
GOVERNMENT NOTICE

No. R. 1208

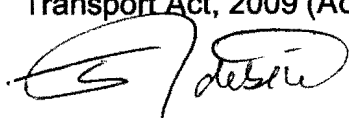
17 December 2009

DEPARTMENT OF TRANSPORT

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

NATIONAL LAND TRANSPORT REGULATIONS

I, Sibusiso Joel Ndebele, Minister of Transport, hereby make the regulations in the Schedule in terms of section 8 read with other relevant sections of the National Land Transport Act, 2009 (Act No. 5 of 2009).



S J Ndebele

Minister of Transport

SCHEDULE

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Definitions

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has that meaning, and the following words and expressions have the meanings assigned to them:

“BRT” means bus rapid transit;

“decal” means a decal issued under regulation 21(8), and includes a distinguishing mark contemplated in the Act;

“IPTN” means an integrated public transport network;

“issue” in relation to an operating licence means the handing of the operating licence to the holder thereof or the holder’s authorised agent after that licence has been granted and printed;

“ITP” means an integrated transport plan;

“MRE” means a municipal regulatory entity, i.e. a municipality to which the operating licensing function has been assigned;

“NPTR” means the National Public Transport Regulator;

“OLAS” means the Operating Licence Administration System maintained by the National Department of Transport in conjunction with the Provinces as required by section 6(5) of the Act, which replaces the former Land Transport Permit System;

“PLTF” means a provincial land transport framework;

“PRE” means a Provincial Regulatory Entity;

“public road” means a public road as defined in the National Road Traffic Act;

“scholar transport” means the dedicated transporting of scholars, students, teachers and lecturers as contemplated in section 72 of the Act and does not include the transporting of such persons as part of a normal public transport service; and

“the Act” means the National Land Transport Act, 2009 (Act No. 5 of 2009).

Chapter 1

National Public Transport Regulator

Application to NPTR relating to an operating licence for an interprovincial service

2. (1) An application to the NPTR for the granting, renewal, amendment or transfer of an operating licence for an interprovincial service other than a tourist transport service must be lodged by submitting the completed application form shown in Schedule 1 with the NPTR, together with the information and documents specified in the form and the application fee specified in Schedule 2.

(2) An application form may be submitted by hand either to an NPTR office or any PRE office, or by e-mail, post or fax to the NPTR, and if submitted by e-mail must include a scanned version of the required documents.

(3) The NPTR must issue a receipt to the person lodging the application where it is submitted by hand, or acknowledge receipt by e-mail, post or fax if the application was submitted by one of those methods, on the day of receipt or if received over a weekend or on a public holiday, on the next working day.

(4) The NPTR must reject an application where the application form is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid, and may require the applicant to submit the original of any document before accepting the application, if it suspects the validity or authenticity of the document.

(5) The NPTR must notify the following by e-mail or fax of an application received under sub-regulation (1):

(a) The PRE of every province in whose area passengers will be picked up or set down; and

(b) every planning authority in whose area passengers will be picked up or set down; and those PREs and planning authorities must supply their comments or recommendations to the NPTR by e-mail or fax within the time specified in the notice, which may not be more than 30 days.

(6) Where the planning authority does not have an adequate ITP or is otherwise unable to respond in a meaningful manner, it must still submit a response stating the reasons why it is unable to respond.

(7) Where a PRE or planning authority fails to respond to such a notice within the specified time, the NPTR may proceed to process and decide upon the application without their input.

(8) A notification in terms of sub-regulation (5) must be in accordance with the form shown in Schedule 1 and contain particulars sufficient to enable the PRE or planning authority to submit a response based on relevant transport plans.

(9) The NPTR, PREs and MREs must conclude a written agreement in terms of section 26 of the Act to facilitate the submission of applications and communications between them.