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THE PRESIDENCY

No. 276

28 March 2007

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

No. 26 of 2006: National Land Transport Transition Amendment Act, 2006.



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Art No. 26, 2006

NATIONAL LAND TRANSPORT TRANSITION
AMENDMENT ACT, 2006

GENERAL EXPLANATORY NOTE:

- [] Words in hold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(*English text signed by the President.*)
(*Assented to 25 March 2007.*)

ACT

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 scaled 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.

BE 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—

- (a) the substitution of the definition of “bus” of the following definition: 5
 “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: 5
 “**‘contracting authority’** means the Department, any provincial department, transport authority[,] or municipality [**or any core city,**] 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: 10
 “**‘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: 15
 “**‘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: 20
 “**‘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: 25
 “**‘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: 30
 “**‘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: 35
 “**‘registered importer’** means an importer registered under section 5 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);”;
- (i) the substitution for the definition of “registered manufacturer” of the following definition: 40
 “**‘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: 5
 “(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: 10
 “(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);” 15

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: 20
 “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—”; 25
- (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).”; 30
- (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 35
- (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.” 40

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: 45
 “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—”. 50

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 [paragraph (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 MTAI, 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

(h) 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 #,;

(b) the substitution in subsection (2) for the words preceding paragraph (a) of the following words: