under subsection (10)(d) and the Minister has certified in writing that it has complied: and Provided further that any such contract concluded by a municipality in terms of this subparagraph before its amendment by the National Land Transport Amendment Act, 2018 will not be invalidated by such amendment;”.

Clause 7(m) of the Bill – section 11(8) of the Act

Replace clause 7(m) where it adds section 11(8) to the principal Act with the following:

“(m) by the addition of the following subsections:

“(8) Where a subsidised service contract, interim contract, current tendered contract or negotiated contract was concluded in terms of the Transition Act, in this subsection called 'an old order contract', and is still in force, and a municipality has not yet concluded one or more contracts to replace the old order contract or is not in the process of negotiating with operators to do so, the relevant province must engage with the operator concerned and the municipality or municipalities in whose areas the services are provided and must ensure that either the province or the municipality concludes appropriate new contracts to replace all old order contracts and where appropriate the Minister must intervene or issue a directive to the province or municipality under section 5(6): Provided that in the case of a municipality that has not already concluded any such contracts with funds granted by the Public Transport Network Grant provided in terms of the relevant Division of Revenue Act, the municipality complies with the criteria and requirements prescribed by the Minister under subsection 10(d).”

Clause 7(m) of the Bill – section 11(10) of the Act

Replace the words in the proposed new subsection (10) before paragraph (a) with the following:

“(10) For the purposes of subsections (1)(b)(viiA), (1)(c)(xxvi) and (8) the Minister–“

Replace the words in paragraph (d) before subparagraph (i) with the following:

“(d) may prescribe requirements and criteria with which municipalities must comply in order to conclude contracts contemplated in subsection (1)(c)(xxvi), in consultation with the Minister responsible for local government matters, which may include, but are not limited to the following:”

Clause 14(d) of the Bill – section 21(7) of the Act

This paragraph of the Bill should be deleted.

Clause 19(a) of the Bill – section 36(4)(c) of the Act

This paragraph of the Bill should be deleted.

Clause 30 of the Bill – section 50(4) of the Act

This clause of the Bill should be deleted.

Clause 40 of the Bill – section 66 of the Act

Include a new paragraph (a) in clause 40 to amend section 66(1) of the principal Act as follows:

“(a) by the amendment of the words in subsection (1) before paragraph (a) as follows:

“(1) In the case of a metered taxi service or e-hailing service –“

In paragraph (d) of clause 40 of the Bill amend the proposed new subsection 40(8) and renumber the existing subsection (8) as subsection (9), as follows:

“(8) Where a person providing an e-hailing software application permits an operator to use that application for a vehicle for which the operator does not hold a valid operating licence or permit for the vehicle, or whose operating licence or permit has lapsed or been cancelled, that person must disconnect the e-hailing application forthwith and keep it disconnected until a valid operating licence has been obtained for the vehicle.

“(9) A person who fails to comply with subsection (7) or (8) commits an offence.”

