

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**LEGAL SUCCESSION TO THE
SOUTH AFRICAN TRANSPORT
SERVICES AMENDMENT BILL**

[B 43—2008]

*(As agreed to by the Portfolio Committee on Transport
(National Assembly))*

[B 43A—2008]

ISBN 978-1-77037-356-3

No. of copies printed 800

AMENDMENTS AGREED TO
LEGAL SUCCESSION TO THE SOUTH AFRICAN TRANSPORT
SERVICES AMENDMENT BILL

[B 43—2008]

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 10 of Act 9 of 1989, as amended by section 8 of Act 52 of 1991

2. Section 10 of the principal Act is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:
- “(2) The South African Railways and Harbours Sick Fund constituted in terms of regulations promulgated under section 32(1)(g) of the Railways and Harbours Service Act, 1960, shall continue in existence as [**the Company’s**] a medical scheme under the name Transmed or such other name as the Board of Trustees of Transmed may adopt.”; and
- (b) by the deletion of subsections (10), (11) and (12).

Repeal of section 15 of Act 9 of 1989

3. Section 15 of the principal Act is hereby repealed.

CLAUSE 3

1. On page 3, from line 9, to omit all the words following “Transport” up to and including “authority” in line 10.
2. On page 3, in line 14, to omit “long distance”.

CLAUSE 5

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Insertion of section 25A in Act 9 of 1989

7. The following section is hereby inserted in the principal Act after section 25:

“Transfer of assets relating to passenger services

25A. (1) The transfer of long-distance passenger rail services and long-distance bus services from the Company to the Corporation shall be concluded by 31 March 2009.

(2) All liabilities, rights and obligations of whatever nature relating to the assets and business operations that form part of the

transfer referred to in subsection (1), shall be transferred from the Company to the Corporation by the date referred to in that subsection.

(3) Notwithstanding anything to the contrary in any other law contained, the Company is exempted from applying to the relevant authority for the approval of any subdivision of land necessary in order to effect the transfer contemplated in subsection (1): Provided that—

- (a) the Company, after consultation with the Corporation, shall notify the relevant authority in writing of each proposed subdivision and at the same time shall submit to the relevant authority a plan setting out the proposed subdivision;
- (b) the relevant authority shall inform the Company in writing within 30 working days from the receipt of the notice referred to in paragraph (a) of any objection or comment the authority may have received regarding the proposed subdivision, failing which the relevant authority shall be deemed to consent to such subdivision; and
- (c) the Company shall consider any objection and comment received in terms of paragraph (b) prior to submitting the plans, diagrams and records required by the Surveyor-General or a deed of transfer or certificate of registered title in respect of the subdivided portion to the Registrar of Deeds concerned for registration in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937).”.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 33 of Act 9 of 1989

9. Section 33 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) to record the transfer of immovable property or real rights in terms of sections 3, 9, **[and]** 25 and 25A;”.

Printed by Creda Communications

ISBN 978-1-77037-356-3