

REPUBLIC OF SOUTH AFRICA

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# NATIONAL LAND TRANSPORT TRANSITION AMENDMENT BILL

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*(As amended by the Portfolio Committee on Transport (National Assembly))*  
*(The English text is the official text of the Bill)*

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(MINISTER OF TRANSPORT)

**[B 38D—2005]**

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**GENERAL EXPLANATORY NOTE:**

[                    ]      Words in bold type in square brackets indicate omissions from existing enactments.

                          Words underlined with a solid line indicate insertions in existing enactments.

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## **BILL**

To amend the National Land Transport Transition Act, 2000, so as to define expressions and to amend certain definitions; to extend the information that may be included in the notice containing the national land transport policy; to provide anew for the co-ordination of the planning process of provincial planning authorities; to reduce the number of plans required by the Act; to empower the Minister to designate the planning authorities that must supply transport plans to the relevant provincial board; to provide anew for the preparation of a national land transport strategic framework and provincial land transport strategic frameworks; to repeal provisions in respect of current public transport records, operating licence strategies, rationalisation plans and public transport plans; to provide anew for the preparation of integrated transport plans; to extend certain time limits; to provide anew for the type of vehicles that may be used for public transport services; to extend the disqualifications for the holding of operating licences; to extend the duties of holders of operating licences or permits; to provide anew for the amendment of operating licences; to empower the Minister to set standards for sealed meters for metered taxis and to empower MECs to determine fare structures for metered taxi services; to provide anew for the temporary replacement of specified vehicles; to create new offences; and to effect textual corrections and to repeal obsolete provisions; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 22 of 2000**

1. Section 1 of the National Land Transport Transition Act, 2000 (hereinafter referred to as the principal Act), is hereby amended by— 5
- (a) the substitution for the definition of “bus” of the following definition:  
“bus” means a motor vehicle designed[,] or [**lawfully adapted, by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry**] modified for the conveyance of more than [35] 34 persons, [excluding] including the driver, subject to section 31; 10
  - (b) the substitution for the definition of “contracting authority” of the following definition:  
“**contracting authority**” means the Department, any provincial department, transport authority[,] or municipality [**or any core city,**] 15

- bound to a contract or concession agreement concluded with a public transport operator;”;
- (c) the substitution for the definition of “midibus” of the following definition:  
**“midibus”** means a motor vehicle designed[, **or lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from 19 to 35 seated**] or modified solely or principally for the conveyance of more than 16 but less than 35 persons, **[excluding]** including the driver and for the purposes of the National Road Traffic Act, 1996 (Act No. 93 of 1996), is a sub-category of a bus;”;
- (d) the substitution for the definition of “minibus” of the following definition:  
**“minibus”** means a motor vehicle designed[,] or **[lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from nine to 18]** modified solely or principally for the conveyance of more than nine but not more than 16 seated persons, **[excluding]** including the driver;”;
- (e) the substitution for the definition of “motor car” of the following definition:  
**“motor car”** means a motor vehicle, other than a motor cycle, motor tricycle or motor quadracycle as defined in the National Road Traffic Act, **[1989 (Act No. 29 of 1989)]** 1996 (Act No. 93 of 1996), designed or **[lawfully adapted by a registered manufacturer to carry not more than eight]** modified solely or principally for the conveyance of not more than nine persons, **[excluding]** including the driver;”;
- (f) the insertion after the definition of “municipality” of the following definition:  
**“municipal public transport service’** means any public transport service that is rendered for a consideration within the area of a planning authority;”;
- (g) the insertion after the definition of “registered” of the following definition:  
**“registered builder’** means a builder registered under section 5 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);”;
- (h) the insertion after the definition of “unregistered constitution” of the following definition:  
**“registered importer’** means an importer registered under section 5 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);” and
- (i) the substitution for the definition of “registered manufacturer” of the following definition:  
**“registered manufacturer”** means a manufacturer[, **importer or builder of motor vehicles]** registered under section 5 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).”.

#### **Amendment of section 5 of Act 22 of 2000**

#### **2. Section 5 of the principal Act is hereby amended by—**

- (a) the deletion in subsection (2) of the word “and” at the end of paragraph (b), the addition of the word “and” to paragraph (c) and the addition to that subsection of the following paragraph:  
**“(d) target dates for the transformation of the land-based public transport sector.”**; and
- (b) the substitution in subsection (5)(g) for subparagraph (i) of the following subparagraph:  
**“(i) may do so only in consultation with the Minister of Education and the Minister of Labour with a view to ensuring that education and training in subjects or training courses relating to land transport, are directed towards complying with the National Qualifications Framework defined in section 1 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), and with the Skills Development Act, 1998 (Act No. 97 of 1998);”**.

**Amendment of section 6 of Act 22 of 2000**

3. Section 6 of the principal Act is hereby amended by—
- (a) the substitution in subsection (2)(a) for the words preceding subparagraph (i) of the following words:
 

“Every MEC, every transport authority[, **every core city**] and every municipality must provide the Minister, in the manner and at the times as prescribed by the Minister, with the information so prescribed about their actions or position with regard to matters so prescribed that are relevant to—”;
  - (b) the substitution for subsection (3) of the following subsection:
 

“(3) Despite subsection (2), the Minister may at any time by notice in writing require a particular transport authority[, **core city**] or municipality to provide the Minister with any information about its actions or position with regard to any non-prescribed matter of the nature mentioned in subparagraph (i), (ii) or (iii) of subsection (2) (a).”;
  - (c) the substitution for subsection (5) of the following subsection:
 

“(5) The information required for the purposes of paragraph (a) of subsection (2) may be prescribed only after consultation with the MECs, all transport authorities [**and core cities,**] and organised local government.”; and
  - (d) the substitution for subsection (8) of the following subsection:
 

“(8) Where a province, transport authority[, **core city**] or municipality fails to provide any information in compliance with [**subsections**] subsection (2) or (3), the Minister may withhold any payment to that province, transport authority[, **core city**] or municipality, until it has provided the information.”.

**Amendment of section 9 of Act 22 of 2000**

4. Section 9 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “Every MEC must, by notice in the *Provincial Gazette*, from time to time and after consultation with transport authorities [**and core cities**] in the province and the relevant provincial organisation contemplated in section 2(1)(b) of the Organised Local Government Act, 1997 (Act No. 52 of 1997), publish provincial land transport policy, including, but not limited to—”.

**Amendment of section 13 of Act 22 of 2000**

5. Section 13 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:
- “(4) A transport authority, in awarding contracts for goods and services, must apply a system which is fair, equitable, transparent, competitive and cost-effective, and which is in accordance with the Preferential Procurement Policy Framework Act, 2000 (Act No. [4] 5 of 2000), and [**relevant provisions of the Local Government Transition Act, 1993 (Act No. 209 of 1993), which will apply with the changes required by the context**] any relevant local government laws.”.

**Amendment of section 18 of Act 22 of 2000**

6. Section 18 of the principal Act is hereby amended by—
- (a) the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs, respectively:
    - “(a) where the relevant planning authority is a municipality contemplated in section 20(1)(c), the plans mentioned in [**paragraphs (c) to (g) of subsection (1) of**] section 19(1)(g) must form the transport component of the integrated development plan of the municipality;
    - (b) where the jurisdictional area of a municipality falls wholly or partly in a transport area [**or MTA**], the plans mentioned in [**paragraphs (c) to (g) of that subsection**] section 19(1)(g) constitute the transport component of the integrated development plans of such

- municipality in respect of that part of its jurisdictional areas that falls within the transport area **[or MTA]**.”; and
- (b) the substitution for subsection (6) of the following subsection:
- “(6) The MEC must ensure the co-ordination of the planning processes of all planning authorities under the jurisdiction of the province **[and, in so doing, must ensure that all plans address—**
- (a) **public transport services operating across the boundaries of the areas of planning authorities;**
- (b) **road and rail networks;**
- (c) **freight movements;**
- (d) **the needs of special categories of passengers;**
- (e) **rivalry between neighbouring planning authorities that may result in the duplication or over-supply of transport facilities and infrastructure in the region;**
- (f) **the integration of transport and land use planning within the context of the Development Facilitation Act, 1995 (Act No. 67 of 1995), or any other similar provincial law].”.**

#### Amendment of section 19 of Act 22 of 2000

7. Section 19 of the principal Act is hereby amended by—
- (a) the deletion in subsection (1) of paragraphs (c), (d), (e) and (f);
- (b) the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “**The [relationship and sequence of transport plans which are illustrated in Figures 1 and 2, are] responsibility for the preparation of transport plans is as follows:**”;
- (c) the deletion in subsection (2) of paragraph (c);
- (d) the substitution in subsection (2) for paragraph (d) of the following paragraph:
- “(d) transport authorities and **[core cities, and other] all** municipalities **[requested by the MEC,] must prepare an integrated transport plan [of which the public transport plan forms a component] dealing with such matters as may be prescribed by the Minister: Provided that the Minister may prescribe different matters for different types or categories of municipalities;**
- (e) the substitution in subsection (4) for paragraph (b) of the following paragraph:
- “(b) The date for **[each of] the integrated transport plans mentioned in subsection (1)[(e) to] (g)** must be linked to the provincial land transport framework and **must** be as agreed upon by the MECs.”;
- and
- (f) the substitution for subsection (7) of the following subsection:
- “(7) The content of the frameworks and plans mentioned in subsection (1)(b) **[to] and (g), respectively,** must be as required by this Act, but the Minister may, in consultation with the relevant MEC or MECs, modify the requirements for those plans, in the prescribed manner, in relation to rural areas in particular provinces.”.

#### Amendment of section 20 of Act 22 of 2000

8. Section 20 of the principal Act is hereby amended by—
- (a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- “**[Plans] The integrated transport plans contemplated in [section 19(1)(c) and (d) and, where appropriate, section 19(1)(e), (f) and (g),] section 19(1)(g)** must be prepared by the following authorities, to be known as planning authorities, subject to subsections (4) and (5), and these plans may be different in respect of rural planning authorities except for those that have subsidised public transport services:”;
- (b) the deletion in subsection (1) of paragraph (b);
- (c) the substitution in subsection (1) for paragraph (c) of the following paragraph:
- “(c) other municipalities, where their jurisdictional areas have not been included wholly or partly in transport areas **[or MTAs],**

in respect of their jurisdictional areas and, where such areas are partly included in a transport area [or MTA], in respect of that part of such area that is not so included.”;

(b) the substitution for subsection (3) of the following subsection:

“(3) Every planning authority required to do so in terms of section 19(2)(d) must supply the relevant transport plans to the board and make recommendations to that board about the conversion of permits to operating licences, and about applications for new operating licences, as required by Part 9;.”; and

(c) the deletion of subsection (6). 10

#### **Amendment of section 21 of Act 22 of 2000**

9. Section 21 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1)(a) The Minister must, **[annually,]** by a date to be determined by the Minister after consultation with the MECs and published by notice in the *Government Gazette*, prepare a five-year national land transport strategic framework for the country **[for a five-year period corresponding with the Department’s financial years, with due regard to subsection (3)]**. 15

(b) The Minister must update the national land transport strategic framework every two years.” 20

#### **Amendment of section 22 of Act 22 of 2000**

10. Section 22 of the principal Act is hereby amended by—

(a) the substitution for subsection (1) of the following subsection:

“(1)(a) Every MEC must **[annually]** prepare a five-year provincial land transport framework **[for a five-year period]** in accordance with the requirements prescribed by the Minister after consultation with all the MECs and must publish it in the *Government Gazette* on a date determined by the Minister. 25

(b) An MEC contemplated in paragraph (a) must, subject to section 21(1)(b), update his or her provincial land transport framework at least once every two years. 30

(c) When preparing the provincial land transport framework, the MEC must be guided by the national land transport strategic framework.”; and

(b) the insertion in subsection (3) after paragraph (g) of the following paragraph: 35  
“(gA) set out a strategy for travel demand management in the province;”.

#### **Repeal of sections 23, 24, 25 and 26 of Act 22 of 2000**

11. Sections 23, 24, 25 and 26 of the principal Act are hereby repealed.

#### **Amendment of section 27 of Act 22 of 2000**

12. Section 27 of the principal Act is hereby amended by— 40

(a) the substitution for subsection (1) of the following subsection:

“(1) Transport authorities[, **core cities**] and **[other]** all municipalities **[required by the MEC to do so,]** must prepare and submit to the MEC **[annually]** by the date determined by the MEC, integrated transport plans **[which comply with subsection (2)]** for their respective areas for the five-year period commencing on the first day of that financial year.”; 45

(b) the deletion of subsection (2);

(c) the substitution for subsections (4) and (5) of the following subsections, respectively:

“(4) The **[plan]** integrated transport plans must by the date **[so]** determined in terms of subsection (1) be submitted to the MEC for approval, which approval must relate only to **[the matters mentioned in section 24(4)(b)]**— 50

(a) procedures and financial issues that affect the province;

- (b) provincial policy and principles regarding transport across the boundaries of the areas of planning authorities;
- (c) interprovincial transport; and
- (d) any other matter provided for in the relevant provincial laws.

(5) A person may not transport hazardous substances contemplated in section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), in the area of a planning authority, except on **[a route determined under paragraph (h) of subsection (2), where such a route has been determined and published under section 29(1), and any person who does so is guilty of an offence]** a designated route indicated in an integrated transport plan contemplated in section 29(1), that is in accordance with the general strategy or plan contemplated in section 22(3)(l).”; and

- (d) the addition of the following subsection:

“(6) Any person who contravenes or fails to comply with subsection (5) is guilty of an offence.”.

### **Substitution of section 28 of Act 22 of 2000**

- 13. The following section is hereby substituted for section 28 of the principal Act:

#### **“Approval of commuter rail components of transport plans**

28. Until the function of commuter rail is devolved from the national to another sphere of government, the transport framework and plans contemplated in section 19(1)(b) **[to] and (g), respectively,** must be submitted to the Minister for approval of the commuter rail component of such framework and plans, within the prescribed manner and time.”.

### **Amendment of section 29 of Act 22 of 2000**

- 14. Section 29 of the principal Act is hereby amended by—

- (a) the substitution for subsection (1) of the following subsection:

“(1) On approval of the national land transport strategic framework, a provincial transport framework**[, a public transport plan]** or an integrated transport plan, the Minister or planning authority, as the case may be, must publish, in the *Provincial Gazette*, or, in the case of the national land transport strategic framework, in the *Government Gazette*, the prescribed particulars of such plans, which must include particulars of routes **[determined]** designated under section [27(2)(h)] 27(5).”;

- (b) the substitution in subsection (2) for paragraph (d) of the following paragraph:

“(d) no action may be taken that would have the result of substantially decreasing the quantity or availability of land transport infrastructure or services, unless the owner of the land on which the infrastructure is situated, or the holder of the relevant operating licence, **[as the case may be,]** has notified the relevant planning authority in writing not less than **[30] 90** days before the action is taken.”;

- (c) the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“The planning authority must, within **[28] 90** days—”; and

- (d) the substitution in subsection (5) for paragraph (a) of the following paragraph:

“(a) prior to the expiry of the **[28-day] 90-day** period referred to in subsection (4); or”.

### **Amendment of section 31 of Act 22 of 2000**

- 15. Section 31 of the principal Act is hereby amended by—

- (a) the substitution for subsection (1) of the following subsection:

“(1) Despite this Act or any other law, from a date to be determined by the Minister by notice in the *Government Gazette*, **[which may not be earlier than 1 October 2004,]** operating licences may only be issued for vehicles designed or lawfully **[adapted]** modified by a registered

manufacturer, registered builder or registered importer in compliance with the National Road Traffic Act, [1989 (Act No. 29 of 1989)] 1996 (Act No. 93 of 1996), according to acceptable safety standards, to carry[—

- (a) fewer than nine persons, excluding the driver; or 5
- (b) 18 persons, excluding the driver; or
- (c) 35 persons, excluding the driver; or
- (e) 46 or more persons, excluding the driver,] such number of

persons as may be determined by the Minister in the said notice, unless the Minister, in consultation with the MECs, provides otherwise for special categories of vehicles by notice in the *Government Gazette*, to cater for exceptional cases in rural areas, or exceptional cases in relation to tourist or courtesy services.”;

- (b) the substitution for subsection (3) of the following subsection:

“(3) (a) [A midibus] After a relevant integrated transport plan has been approved and published under section 29(1), a motor vehicle may not be used for the operation of an unscheduled commuter service [only] where [—

- (a)] there are [no] existing scheduled services on the same route or on another route in the same corridor, unless the operation of such unscheduled commuter service on those routes is allowed by that transport plan. 20

(b) If there are any existing permits or operating licences allowing such unscheduled commuter services in contravention of the transport plan contemplated in paragraph (a), the board must cancel or amend those permits or licences accordingly[; and 25

- (b) relevant transport plans allow for its use.”;

- (c) the substitution for subsection (5) of the following subsection:

“(5) No standing passengers may be carried in a motor car, minibus or midibus, unless the vehicle is a midibus being used for a scheduled feeder or distribution service and the planning authority concerned has specifically authorised the use of such vehicle for such a service in writing.”; and 30

- (d) the addition of the following subsection:

“(6) (a) An adapted light delivery vehicle may be used for public passenger road transport services in a particular area if— 35

- (i) there is no appropriate public transport available in that area; and

- (ii) the services are rendered under such conditions as may be determined by the MEC concerned. 40

(b) For the purposes of this subsection, an “adapted light delivery vehicle” means a light delivery vehicle that has been manufactured or modified by a registered manufacturer, registered builder or registered importer in compliance with the National Road Traffic Act, 1996 (Act No. 93 of 1996), for the conveyance of persons.”. 45

#### **Amendment of section 38 of Act 22 of 2000**

16. Section 38 of the principal Act is hereby amended by the addition of the following paragraph:

“(f) operating or working at a testing station in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996).” 50

#### **Amendment of section 43 of Act 22 of 2000**

17. Section 43 of the principal Act is hereby amended by the addition of the following paragraph:

“(c) inform the board in writing of the sale or any other change of ownership of the vehicle to which the operating licence or permit relates within seven days after such sale or change has taken place.”. 55



**Amendment of section 47 of Act 22 of 2000**

18. Section 47 of the principal Act is hereby amended by—

- (a) the substitution in subsection (2) for the words preceding paragraph (a) of the following words:  
 “Only a provincial department, a transport authority and a [ **core city** ] metropolitan municipality may enter into a subsidised service agreement with a public transport operator, and, subject to subsection (3), only if—”;
- (b) the substitution in subsection (3) for paragraph (d) of the following paragraph:  
 “(d) the contract to be negotiated complies with all requirements prescribed under subsection (4)(a), is substantially in the form of the model contract documents contemplated in subsection (4)(b) and has a maximum validity period of [**five**] seven years.”; and
- (c) the substitution in subsection (3)(e) for the words preceding subparagraph (i) of the following words:  
 “the provincial department, transport authority or [ **core city** ] metropolitan municipality, as the case may be, prepares a business plan that—”;
- (d) the substitution in subsection (4) for paragraph (b) of the following paragraph:  
 “(b) provide model tender and contract documents, and publish them in the *Government Gazette*, for subsidised service contracts as a requirement for contracting authorities, who may not deviate therefrom—  
 (i) except in the case of a municipality using its own funds in terms of section 49(4); or  
 (ii) unless this is agreed to by the Minister;”;
- (e) the deletion in subsection (3) of paragraph (f).

**Amendment of section 62 of Act 22 of 2000**

19. Section 62 of the principal Act is hereby amended by—

- (a) the substitution for subsection (1) of the following subsection:  
 “(1) Only registered or provisionally registered associations, members and non-members may receive financial assistance from any organ of state in any sphere of government or from any transport authority [**or core city,**] for the purposes of establishing or operating a co-operative for minibus taxi operators.”; and
- (b) the substitution for subsection (3) of the following subsection:  
 “(3) An organ of state[, ] and a transport authority [**and a core city**] may not render financial assistance for any purpose relating to public transport to any operators of minibus taxi-type services who are not registered or provisionally registered members or non-members, or to any associations that are not so registered, except assistance relating to training or instruction.”.

**Amendment of section 78 of Act 22 of 2000**

20. Section 78 of the principal Act is hereby amended by the substitution in subsection (4) for paragraph (b) of the following paragraph:

- “(b) have the prescribed particulars of each operating licence, which includes, for the purposes of this paragraph, an operating licence as renewed, amended or transferred from time to time, and of its holder and the vehicle to which it relates, entered on [**the Land Transport Permit**] such Information System as may be prescribed by the Minister.”.

**Substitution of section 90 of Act 22 of 2000**

21. The following section is hereby substituted for section 90 of the principal Act:

**“Amendment of operating licence: Replacement of specified vehicle**

90. (1) Where the holder of an operating licence for the operation of any public transport service wishes to replace the vehicle that is specified in that

operating licence for the operation of that public transport service with another vehicle [**with the same passenger capacity,**] the holder must apply for the replacement, in the manner prescribed by the MEC, to a member or official of the board whom the board has authorised in writing to dispose of the matter, provided the nature of the replacing vehicle and the quality and standard of the service are not affected by the replacement. 5

(2) The authorised member or official of the board must allow the replacement and issue an amended operating licence to the holder, if [**satisfied that**] the replacing vehicle—

- (a) [**the replacing vehicle**] has the same passenger capacity, or less, [**and is of the same nature**] as the vehicle which it replaces, and [**that**] the quality and standard of the service which is authorised by the operating licence [**will**] is not likely to be affected by the replacement; and 10
- (b) [**the replacing vehicle**] is otherwise suitable for the operation of the public transport service authorised by that operating licence, has a national information system model number allocated to it, has been certified as roadworthy in compliance with road traffic laws and is properly licensed; and 15
- (c) **the applicant for replacement has provided the information necessary to establish the requirements of this section].** 20

(2A) The national information system model number contemplated in subsection (2) must be linked to the registered builder who built or modified the body of the vehicle in question.

(3) Where a subcontractor operates any part of the public transport service to which an operating licence relates, on behalf of the holder of the operating licence, the subcontractor may rely on the provisions of this section to replace any vehicle of which the latter is the registered owner and which is specified in that operating licence, in all respects as if the subcontractor were the holder of that operating licence. 25

(4) For the purposes of this section ‘national information system’ means the national information system contemplated in section 6(1).” 30

#### **Amendment of section 91 of Act 22 of 2000**

22. Section 91 of the principal Act is hereby amended by the addition of the following subsections: 35

“(3) The Minister must set standards for sealed meters for metered taxis in accordance with standards set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993).

“(4) The MEC, in consultation with the board, may determine a fare structure for metered taxi services and the MEC must publish such fare structure in the *Provincial Gazette*.” 40

#### **Amendment of section 94 of Act 22 of 2000**

23. Section 94 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph (b) of the following paragraph:

“(b) The replacing vehicle must be suitable for the operation of that public transport service and, except in so far as this section provides otherwise, must comply in all other respects with the requirements and conditions that apply and are in force in terms of this Act and the National Road Traffic Act, 1996 (Act No. 93 of 1996), with regard to the vehicle so specified in the operating licence.” 45

#### **Amendment of section 115 of Act 22 of 2000**

24. Section 115 of the principal Act is hereby amended by-

- (a) the substitution in subsection (1) for paragraph (h) of the following paragraph:
  - “(h) if requested thereto by any organ of state[,] or transport authority [**or core city**] which has rendered financial assistance to the association or its members for a particular purpose, supply the requested information as to the application of the funds received from that source.”; and 55

- (b) the substitution in subsection (2) for paragraph (b) of the following paragraph:  
 “(b) if requested thereto by any organ of state[,] or transport authority  
 [or core city] which has rendered financial assistance to the  
 non-member for a particular purpose, supply the requested infor- 5  
 mation as to the application of the funds received from that  
 source.”.

**Amendment of section 122 of Act 22 of 2000**

25. Section 122 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) In addition to the measures provided for in this Act with regard to law 10  
 enforcement, the MECs, transport authorities and municipalities[, **including  
 municipalities in their capacity as core cities of their MTAs,**] must take active  
 steps to develop systems to improve land transport law enforcement in their  
 respective jurisdictions.”.

**Amendment of section 127 of Act 22 of 2000**

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26. Section 127 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraphs:

- “(r) if the person operates an adapted light delivery vehicle in contravention of  
 section 31(6);  
 (s) if, being a metered taxi operator, the person contravenes or fails to comply 20  
 with a fare structure contemplated in section 91(4).”.

**Amendment of section 134 of Act 22 of 2000, as amended by section 11 of Act 31 of 2001**

27. Section 134 of the principal Act is hereby amended by—

- (a) the substitution in subsection (2) for paragraph (a) of the following paragraph: 25  
 “(a) Wherever this Act requires regard to be had to any transport plan,  
 a board, contracting authority, transport authority[, **core city**] or  
 municipality may proceed with the relevant matter, with the approval of  
 the relevant MEC in consultation with the Minister, despite the fact that  
 the relevant transport plan has not been prepared or has not been 30  
 submitted for required approvals, or has not been published under  
 section 29 (1).”; and  
 (b) the substitution in subsection (2) for paragraph (c) of the following paragraph:  
 “(c) The board, contracting authority, transport authority[, **core city**]  
 or municipality must, however, have regard to any available transport 35  
 planning or other matter which is relevant.”.

**Repeal of Figures 1 and 2 in Act 22 of 2000**

28. The principal Act is hereby amended by the repeal of Figures 1 and 2.

**Short title**

29. This Act is called the National Land Transport Transition Amendment Act, 2006. 40

## **MEMORANDUM ON THE OBJECTS OF THE NATIONAL LAND TRANSPORT TRANSITION BILL**

### **1. BACKGROUND**

1.1 The National Land Transport Transition Act, 2000 (Act No. 22 of 2000) (“the Act”), was promulgated in June 2000 and thereafter all spheres of government began to implement it. In May 2002, an assessment of the status of the implementation of the Act was done and a number of issues were identified as hampering the effective implementation of the Act. The Department of Transport consulted stakeholders and conducted a review process. Workshops were held to evaluate the issues raised.

1.2 Some of the issues raised are urgent and require amendments to the Act in order to enable the effective implementation of the Act. Cabinet also approved a set of proposals in relation to the Taxi Recapitalisation Programme and to effectively regulate the taxi industry.

### **2. OBJECTS OF BILL**

The objects of the Bill can be explained as follows:

#### **2.1 Amendment of definition of “association”**

The Bill seeks to amend the definition of “association” so as to include buses and other modes of transport. The current definition is confined to minibus taxis and does not focus on all public transport operators.

#### **2.2 Amendment of specifications for the types of vehicles that may be used for public transport by bringing them in line with the New Taxi Vehicle (NTV)**

The Bill seeks to amend the Act in respect of the types of vehicles that may be used for public transport by providing for the seating capacities of the NTVs and addressing issues regarding taxi regulations and changing operations.

#### **2.3 Revision and simplification of the principles of transport planning**

The Bill seeks to revise the principles of transport planning in such a manner that only completion of the Integrated Transport Plan (ITP) will be a statutory requirement for planning authorities. The proposed amendment will address comments from Parliament and the local sphere of government that the current requirements in the Act are onerous and demand capacity beyond the capability of the local sphere. The Bill seeks to introduce a simpler planning framework for district and local municipalities.

#### **2.4 Extension of certain time limits**

The Bill seeks to extend the maximum bus contract period from 5 to 7 years in order to bring the Act into line with Black Economic Empowerment (BEE) and Small, Medium and Micro-Enterprise (SMME) development principles. The Bill also seeks to extend due dates for certain plans in order to give planning authorities sufficient time to update and implement their plans as required by the Act.

#### **2.5 Extension of duties of holders of operating licences**

The Bill seeks to extend the duties of the holder of an operating licence to include notification of any change of ownership or sale of a vehicle in respect of which an operating licence is attached to the Operating Licence Board. This will prevent the situation where more than one operating licence exists for the same vehicle.

#### **2.6 Extension of the functions of the Minister, MECs and Operating Licence Boards**

The Bill seeks to amend and extend the functions of the Minister to include the setting of targets for transformation of land transport and the setting of standards for metered taxis. The Bill also seeks to amend the functions of MECs with regard to the frequency of the preparation and reviewing of transport plans. The functions of boards are also extended to include the consideration and approval of applications in special cases.

#### **2.7 Provision for the conveyance of passengers by light delivery vehicles (LDVs)**

The Bill proposes amendments which seek to regulate the problem associated with the conveyance of people in LDVs, especially in rural and remote areas.

### **2.8 Effecting certain textual corrections and other matters**

The Bill seeks to make certain textual corrections in the Act, and to effect the necessary consequential amendments.

### **3. CONSULTATION**

The proposed amendments are a result of consultation with and recommendations by the Portfolio Committee of Transport in the National Assembly, MINMEC (Minister and MECs), the Committee of Transport Officials consisting of Heads of Provincial Transport Departments, the Land Transport Co-ordinating Committee, public transport operators and the South African Local Government Association.

### **4. FINANCIAL IMPLICATIONS FOR STATE**

None.

### **5. PARLIAMENTARY PROCEDURE**

5.1 The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by the provisions of section 76(1) or (2) of the Constitution since it falls within a functional area listed in Schedule 4 to the Constitution, namely “Public transport”.

5.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.





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