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## GOVERNMENT NOTICE

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### DEPARTMENT OF TRANSPORT

No. 26

17 January 2013

#### TRANSPORT APPEAL TRIBUNAL ACT, 1998

#### TRANSPORT APPEAL TRIBUNAL REGULATIONS, 2012

The Minister of Transport has under section 17 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998), and after consultation with the Tribunal, made the Regulations in the Schedule



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MR. DIKOBÉ BEN MARTINS (MP)

MINISTER OF TRANSPORT

**SCHEDULE****ARRANGEMENT OF REGULATIONS****Regulation**

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**ANNEXURE 2: TRANSPORT APPEAL TRIBUNAL TABLE OF FEES****Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

**"appellant"** means any person who is affected or aggrieved by an act, direction or decision of a Provincial Regulatory Entity (PRE), National Public Transport Regulator (NPTR), Municipal Regulatory Entity (MRE) or Regulatory Committee (RC) for the granting, renewal, amendment or transfer of an operating licence or permit to be issued by that Provincial Regulatory Entity (PRE), National Public Transport Regulator (NPTR), Municipal Regulatory Entity or Regulatory Committee (RC), or who submitted representations to that Provincial Regulatory Entity (PRE), National Public Transport Regulator (NPTR), Municipal Regulatory Entity (MRE) or Regulatory Committee (RC);

**"appeal"** means any appeal lodged with the Tribunal;

**'chairperson'** means the chairperson of the Tribunal or any member thereof who is acting as chairperson under the Act;

**"day"** means any day which is not a Saturday, Sunday or public holiday and must be included in the computation of any time expressed in days;

**"designated officials"** means officers in the Department of Transport whom the Director – General of that Department has designated in terms of section 16(1) of the Act, to perform the administrative and secretarial work of the Tribunal;

**"entity"** means the Provincial Regulatory Entity (PRE), National Public Transport Regulator (NPTR), Municipal Regulatory Entity (MRE) or Regulatory Committee (RC) which issues an operating licence or a permit on an application made in terms of the National Land Transport Act, 2009 (Act No. 5 of 2009);

**"first respondent"** means the Provincial Regulatory Entity (PRE), National Public Transport Regulator (NPTR), Municipal Regulatory Entity (MRE) or Regulatory Committee (RC) against whose act, direction or decision the appeal is lodged;

**"municipality"** means a municipality contemplated in section 155(6) of the Constitution of the Republic of South Africa, 1996, as provided in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"person"** means—

- (a) a natural person;
  - (b) a juristic person;
  - (c) a partnership, association, or other body of persons, incorporated or unincorporated;
- or
- (d) a trust if—
    - (i) there are three or more individual trustees; or
    - (ii) the trustee itself is a corporate person.

but does not include a stokvel;

**"second and subsequent respondents"** means with respect to an Appeal any person who was a party to or participated in an application for the grant, renewal, amendment or transfer of an operating license or permit, either as an applicant, objector, who is the holder of an operating license or permit affected by an act, direction or decision of the entity or other interested party;

**"the Act"** means the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998);

### **Lodging of Appeal**

2. (1) An appeal in terms of section 92 of the National Land Transport Act, 2009 (Act No.5 of 2009) or section 34 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), against an act, direction or decision of an entity relating to an operating license or permit must be submitted by the appellant in writing to the Tribunal within 30 days of the date of the written notice whereby the decision of the entity was communicated to the Appellant..

(2) An appeal contemplated in subregulation 2(1) must be lodged with the Tribunal by submitting the completed Notice of Appeal in the form of form TAT 01 in Annexure 1, together with the information and documents specified therein and proof of payment of the appeal lodging fee as specified in Annexure 2.

(3) (a) A Notice of Appeal must be completed in full and a clear answer must be furnished to each section and submitted to the Tribunal.

(b) Copies of a Notice of Appeal must be delivered by hand, registered post or faxed to the entity, second and subsequent respondents and to any interested or affected party within 30 days from the date the decision of the entity was communicated to the appellant.

(c) The original and 7 copies of a Notice of Appeal, together with proof of service to the first and subsequent respondents, must be submitted to the secretariat of the Tribunal with proof of payment of the appeal lodging fee as set out in Annexure 2.

(d) The Tribunal may reject an appeal where a Notice of Appeal in terms of this regulation is not fully and properly completed, all required documents have not been attached, copies of the Notice of Appeal have not been served on other parties or the required fee has not been paid.

(4) (a) The designated official of the Tribunal must on receipt of any Notice of Appeal allocate a preliminary reference number to that appeal.

(b) When the designated official has verified the payment of the appeal lodging fee and compliance with the Regulations, that official must allocate a reference number to the appeal to commence the appeal proceedings.

(c) In the event of any non-compliance with the Regulations, the designated official shall within 10 days of receipt of the appeal issue a Compliance Notice in the form TAT 03 in Annexure 1 calling upon the appellant to comply as indicated in the Notice, and if the appellant fails to comply with the Notice within 15 days, the appeal will be removed from the preliminary appeal register.

(d) Within 10 days after an appeal has been properly lodged, the Tribunal must comply with regulation 3(1).

**Appeal Practice Procedure: Entity**

3. (1) The chairperson in chambers or his or her delegate must issue a Notice to Entity in the form of form TAT 04 in Annexure 1 to an entity against whose act, direction, or decision, an appeal has been lodged.

(2) The relevant entity must within 21 days after the date of issue of the Notice to Entity by the Tribunal, forward to the Tribunal and to all the parties to the Appeal—

(a) copies of all documents relating to an act, direction or decision, the original application form, the *Gazette* wherein the application was published if applicable, any written representation lodged with it in regard to the application, any letters of recommendations from the municipalities, any maps and route descriptions that were considered and any applicable integrated transport plans (ITP's) that were considered together with a

transcript of the proceedings before it, if mechanically or manually recorded, if applicable state to state agreements relating to the application and any further document that was considered during the application process; and

(b) its reasons in writing for the decision appealed against.

(3) The chairperson may, in any particular case, extend the period contemplated in subregulation (2) at the request of the entity concerned.

(4) If the entity fails to provide the information set out in subregulation (2) within the prescribed period, the Tribunal may;

(1) shall proceed to hear the appeal on the basis of the lodged Notice of Appeal; or

(2) cause a Summons (i.e. in the form TAT 07) to be served on the Chairperson of such entity in accordance with section 14(1)(b) calling upon him/her to appear before the Tribunal and produce the documents referred to in regulation 3(2).

(5) An Appeal that has been lodged with the Tribunal has the effect of suspending the decision of the entity

#### **Appeal Practice Procedure: Parties**

4. (1) The chairperson or his or her delegate must at any time after the filing of a Notice of Appeal in terms of regulation 2 issue a Directive Notice directing the parties to curtail the issues for consideration in the form of form TAT 05 in Annexure 1.

(2) Any party who has been issued with a Directive Notice shall provide the Tribunal with a reply on a Directive Reply in the form of form TAT 06 in Annexure 1 within 10 days from the date of issue of the Directive Notice;

(3) A Directive Reply must—

(a) state the facts which are in dispute, admitted or rejected;

(b) set out further facts, if any on which the parties propose to rely on;

(c) provide details of witnesses if any, that the parties intend to call during the appeal hearing;

- (d) provide for a settlement agreement signed between the parties; and
- (e) provide for any other issue for consideration by the Tribunal.

### **Procedure**

5. (1) An appellant may at a hearing of an appeal rely only on the grounds stated in his or her Notice of Appeal and may give only such evidence as was given before the entity that made the decision.

(2) Second and subsequent respondents may at a hearing of an appeal rely on the grounds stated in writing in his or her directive reply and may give only such evidence as was given before the entity that made the decision.

(3) The Tribunal may at any stage of the appeal proceedings, at its discretion and on application by the appellant or any other party, allow any notice, statement or reply to be amended upon such terms as it consider just.

(4) The Tribunal may allow, in special circumstances and on good cause shown, evidence not given before the entity to be admitted.

(5) Any Notice or Reply filed by the parties to an appeal with the Tribunal must first be served on all other parties and proof of service must be furnished to the Tribunal.

(6) A party who is in default of any of the provisions of the Regulations shall not be heard in respect of any issue raised in such Regulations except on good cause shown to the Tribunal for its failure to comply.

(7) The Tribunal may grant an order on any point which appears to be an issue in the matter to be determined as a preliminary issue.

(8) If in the opinion of the Tribunal, the determination of a preliminary issue substantially disposes of the whole case, the Tribunal may treat the hearing of the preliminary issue as the hearing of the case and may grant such an order by way of disposing of the case as it deems fit.



(9) The Tribunal may—

- (a) dismiss the matter;
- (b) postpone the hearing of an appeal;; or
- (c) alter the place of any hearing.

(10) If the Tribunal dismisses, postpones, or alters the place of any hearing as contemplated in subregulation (9), the designated official must notify all parties of the revised arrangements in writing not later than three days after the decision of the Tribunal.

(11) (a) Any irregularity resulting from a failure to comply with any provision of these Regulations before the Tribunal has reached its decision does not in itself render the proceedings void.

(b) In any case contemplated in subregulation (11)(a) the Tribunal must, if it considers that any person may have been prejudiced, take such steps as it deems fit to cure the irregularity before reaching its decision.

(12) (a) Before the commencement of any hearing of an appeal, the members of the Tribunal must disclose any direct or indirect financial or personal interest that any of them may have in any matter before the Tribunal that may affect the impartiality of the member concerned.

(b) The chairperson may at his or her discretion after consideration of all disclosures contemplated in paragraph (a) make a ruling for the member to be recused from such hearing or make any other ruling that will ensure the impartiality of the Tribunal.

(13) Any clerical mistake or error in any document recording a decision of the Tribunal, or any error arising in such a document from an incidental error or omission may be corrected by the chairperson or his or her authorized delegate.

**Time limit for appeal, condonation and suspension**

6. (1) A Notice of Appeal shall be lodged within 30 days from the date of the written notice whereby the decision of the entity was communicated to the Appellant.

(2) An appellant who fails to lodge an appeal within the period contemplated in subregulation (1) may apply to the Tribunal for condonation for the late filing of the Notice of Appeal in terms of section 13(a) of the Act, provided that:

(i) the application for condonation is in writing and is lodged simultaneously with a duly completed Notice of Appeal; and

(ii) the application for condonation shall be accompanied by a supporting affidavit setting out the reasons for the late filing of the Notice of Appeal and containing any documentation relating thereto; and

(iii) the Notice of Appeal, application for condonation and supporting affidavit, are received by the Tribunal not later than 90 days after the date of the notice sent by the entity to the Appellant, containing the decision of such entity which is subject to the Appeal.

(3) (a) The chairperson must, subject to paragraph (b) consider an application for condonation prior to the hearing of the appeal.

(b) A ruling by the chairperson to condone an appellant's late filing of a Notice of Appeal, allows the appeal to proceed as if it was filed in accordance with the provisions of subregulation 1.

(4) The chairperson may at his or her discretion direct that an application for opposed condonation be set down for hearing by the Tribunal as a preliminary hearing before hearing the merits of the main appeal.

(5) An application to suspend the operation of an act, direction or decision appealed against made in accordance with the provisions of section 13(b) of the Act must be in writing and be accompanied by—

(a) a duly completed Notice of Appeal as set out in Annexure 1:

(b) an affidavit by the appellant showing good cause for suspending the decision appealed against ; and

(c) proof that the said application has been delivered by registered post or personally to each Respondent.

(6) The chairperson may at his or her discretion direct that the opposed application to suspend operations to be set down for hearing by the Tribunal as a preliminary hearing before hearing the merits of the main appeal.

(7) A ruling by the chairperson to suspend an act, direction or decision appealed against allows the appeal to proceed as if it was filed in accordance with the provisions of subregulation 1

#### **Appearance before Tribunal**

7. (1) The Tribunal shall conduct its appeal hearing in accordance with the procedures stipulated in section 14(1) of the Act.

(2) The Tribunal may summon any person to appear before it in the form of form TAT 07 in Annexure 1.

(3) A summons contemplated in subregulation (2) must be signed by the chairperson or his or her delegate and must be served by the sheriff or a peace officer or provincial traffic inspector or public transport inspector.

(4) The sheriff or a peace officer or a provincial traffic inspector or public transport inspector who served a summons in terms of the Act or these Regulations must transmit a return of service to the designated official.

(5) Any person who fails to comply with a summons is guilty of an offence as contemplated in section 15 of the Act.

**Right to Representation**

8. (1) Subject to subregulation 8(2) an appellant or respondent has the right to appear in person or to be represented in proceedings before the Tribunal.

(2) A representative contemplated in subregulation 8(1), may be an admitted attorney or an admitted advocate provided that the appellant or respondent submits to the Tribunal a completed form TAT 02 as set out in Annexure 1 authorizing such appointment.

(3) The Tribunal may proceed with a sitting in the absence of a representative of an appellant or respondent, if the relevant provisions of regulation 9 relating to notification of a sitting have been complied with.

**Notification of Sitting**

9. (1) The Tribunal must serve notice of a sitting on—

- (a) an appellant;
- (b) the representative on record of the appellant, if applicable;
- (c) the relevant entity, as the case may be; and
- (d) any person affected by the appeal or who has formally joined in the proceedings.

(2) The Tribunal must notify all the parties affected by an appeal at least 10 days before the scheduled sitting or such shorter period as agreed to by the parties and such notice must reflect—

- (a) the names of the appellant and respondent;
- (b) the subject matter of the appeal; and
- (c) the date, time and venue for such sitting.

**Postponement of proceedings, removal of appeal from roll and withdrawal of appeal**

10. (1) Any party to proceedings before the Tribunal may request the chairperson by furnishing its reasons in writing to postpone the proceedings of the Tribunal or to remove the appeal from the roll, and such a request must reach the Tribunal at least five days before the scheduled date of the sitting.

(2) The chairperson may grant a postponement of the proceedings or remove the appeal from the roll upon good cause shown.

(3) If postponement is opposed, the chairperson may request the parties to the hearing to make representation before ruling on the matter.

(4) If the chairperson makes a decision to postpone its proceedings or to remove the appeal from the roll, the Tribunal must give notice of such postponement or removal to all parties affected by the appeal, either telephonically, by fax or by any other means of communication, not later than three days after the Tribunal has taken that decision.

(5) If an appellant notifies the chairperson about his or her request for withdrawal of an appeal less than ten days before the date of the sitting, the fee contemplated in annexure 2 shall be forfeited in terms regulation 16(3)(a).

**Conducting of proceedings at sittings**

11. (1) Save in the case of a preliminary issue raised by a Respondent, as referred to in sub regulation 5(8), the chairperson must allow the appellant to present his or her case, first, and thereafter the Tribunal must afford any other person affected by the appeal, as the case may be, an opportunity to present his or her case, where after the appellant must be afforded an opportunity to respond to any information provided by representatives of any other person affected by the appeal, as the case may be.

(2) The entity, having filed its reasons for its decision, in writing, should be regarded as "*functus officio*" and its participation in the Appeal proceedings will be at the discretion of the Tribunal.

(3) The chairperson must allow any party to the appeal hearing to tender evidence and to call witnesses, if any, and the parties may be allowed to put questions to such witness at an appropriate time determined by the Chairperson.

(4) Parties to the Tribunal hearing are required within 5 days from receipt of form TAT 08 as contained in annexure 1 to confirm documentation in their possession that they intend using during the hearing.

#### **Hearing of appeal in absence of either of parties**

12. (1) Where a notice of a sitting has been served in terms of regulation 9, the Tribunal may hear an appeal in the absence of an appellant or any other party affected by the appeal if—

- (a) the Tribunal is satisfied that the reasons provided to it by such appellant or other party are not of such a nature as to necessitate his or her attendance;
- (b) such appellant or other party has indicated to the Tribunal that he or she does not wish to be present at the sitting of the Tribunal;
- (c) such appellant or any other party fails to attend the sitting of the Tribunal without providing any reasons.

(2) Where the Tribunal proceeds with its sitting in the absence of the appellant or any other party affected by the appeal, the Tribunal may consider and determine the appeal on the strength of the information available to it at that time.

#### **Combined hearings**

13. If the Tribunal is satisfied that in any number of appeals—

- (a) some common question of fact or law arises; or
- (b) it is practical and appropriate to proceed with the appeals under this regulation, the Tribunal may decide that such appeals must be heard together.

**Records of proceedings**

14. (1) The Tribunal must keep a record of every appeal lodged, every document related thereto and a summary of the proceedings or minutes of its sittings related thereto.

(2) The Tribunal must make a summary of its proceedings or record the minutes of its sitting by means of shorthand notes or mechanically.

(3) The records contemplated in subregulation (1) must be kept in terms of the relevant laws governing the keeping of records and archives.

**Decisions of Tribunal**

15. (1) (a) The Tribunal must within 21 days after the parties to the hearing have closed their case or such extended period as may be required, finalise the decision of the hearing.

(b) The Tribunal must within 10 days from the date the Tribunal has finalised its decision, notify the parties about the decision of the Tribunal.

(c) A decision of the Tribunal must be in writing and be conveyed either by telefax, post or email and must include full particulars of the Tribunal's decision and set out whether the appeal lodging fee or any part thereof is to be refunded or forfeited by the appellant.

(2) (a) Any person whose rights have been adversely affected by the decision of the Tribunal may request reasons for the Tribunal's decision.

(b) The Tribunal must provide reasons for its decision within 15 days from the date of receiving a request in writing, provided that such request for the reasons is received within 30 days from the date such person became aware of such act, decision or direction or might reasonably have been expected to have become aware thereof.

(c) If an adversely affected person requests reasons 30 days after the Tribunal's decision, the Tribunal must furnish the adversely affected person with reasons within a period of 60 days from the date of receipt of the request for reasons.

(d) After the period of 90 days has lapsed from the time the Tribunal has made its decision, the requester must on good cause shown furnish written reasons why his/her request is submitted outside of the prescribed period of 90 days.

### **Fees**

**16.** (1) The Appeal lodging fees as prescribed in the Act are in respect of each operating licence or permit appealed against or in dispute.

(2) The fees payable in connection with an appeal are as determined in Annexure 2.

(3) Where the Tribunal—

(a) rejects an appeal in terms of section 12(1)(a) of the Act, the relevant amount prescribed in Annexure 2 is forfeited by the appellant;

(b) upholds an appeal in terms of section 12(1)(b) of the Act, the relevant amount prescribed in Annexure 2 must be refunded to the appellant;

(c) partially upholds an appeal in terms of section 12(1)(c) of the Act, the relevant amount prescribed in Annexure 2 or any part thereof, may be refunded to the appellant at the discretion of the Tribunal.

(4) Where an appeal lodged with the Tribunal in terms of section 12 of the Act is withdrawn by the appellant less than 10 days before the hearing date, the relevant amount prescribed in Annexure 2 or any part thereof, is forfeited.

(5) Where the chairperson of the Tribunal refuses an application for condonation of the late filing of an appeal in terms of section 13(a) of the Act, the relevant amount prescribed in Annexure 2 must be refunded to the appellant.



(6) Where any act, direction or decision of the entity against which an appeal is lodged is set aside and remitted to the entity concerned, as the case may be, by the Tribunal in terms of section 12(1)(b)(ii) of the Act, the relevant amount prescribed in Annexure 2 must be refunded to the Appellant.

(7) Any person required in terms of section 14(1)(b) of the Act to appear before the Tribunal in order to give evidence or to produce a book, plan or other document or object must be paid the witness fees that are paid to any witness attending or summonsed to give evidence in a civil case before a magistrate's court.

(8) No witness fees shall be payable to a state employee who attends a hearing in the course of his or her duties.

(9) Any person who have an interest in an appeal lodged with the Tribunal and who requests the Tribunal to supply him or her with a copy of—

- (a) the relevant lodged appeal;
- (b) a document which the appellant has submitted with his or her appeal;
- (d) representations in support of or in opposition to such appeal;
- (e) the decision of the Tribunal;

must pay to the Tribunal the amount specified in Annexure 2.

### **Repeal of Regulations**

**17.** These Regulations repeal all the regulations that were enacted in terms of the Act to these Regulations.

### **Short title and commencement**

**18.** These Regulations are called the Transport Appeal Tribunal Regulations, 2012 and come into operation on the date publication in the Government Gazette.

**ANNEXURE 1: FORMS**

|                    |   |
|--------------------|---|
| <b>FORM TAT 01</b> | <b>NOTICE OF APPEAL</b>                   |
| <b>FORM TAT 02</b> | <b>SPECIAL POWER OF ATTORNEY</b>          |
| <b>FORM TAT 03</b> | <b>COMPLIANCE NOTICE TO THE APPELLANT</b> |
| <b>FORM TAT 04</b> | <b>NOTICE TO ENTITY</b>                   |
| <b>FORM TAT 05</b> | <b>DIRECTIVE NOTICE TO PARTIES</b>        |
| <b>FORM TAT 06</b> | <b>DIRECTIVE REPLY FROM PARTIES</b>       |
| <b>FORM TAT 07</b> | <b>SUMMONS</b>                            |
| <b>FORM TAT 08</b> | <b>TRIBUNAL CONFIRMATION DOCUMENT</b>     |

**ANNEXURE 2: APPEAL FEES**

| <b>DESCRIPTION</b>                              | <b>FEE</b>      |
|---|-----------------|
| <b>Lodging fee - Bus operations</b>             | <b>R2000-00</b> |
| <b>Lodging fee - Midi Bus operations</b>        | <b>R1500-00</b> |
| <b>Lodging fee - Mini Bus operations</b>        | <b>R1000-00</b> |
| <b>Lodging fee - Charter Service operations</b> | <b>R1000-00</b> |

**Lodging fee - Tourist operations R1000-00**

**Lodging fee - Metered Taxi operations R1000-00**

**Lodging fee - Shuttle Services operations R1000-00**

**Lodging fee - Other R1000-00**

**REGULATION 16(10)**

Per file up to 10pages **R5.00**

For each subsequent page **R0.50.**









|   |
|---|
| <p>If you have answered no in any of the two questions above, state reasons</p>   |
| <p><b>NB</b> :( If more than one party, details must be set out in an annexure clearly marked and attached hereto.)</p> |

| <b>3 3.DETAILS OF THE ORIGINAL DECISION APPEALED AGAINST</b> |                         |                  |  |  |
|--|-------------------------|------------------|--|--|
| PRE  | OP Number & Expiry date | Date of decision | Date of decision notice to the appellant | Reasons for the decision provided<br><b>Yes / No</b> |
| C-BRTA   | OP Number & Expiry date | Date of decision | Date of decision notice to the appellant | Reasons for the decision provided<br><b>Yes / No</b> |
| NPTR   | OP Number & Expiry date | Date of decision | Date of decision notice to the appellant | Reasons for the decision provided<br><b>Yes / No</b> |
| MRE  | OP Number & Expiry date | Date of decision | Date of decision notice to the appellant | Reasons for the decision provided<br><b>Yes / No</b> |

| <b>4 CONDONATION AND SUSPENSION (PLEASE TICK WHERE APPROPRIATE)</b>  |           |                   |           |
|--|-----------|-------------------|-----------|
| <b>CONDONATION</b>   |           | <b>SUSPENSION</b> |           |
| <b>YES</b>   | <b>NO</b> | <b>YES</b>        | <b>NO</b> |
| (It is essential that the condonation and/or suspension application/s are set out in full with reasons as an annexure clearly marked and attached hereto.) |           |                   |           |
| Is the Appeal to the Tribunal within 30 days from the date of decision notice to the appellant stated in (4) above?  |           | <b>YES</b>        | <b>NO</b> |
| How many days is the appeal outside the time required to file an Appeal?   |           |                   |           |



| 5 5. GROUNDS OF APPEAL (PLEASE TICK WHERE APPROPRIATE)  |                 |                   |
|---|-----------------|-------------------|
| Complete the summary of Appeal by answering each and every statement appropriately:-  |                 |                   |
|   | <b>Attached</b> | <b>Unattached</b> |
| The Grounds of Appeal must be set out in full as an annexure marked and attached hereto.  |                 |                   |
| Details of all proposed applicable routes and timetables must be clearly marked and annexed hereto.   |                 |                   |
| A detailed map of all proposed routes and the infrastructure relating thereto must be clearly marked and annexed hereto. (For example terminals, hotels, residential, business operations, etc.)                      |                 |                   |
| Copies of section/s of statutory plans must be attached if applicable.  |                 |                   |
| All citation and reference to any provincial notice, regulation and any other legislation must be clearly set out.<br><br>(Copies of Integrated Transport Plans (ITP's) or any applicable documents must be attached) |                 |                   |
| Heads of Arguments with references must be clearly marked and annexed hereto.   |                 |                   |

**5.1 PUBLIC TRANSPORT LEGISLATION AND RELATED STATUTES**

|   | TAT | NLTA | C-BRTA | OTHER SPECIFY |
|---|-----|------|--------|---------------|
| <b>A. Legislation (mark with X)</b>       |     |      |        |               |
| <b>B. Brief details of the applicable</b> |     |      |        |               |

|  |  |  |            |           |
|--|--|--|------------|-----------|
| <b>provisions</b>  |  |  |            |           |
| <b>C. Applicable Section/s</b>   |  |  |            |           |
| <b>D. PROCEDURE</b><br>PRE<br>CBRTA<br>NPTR<br>MRE   |  |  |            |           |
| <b>E. All interested parties and /or Objectors during entity proceedings</b><br><b>NB :</b> ( Full details must be annexed.) |  |  | <b>Yes</b> | <b>No</b> |
| <b>F. Notification of the above parties and/or objectors on the lodging of appeal</b>  |  |  | <b>Yes</b> | <b>No</b> |

**6. DETAILS OF THE APPELLANT'S REPRESENTATIVE**

|                           |                 |                   |
|---------------------------|-----------------|-------------------|
| NAME                      | COMPANY NAME    |                   |
| BUSINESS ADDRESS          | POSTAL ADDRESS  |                   |
| BUSINESS TELEPHONE NO     | EMAIL ADDRESS   |                   |
| FAX NO                    | CELLPHONE NO    |                   |
| SPECIAL POWER OF ATTORNEY | <b>ATTACHED</b> | <b>UNATTACHED</b> |

**7. DECLARATION**

I HEREBY CONFIRM THE CONTENT OF THE APPEAL.

SIGNED:..... NAME IN PRINT:.....

DATE:..... CAPACITY: .....

**8. GENERAL PROVISIONS:**

1. The Notice of Appeal should strictly comply with the following requirements:
  - 1.1. The Appellant must index, paginate and bind his/her Notice of Appeal together with all annexure attached thereto.
  - 1.2. The index page or content page must include the names of parties and the Operating License number/s.
  - 1.3. The TAT 01 Form must be marked as 1.
  - 1.4. The grounds of Appeal shall be marked A, A1, A2.
  - 1.5. The Routes and Timetable shall be marked B, B1, B2, and B3.
  - 1.6. The Map shall be marked C, C1, C2, and C3.
  - 1.7. The Heads of Arguments with References shall be marked D, D1, D2, D3.
  - 1.8. All other applicable annexure shall then be marked E, F, G, etc.
  - 1.9. The documents must then be paginated in clear, bold black ink e.g. 1, 2, 3, 4, etc.
2. All information must be completed and where not applicable must be clearly indicated.
3. All documents must be typed and neatly bound with the exception of the annexure.
4. Failure to comply with the provisions contained herein can result in the Appeal being rejected in terms of regulation 2 (3) (d) of the tribunal regulations and appeal-lodging fee forfeited.

**PLEASE NOTE: IF SPACE PROVIDED WHILE COMPLETING THIS FORM IS INSUFFICIENT, THE FURTHER DETAILS MUST BE SET OUT IN AN ANNEXURE CLEARLY MARKED AND ANNEXED TO THE RESPECTIVE DOCUMENT.**

**APPEAL LODGING FEE PAYMENT DETAILS**

|                  |  |
|------------------|--|
| Account Name     | Department of Transport  |
| Account Number   | 4053620095   |
| Bank             | ABSA   |
| Reference Number | 13033034 plus the Identity Number (ID) of the Appellant/Company certificate number |

**TRIBUNAL CONTACT DETAILS**

|                                 |                 |
|---------------------------------|-----------------|
| Physical Address                | The Secretariat |
| Transport Appeal Tribunal       |                 |
| Department of Transport         |                 |
| Forum Building                  |                 |
| 159 Struben Street              |                 |
| Corner Struben & Bosman Streets |                 |
| Pretoria                        |                 |

|                |                   |
|----------------|-------------------|
| Postal Address | Private Bag X 193 |
|                | Pretoria, 0001    |

|                |  |
|----------------|--|
| Email Address: | <a href="mailto:Tribunal@dot.gov.za">Tribunal@dot.gov.za</a> |
|----------------|--|

Tel no. (012) 309 3861/3065/3975/3391  
Fax no. (012) 309 3728/3486/0865439700

| <b>OFFICIAL USE ONLY</b>              |  |
|---------------------------------------|--|
| <b>UPHELD</b>                         |  |
| <b>DISMISSED</b>                      |  |
| <b>REFER TO PRE, CBRTA, NPTR, MRE</b> |  |
| <b>OTHER</b>                          |  |
| <b>FEES REFUNDED</b>                  |  |
| <b>FEES FORFEITED</b>                 |  |



**TRANSPORT APPEAL TRIBUNAL ACT, (ACT NO. 39 OF 1998)**

**FORM TAT 02: SPECIAL POWER OF ATTORNEY**

I/We, the undersigned

.....

(Appellant/Respondent)

Herein represented by..... ( If, the Appellant is a company, close corporation, trust, or association with a constitution, a resolution of the directors, members, trustees, or committee of such body, authorizing the said person to sign the Power of Attorney on its behalf, must be attached ) hereby nominate, constitute and appoint

.....

To act on my / our behalf as our duly appointed agent and representative throughout the proceedings of the appeal against the act, direction, or decision of the.....day of.....20.....

I /We, furthermore authorize my / our said representative to appoint in his or her name, place and stead, a practicing advocate and attorney to represent me / us at any hearing of the said Appeal by the Transport Appeal Tribunal.

.....

***Signature of the Appellant/Respondent***

Date:

Witnesses:

1. ....[Signature and full names]

2. ....[Signature and full names]

Signature of the Representative .....

Date:



transport

Department:  
Transport  
REPUBLIC OF SOUTH AFRICA

**TRANSPORT APPEAL TRIBUNAL ACT, (ACT NO. 39 OF 1998)**

**FORM TAT 03: COMPLIANCE NOTICE TO THE APPELLANT**

**PRELIMINARY REFERENCE NUMBER: TAT 000 - \_\_\_\_\_**

**PLEASE NOTE:** Your attention is hereby directed to your non-compliance with the Transport Appeal Tribunal Act and Regulations in completing your Notice of Appeal. The following further particulars are accordingly hereby requested within 10 days of receipt hereof:

**DETAILS OF THE APPELLANT**

|                          |  |
|--------------------------|--|
| NAME                     |  |
| RESIDENTIAL ADDRESS      |  |
| POSTAL ADDRESS           |  |
| TELEPHONE, FAX,<br>EMAIL |  |

**DETAILS OF THE ENTITY APPEALED AGAINST**

|                    |  |
|--------------------|--|
| NAME OF THE ENTITY |  |
| CONTACT PERSON     |  |
| BUSINESS ADDRESS   |  |

|   |  |
|---|--|
| TELEPHONE, FAX ,<br>EMAIL               |  |
| APPEALED OPERATING<br>LICENCE NUMBER(S) |  |

**DETAILS OF THE SECOND AND SUBSEQUENT RESPONDENT/S**

|                           |  |
|---------------------------|--|
| NAME                      |  |
| RESIDENTIAL ADDRESS       |  |
| POSTAL ADDRESS            |  |
| TELEPHONE, FAX ,<br>EMAIL |  |

**DETAILS OF THE OBJECTOR/S**

|                           |  |
|---------------------------|--|
| NAME                      |  |
| RESIDENTIAL ADDRESS       |  |
| POSTAL ADDRESS            |  |
| TELEPHONE, FAX ,<br>EMAIL |  |

| PRELIMINARY COMPLIANCE FOR LODGED APPEAL |   | Yes | No |
|--|---|-----|----|
| 1  | Receipt of your lodged appeal with the Transport Appeal Tribunal is hereby acknowledged |     |    |
| 2  | Appeal lodging fee paid   |     |    |
| 3  | Form TAT 01 fully completed   |     |    |
| 4  | Document indexing and pagination has been complied with.                                |     |    |
| 5  | Documents typed and neatly bound  |     |    |
| 6  | Clear and concise Grounds of Appeal   |     |    |
| 7  | Copy of Appellant's ID Document / Company Certificate is attached                       |     |    |
| 8  | Proof of service to the first and where applicable subsequent respondents is attached   |     |    |
| 9  | Special Power of Attorney duly signed and annexed                                       |     |    |

Yours Faithfully,

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
The Chairperson

Transport Appeal Tribunal

Department of Transport

Forum Building

159 Struben Street

PRETORIA



**TRANSPORT APPEAL TRIBUNAL ACT, (ACT NO. 39 OF 1998)****FORM TAT 04: NOTICE TO ENTITY**

Kindly take notice that an appeal has been lodged with the Tribunal in terms of the provisions of the Act on

The \_\_\_\_\_

By

\_\_\_\_\_

Against the act, direction and decision of the

\_\_\_\_\_

Granted / Refused on the

\_\_\_\_\_

Kindly comply and furnish to the Tribunal and to other parties to the appeal within 21 days of date hereof with the following details:

1. Copies of all documents relating to the act, direction or decision
2. Copies of the original application form that was submitted to the entity
3. Copies of the Gazette Publication wherein the said application was advertised where applicable
4. Copies of any written representation lodged with the entity with regard to the application
5. Copies of any letters of recommendations and comments received from the municipalities or any planning authority, where applicable.
6. Copies of any applicable Integrated Transport Plans (ITP's) maps or plans that was considered during the application
7. Transcript of the proceedings before it, if mechanically or manually recorded

8. Written reasons in writing for the decision appealed against.
9. Details of all persons that appeared during application proceedings.
10. Details of any further information or document that was used in consideration of the application

**It must furthermore be emphasized for compliance purposes that:**

- a. All requested information must be provided.
- b. Proof of service to all other parties must be furnished.
- c. Detailed reasons must be provided for any outstanding information.
- d. Originals of all documents must be made available on the date of the appeal hearing.
- e. All documents must be typed and neatly bound with the exception of the Annexure.
- f. The document must be paginated in clear, bold black ink e.g. 1,2,3,4 etc.
- g. The Routes and Timetables shall be marked B, B1, B2, B3,
- h. The Map shall be marked C, C1, C2, C3

**Note further that any failure by the entity to provide the information set out above within the prescribed time period or such extended time period as provided by the regulations, the Tribunal shall proceed to hear the Appeal on the basis of the lodged Notice of appeal Form TAT 01 and any further information that the Tribunal may have access to or Summon the Chairperson of the Entity in terms of section 14 (1) (b) of the Act.**

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
The Chairperson  
Transport Appeal Tribunal  
Department of Transport  
Forum Building  
159 Struben Street  
PRETORIA



transport

Department:  
Transport  
REPUBLIC OF SOUTH AFRICA**TRANSPORT APPEAL TRIBUNAL ACT, (ACT NO. 39 OF 1998)****FORM TAT 05: DIRECTIVE NOTICE TO PARTIES**

In terms of regulation 4(1), a directive notice is hereby issued to all parties to curtail the issues for consideration before the Tribunal.

The parties are hereby called upon within 10 days of date hereof to file a directive reply as set out in Form TAT 06 in reply to the Directive Notice.

Further more, parties are advised herein that the hearing will be held as follows:

Date:

Venue:

Time:

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
The Chairperson

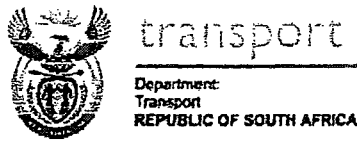
Transport Appeal Tribunal

Department of Transport

Forum Building

159 Struben Street

PRETORIA



**TRANSPORT APPEAL TRIBUNAL ACT, (ACT NO. 39 OF 1998)**

**FORM TAT 06: DIRECTIVE REPLY FROM PARTIES**

In terms of regulation 4(2) and (3), the Appellant/Respondent hereby replies to the Directive Notice setting out in detail:-

- 1. The facts which are in dispute, admitted, and/ or rejected

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- 2. Further facts, if any, on which it proposes to rely on during the hearing

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- 3. A list of the witnesses it intends calling during the hearing

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- 4. Any settlement agreements signed between the parties

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5. Any other issue for consideration by the Tribunal

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Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Appellant/Respondent

Address:

To the Chairperson

Transport Appeal Tribunal

And To

The Other Party/ies

**PLEASE NOTE: ANY ADDITIONAL INFORMATIONAL MUST BE CORRECTLY MARKED AND ANNEXED TO THE DIRECTIVE REPLY FROM PARTIES AND ALL PARAGRAPHS MUST BE COMPLETED.**



transport

Department:  
Transport  
REPUBLIC OF SOUTH AFRICA

**TRANSPORT APPEAL TRIBUNAL ACT, (ACT NO. 39 OF 1998)**

**FORM TAT 07: SUMMONS (according to Section 14 (2) of the Act)**

In the matter between .....Appellant and .....Respondent

In the Transport Appeal Tribunal to be held at..... TAT No.....of 20

Physical Address

.....

.....

TO:

(1).....of.....

(2).....of.....

(3).....of.....

(4).....of.....

(5).....of.....

You are hereby required to appear in person before this Transport Appeal Tribunal on ..... day of... ..  
 20.....at .....(Time) in the above mentioned hearing to give evidence and bring with you and then  
 produce to the Tribunal the several books, papers or documents specified.

**LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED (Where the space is not sufficient attach relevant documents)**

| Date | Description | Original or Copy |
|------|-------------|------------------|
|      |             |                  |
|      |             |                  |
|      |             |                  |
|      |             |                  |

**Failure to comply herein will invoke provisions of section 15 of the Transport Appeal Tribunal Act, 1998 (Act No. 39 of 1998)**

Dated at.....this ..... day of..... 20.....

.....

Signature of the Tribunal Chairperson



**transport**  
 Department:  
 Transport  
 REPUBLIC OF SOUTH AFRICA

**TRANSPORT APPEAL TRIBUNAL ACT, (ACT NO. 39 OF 1998)**

**FORM TAT 08: TRIBUNAL CONFIRMATION DOCUMENTS**

**TAT NUMBER:** \_\_\_\_\_

In the matter between .....Appellant and .....Respondent

You are directed within 5 days in accordance with Regulation 11(4) to confirm documentation in your possession in preparation for the Tribunal hearing.

| DOCUMENT NAME | FROM | DATE RECEIVED | CONFIRMATION<br>( please tick ) |    |
|---------------|------|---------------|---------------------------------|----|
|               |      |               | YES                             | NO |
|               |      |               |                                 |    |
|               |      |               |                                 |    |
|               |      |               |                                 |    |
|               |      |               |                                 |    |



|  |  |  |     |    |
|--|--|--|-----|----|
|  |  |  |     |    |
|  |  |  |     |    |
|  |  |  | YES | NO |
|  |  |  | YES | NO |
|  |  |  | YES | NO |
|  |  |  | YES | NO |
|  |  |  | YES | NO |
|  |  |  | YES | NO |
|  |  |  | YES | NO |
|  |  |  | YES | NO |

**PLEASE NOTE: Your attention is hereby drawn to the provision of Regulation 5 (6) which provides that a party who is in default of any of the provisions of the Regulations shall not be heard in respect of any issue raised in such Regulations except on good cause shown to the Tribunal for its failure to comply.**

Yours Faithfully,

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

---

The Chairperson  
Transport Appeal Tribunal  
Department of Transport  
Forum Building  
159 Struben Street  
PRETORIA