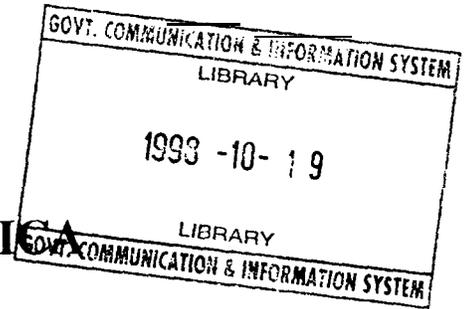




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GOVERNMENT GAZETTE

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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 1162.

11 September 1998

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11 September 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 45 of 1998: National Land Transport Interim Arrangements Act, 1998.

No. 45 van 1998: Nasionale Wet op Tussentydse Reëlings betreffende Vervoer oor Land, 1998.

ACT

To make arrangements relating or relevant to transport planning and public road transport services within metropolitan transport areas declared under the Urban Transport Act, 1977, and to the designation of core cities under that Act. For those purposes to allow also a municipality falling within a metropolitan transport area situated wholly within the region of a regional services council, to be the core city of the metropolitan transport area concerned in certain circumstances; to require the core city to prepare a current public transport record in respect of its metropolitan transport area for submission to the relevant MEC not later than 31 December 1998; to require the core city to perform its transport planning for that area with due regard to that record and as an integral part of the land development process; to prescribe additional requirements relevant to disposing of applications concerning road carrier permits for the regular conveyance of persons within a metropolitan transport area for reward; to limit the circumstances in which a permit authority under the Road Transportation Act, 1977 (or, where applicable, any provincial law by which that Act is superseded), may refuse a road carrier permit to an applicant to whom a contract for the provision of a public transport service has been awarded by a provincial tender board after a public tendering process; to provide for legal succession to the South African Roads Board as far as its powers, functions and duties under the Urban Transport Act, 1977, are concerned; and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, if not inconsistent with the context—
 - (i) “core city” means a municipality designated under section 4 of the Urban Transport Act as the core city of a metropolitan transport area, and includes any municipality which, after the commencement of this Act, is so designated under that section read with section 2 of this Act; (iii) 5
 - (ii) “Department” means the Department of Transport in the national sphere of government; (i) 10
 - (iii) “Director-General” means the Director-General of the Department, and includes any employee of the Department acting on the authority of the Director-General; (ii)
 - (iv) “MEC” means the member of the Executive Council of a province entrusted with public transport affairs; (iv) 15
 - (v) “metropolitan transport area” means any area declared a metropolitan transport area under section 3 of the Urban Transport Act; (v)
 - (vi) “Minister” means the Minister of Transport in the national sphere of government; (vi)
 - (vii) “permit authority”— 20
 - (a) except in the circumstances mentioned in paragraph (b) of this definition, means a local road transportation board established under section 4 of the

- Road Transportation Act for an area declared a road transportation area under section 2(a) of that Act;
- (b) where that Act has been superseded in any province by a law of the province, means any board, authority or other body which in terms of such a law performs in that province or any part thereof functions which are substantially the same as those that such a local road transportation board performs in relation to its own area of jurisdiction; (viii) 5
- (viii) “replacing provincial law” means a provincial law of the nature mentioned in paragraph (b) of the definition of “permit authority” in this section; (ix) 10
- (ix) “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); (vii) 10
- (x) “Road Transportation Act” means the Road Transportation Act, 1977 (Act No. 74 of 1977), as applicable and in force in each of the provinces of the Republic; and (x) 15
- (xi) “Urban Transport Act” means the Urban Transport Act, 1977 (Act No.78 of 1977), as applicable and in force in each of the provinces of the Republic. (xi) 15

Regional services council need not be core city of metropolitan transport area situated wholly within its region

2. (1) Where an area that is declared a metropolitan transport area after the commencement of this Act, is situated wholly within the region of a regional services council that is wholly or partly charged with functions regarding the land use and transport planning in its region in terms of section 3(1)(b) of the Regional Services Councils Act, 1985 (Act No.109 of 1985), and also is not situated wholly within the area of jurisdiction of a transitional metropolitan council falling within that region, any other municipality whose area of jurisdiction falls wholly within that metropolitan transport area may, despite subsection (3)(a) of section 4 of the Urban Transport Act, be designated the core city of that metropolitan transport area— 20

- (a) if there are good and practical reasons for doing so; and 25
- (b) with the agreement of the regional services council concerned and that other municipality; and 30
- (c) subject to subsection (2) of this section.

(2) In performing its core city functions in terms of the Urban Transport Act, a municipality so designated must liaise and at all times co-ordinate its activities with those of that regional services council so as to ensure that the land use and transport planning in the region is developed in a duly co-ordinated and integrated fashion. 35

Core cities to submit current public transport records to MEC in respect of their metropolitan transport areas

3. (1) After the commencement of this Act, the core city of each metropolitan transport area must prepare a record in accordance with the document titled “Requirements and Format for Preparation of Current Public Transport Records by Core Cities”, as published in the *Gazette* on 22 May 1998 under General Notice No. 847 of 1998, to be known as a current public transport record, reflecting— 40

- (a) all the public transport services being provided and operated within its metropolitan transport area under the authority of road carrier permits issued under the Road Transportation Act or a replacing provincial law; and 45
- (b) all the facilities and infrastructure in place and utilised in that metropolitan transport area for the purpose of or in connection with those public transport services, as well as the facilities and infrastructure being developed within that metropolitan transport area for that purpose or in that connection.

(2) Every core city must submit its current public transport record to the MEC not later than 31 December 1998. However, the MEC, with the agreement of the Minister, by notice in the *provincial gazette* may extend the period for the submission of current public transport records for metropolitan transport areas under the jurisdiction of the province concerned, to a later date specified in the notice. 50

(3) The core city must ensure that the current public transport record is updated on a continuous basis and consolidated regularly.

Transport planning for metropolitan transport areas must be integrated with land development process

4. After the commencement of this Act, each core city, when preparing, revising or updating any transport plan for its metropolitan transport area in terms of section 17 of the Urban Transport Act, must do so with due regard to the current public transport record prepared by it for that metropolitan transport area in terms of section 3 of this Act and must ensure that the transport plan is duly integrated with the land development process in the context of integrated development planning in terms of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and the Development Facilitation Act, 1995 (Act No. 67 of 1995), or, where appropriate, any similar or corresponding law in force in the province concerned.

Permit authority must consider core city's recommendations in disposing of application for permit authorising passenger transport in metropolitan transport area

5. (1) (a) After the commencement of this Act, a permit authority, before considering any application for the grant, renewal, amendment or transfer of a road carrier permit in terms of the Road Transportation Act, or a replacing provincial law, authorising the regular conveyance of persons for reward within a metropolitan transport area, must inform the core city of that metropolitan transport area by notice in writing of the application concerned, with the request to make recommendations with regard to the application, together with any representations, to that permit authority within the period stated in the notice (which may not be shorter than 21 days reckoned from the date of the notice).

(b) The core city must make its recommendations, and any representations it considers fit, having regard to the current public transport record prepared by it for that metropolitan transport area in compliance with section 3 of this Act, and submit them to the permit authority within the period allowed therefor by the notice issued in terms of paragraph (a).

(2) In disposing of such an application, the permit authority must duly take into account the recommendations and any representations made by the core city concerned.

(3) The provisions of this section are additional to and not in substitution of the relevant provisions of the Road Transportation Act or any replacing provincial law.

Disposal of applications for public road carrier permits made by successful tenderers for contracts to provide public road transport services

6. Where any contract for the provision of a public road transport service within a metropolitan transport area has been awarded by a provincial tender board after completion of a process of public tendering in terms of any law, a permit authority, despite any contrary provisions of the Road Transportation Act or a replacing provincial law, may not refuse the successful tenderer's application for the grant or renewal of a public road carrier permit required for the purposes of that service except on any of the following grounds:

(a) Any previous conviction of the applicant for an offence in terms of the Road Transportation Act or any replacing provincial law, and any other failure by the applicant as an operator of public transport.

(b) The existence of any prohibition, limitation or restriction imposed by law on the use of motor vehicles in any area or on any street or road on the route or in the area where the applicant proposes to operate the transport service.

Director-General of Transport to succeed South African Roads Board with regard to its functions under Urban Transport Act

7. (1) From the date of commencement of this Act, unless clearly inappropriate—
- (a) all the powers, functions and duties conferred or imposed on the Roads Board by or in terms of the Urban Transport Act, will pass to the Director-General who, as from that date, may exercise any such power and, in the circumstances contemplated in that Act, must perform any such function or duty; 5
 - (b) any power, function or duty exercised or performed by the Roads Board under the Urban Transport Act, and any other act performed by it in connection therewith, before the commencement of this Act, will be regarded and treated as if it had been exercised or performed by the Director-General under paragraph (a) of this subsection; and 10
 - (c) any reference in the Urban Transport Act to the Roads Board, however expressed, will be regarded and treated, for all purposes, as if it were a reference to the Director-General, subject to subsection (2). 15
- (2) After the commencement of this Act, any reference in the Urban Transport Act to an officer of the Roads Board, however expressed, must be regarded and treated for all purposes as a reference to an employee of the Department acting on the authority of the Director-General in connection with any matter relating to a power, function or duty of the Director-General in terms of subsection (1)(a). 20

Short title and commencement

8. This Act is called the National Land Transport Interim Arrangements Act, 1998, and comes into operation on a date that will be determined by the President by proclamation in the *Gazette*.