

# WESTERN CAPE TRANSPORT INFRASTRUCTURE ACT, 2013 (ACT 1 OF 2013)

*As it would read once amended by the Western Cape Transport  
Infrastructure Amendment Bill, 2017*

*30 August 2017*

To provide for the planning, design, declaration, construction, maintenance, control, management, regulation, upgrading and rehabilitation of roads, railway lines and other transport infrastructure in the Western Cape; and for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Western Cape as follows:—

## ARRANGEMENT OF SECTIONS

### PART 1: INTRODUCTORY PROVISIONS

1. Definitions
2. Authorities responsible for transport infrastructure
3. Title to, vesting and transfer of land on which transport infrastructure is situated
4. Professional engineers or; town planners ~~or architects~~ to be responsible for specific functions

### PART 2: CLASSIFICATION OF TRANSPORT INFRASTRUCTURE, RESERVE WIDTHS, BUILDING LINES AND BUILDING RESTRICTION AREAS

5. Classification of roads and railway lines
6. Reserve widths of roads and railway lines
7. Classification and reserves of ancillary transport infrastructure
8. Building lines and building restriction areas

### PART 3: TRANSITIONAL PROVISIONS IN RESPECT OF EXISTING ROADS

9. Assessment of previously declared roads
10. Transfer agreements in respect of previously declared roads

### PART 4: PLANNING AND DECLARATION OF TRANSPORT INFRASTRUCTURE

11. Transport system planning
12. Records of transport infrastructure
13. Project planning process
14. Integrated environmental management process
15. Planning process before ~~permanent closure~~ withdrawal of declaration
16. Application to close, relocate or alter transport infrastructure
17. Decision by road or public transport infrastructure authority

18. Regulatory protection measures for transport infrastructure
19. Declaration of transport infrastructure

#### **PART 5: PROCEDURES ON CLOSURE OF TRANSPORT INFRASTRUCTURE**

20. Permanent closure of transport infrastructure
21. Temporary closure or deviation of road or railway line
22. Emergency closure or deviation
23. Right of public to use closed or deviated road or railway line

#### **PART 6: FINANCING AND SUBSIDY ARRANGEMENTS**

24. Subsidy arrangements with municipalities
25. Estimates of expenditure for purposes of subsidy
26. Calculation of subsidy percentage
27. Determination of amount of subsidy expenditure
28. Rent, sale and other income from land acquired with subsidy money
29. Equated percentage rate of subsidy on capital expenditure
30. Contributions from other sources
31. Payment of subsidy
32. Records of expenditure on transport infrastructure
33. Reduction of determined subsidy expenditure

#### **PART 7: EXPROPRIATION AND COMPENSATION**

34. Expropriation of property
35. Entry on and taking possession of property

#### **PART 8: MANAGEMENT AND CONTROL OF TRANSPORT INFRASTRUCTURE AND ADJACENT LAND**

36. Prohibition of certain advertisements ~~on or visible from transport infrastructure~~
- ~~37. Regulation regarding advertisements on or visible from transport infrastructure~~
38. Removal of unauthorised advertisements
- 38A. Regulation of advertisements by municipalities
39. Presumptions relating to advertisements
40. Access to and exit from transport infrastructure
41. Relocation or closure of access to or exit from road
42. Prohibition of depositing or leaving of certain articles or materials on or near transport infrastructure
43. Structures other than service infrastructure within ~~and other works on, over or below~~ reserves or building lines of transport infrastructure or within ~~building lines or~~ building restriction areas
- 43A. Service infrastructure within reserves or building lines of transport infrastructure or within building restriction areas
44. Restrictions on changes in land use
45. Distance indicators, signposts and warnings on roads
46. Obstructions and clearances
47. Fences along or within boundaries of transport infrastructure
48. Gates across roads

49. Motor cattle-grids
50. Mining operations on or under transport infrastructure or building restriction areas
51. Trading on or in transport infrastructure or building restriction areas

## **PART 9: GENERAL PROVISIONS**

52. Specific powers of Minister
53. General powers and duties of responsible authorities
54. Regulations
55. Standards and guidelines
56. By-laws
57. Delegation
58. ~~Agency agreements for~~ Agreements relating to road or public transport functions
59. Limitation of liability of responsible authority
60. General prohibitions
61. Offences and penalties
62. Appeals against decision by Head of Department or official
63. Other transitional provisions
64. Relation of Act to other laws
65. Repeal of laws
66. Short title and commencement

---ooOoo--

## PART 1: INTRODUCTORY PROVISIONS

### Definitions

1. (1) In this Act, unless the context indicates otherwise—

“**advertisement**” means

- (a) any visible representation of a word, name, letter, figure, object, mark, logo or symbol or of an abbreviation of a word or name or of any combination of such elements, having the effect of transferring information or drawing attention to something, ~~and includes~~ including a board or object normally used for such purposes, as well as images displayed by laser beams or similar devices, even though actual information is not transferred thereby, ~~but does not include road traffic signs or traffic lights;~~ and
- (b) any physical structure built or capable of being used to display or support such a representation,  
but does not include road traffic signs or traffic lights;

“**ancillary public transport infrastructure**” means a facility referred to in section 7(2) and declared under section 19 as ancillary public transport infrastructure, and includes all immovable property and servitudes forming part of or used in connection with that facility;

“**ancillary road infrastructure**” means a provincial or municipal facility referred to in section 7(1) and declared as ancillary road infrastructure under section 19, and includes the land on which it is built;

“**ancillary transport infrastructure**” means ancillary road infrastructure or ancillary public transport infrastructure;

“**boundary**” means, in the case of—

- (a) a road or railway line, the lines defining the outer edges of the area declared under section 19(1), or regarded to be declared under section 9(1) in the case of previously declared roads, for the purposes of the road or railway line; and
- (b) ancillary transport infrastructure, the line defining the outer perimeter of the area declared under section 19(1) for the purposes of the ancillary transport infrastructure;

“**building line**” means a line referred to in section 8(1)(b), (2) or (3)(a);

“**building restriction area**” means an area referred to in section 8(1)(b) or (3)(b) or (c);

“**busway**” means the demarcated lanes of a road reserved for the exclusive use of buses or of vehicles authorised to use those lanes for emergency or other purposes;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**construction**” includes reconstruction;

“**declared transport infrastructure**” means transport infrastructure declared or

regarded to be declared in terms of this Act;

**“Department”** means the department in the Provincial Government responsible for provincial roads and public transport matters;

**“depot”** means a place used for the impoundment of vehicles and —

- (a) designated as a depot in terms of section 87 of the NLTA; or
- (b) declared or designated as a place for the impoundment of vehicles in terms of any other law;

**“direct access service site”** means a facility adjacent to a freeway which—

- (a) takes access directly off the freeway; and
- (b) is intended specifically for users of the freeway or the control of transport operations;

**“district municipality”** means a district municipality as defined in section 1 of the Structures Act;

**“district road”** means a road which has been classified as a district road in terms of section 5(2)(a) or 9(1), or is regarded as a district road in terms of section 9(7);

**“erect”**, in relation to a fence, includes the re-erection of the fence, the entire replacement of the material of the fence and the addition to the fence of any material not required for the purpose of repairs or maintenance;

**“expropriate”** includes the taking of the right temporarily to use property;

**“fence”** means any structure or device which serves the purpose of a fence, irrespective of the materials used in or the manner of its construction, and includes a wall and a hedge;

**“freeway”** means a road or section of a road that has been designated as a freeway in terms of the National Road Traffic Act;

**“Head of Department”** means the Head of the Department;

**“heavy railway line”** means a passenger rail system which—

- (a) operates on rails within its own rail reserve;
- (b) has a track gauge exceeding 600 millimetres; and
- (c) has been classified as a heavy railway line in terms of section 5(2)(a);

**“integrated transport plan”** means a plan envisaged in section 36 of the NLTA;

**“land”** means land with or without improvements;

**“light railway line”** means a passenger rail system, including a system running on a monorail, a magnetic levitation system or a fixed rail or track system where the vehicles run on pneumatic tyres, which—

- (a) operates within its own rail reserve, within an exclusive right-of-way within a road reserve, or in mixed traffic within a road reserve; and
- (b) has been classified as a light railway line in terms of section 5(2)(a);

**“local municipality”** means a local municipality as defined in section 1 of the Structures Act;

**“main road”** means a road which has been classified as a main road in terms of section 5(2)(a) or 9(1), or is regarded as a main road in terms of section 9(6);

**“mining operations”** means any operation relating to the act of mining and matters directly incidental thereto;

**“Minister”** means the Member of the Provincial Cabinet responsible for the Department;

**“Minister of Finance”** means the Member of the Provincial Cabinet responsible for financial affairs in the Province;

**“Minister of Local Government”** means the Member of the Provincial Cabinet responsible for local government matters in the Province;

**“minor road”** means a road which has been classified as a minor road in terms of section 5(2)(a) or 9(1), or is regarded as a minor road in terms of section 9(6);

**“motor cattle-grid”** means a thoroughfare located across a roadway and which allows only vehicular traffic to pass by means of a ribbed platform;

**“municipal railway line”** means a railway line for which a municipality is the rail authority;

**“municipal road”** means a main road, district road, minor road, or public transport road for which a municipality is the road authority;

**“municipal transport infrastructure”** means transport infrastructure for which a municipality is responsible in terms of—

- (a) a notice referred to in section 5(2) or 7(3);
- (b) an agreement referred to in section 9(1); or
- (c) a transfer agreement referred to in section 10;

**“municipality”** means a municipality in the Province and, in the case of a district municipality, either the district municipality or a local municipality in its area, as the case may be;

**“national road”** means a national road as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998);

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act 93 of 1996);

“**NEMA**” means the National Environmental Management Act, 1998 (Act 107 of 1998);

“**NHRA**” means the National Heritage Resources Act, 1999 (Act 25 of 1999);

“**NLTA**” means the National Land Transport Act, 2009 (Act 5 of 2009);

“**non-motorised transport**” includes pedestrians, pedal cycles and other vehicles powered by persons or animals;

“**occupier**” means a person who is in actual lawful occupation of land or a person who for the time being has legal control of land as owner, lessee or licensee or for any other reason;

“**official languages**” means English, Afrikaans and isiXhosa;

“**Ordinance**” means the Roads Ordinance, 1976 (Ordinance 19 of 1976);

“**organ of state**” means an organ of state as defined in section 239 of the Constitution;

“**PFMA**” means the Public Finance Management Act, 1999 (Act 1 of 1999);

“**prescribed**” means

- (a) [in sections 16\(1\), 18\(4\), 21\(6\), 40\(1\), 41\(5\)\(a\), 42\(1\)\(b\), 43\(1\), 43\(4\), 43A\(6\), 44\(1\), 47\(2\)\(b\), 47\(5\), 48\(1\), 50\(1\), 51\(1\), 60\(3\) and 62\(2\), prescribed by regulation or by a municipality, as the case may be; and](#)
- (b) [in all other provisions,](#) prescribed by regulation;

“**previously declared**” means declared or regarded as declared in terms of the Ordinance or any other law and in force at the commencement of this Act;

“**Promotion of Administrative Justice Act**” means the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

“**Province**” means the Province or Provincial Government of Western Cape, as the context indicates;

“**provincial land transport framework**” means the framework contemplated in section 35 of the NLTA;

“**provincial railway line**” means a railway line for which the Minister is the rail authority;

“**provincial road**” means a trunk road, main road, district road, minor road, public path or public transport road for which the Minister is the road authority;

“**provincial transport infrastructure**” means transport infrastructure for which the Minister is responsible in terms of—

- (a) a notice referred to in section 5(2) or 7(3);

- (b) an agreement referred to in section 9(1); or
- (c) a transfer agreement referred to in section 10;

“**public path**” means a pathway which has been classified as a public path in terms of section 5(2)(a) or is regarded as a public path in terms of section 9(6);

“**public transport**” has the meaning assigned to it in section 1 of the NLTA;

“**public transport infrastructure**” means transport infrastructure which is used or designed primarily for public transport;

“**public transport infrastructure authority**” means the authority responsible for public transport infrastructure in terms of a notice referred to in section 5(2);

“**public transport road**” means a road which is used predominantly for public transport and which has been classified as a public transport road in terms of section 5(2)(a);

“**rail authority**” means the authority responsible for a railway line in terms of a notice referred to in section 5(2);

“**railway line**” means a heavy railway line or a light railway line, and includes the full width of the rail reserve and the land and all works or things forming part of or belonging to the railway line;

“**reserve**” means, in the case of—

- (a) a road or railway line, the full declared width between its boundary edges; and
- (b) ancillary transport infrastructure, the full declared area inside its boundary edges;

“**responsible authority**” or “**authority**”, in relation to a road, railway line or public transport infrastructure, means the road authority, rail authority or public transport infrastructure authority responsible for that road, railway line or public transport infrastructure in terms of this Act;

“**rest area**” means an area set aside specifically to allow road users to interrupt their journey for the purpose of a rest stop, located either adjacent to and part of the road reserve, or remote from the road, and which may include commercial facilities;

“**road**” means a trunk road, main road, district road, minor road or public transport road, and includes the full width of the road reserve and the land and all works or things forming part of or belonging to the road;

“**road authority**” means the authority responsible for a road in terms of a notice referred to in section 5(2);

“**roadway**” means the part of a road intended for vehicles;

“**service infrastructure**” means pipelines, electricity lines or cables, telephone lines or cables, electronic communication facilities, conduit pipes formed by pipes, tunnels

or tubes or any other infrastructure of a similar nature, installed or to be installed by a service provider;

“service infrastructure works” means works to lay, construct, alter, modify, add to or change the location of service infrastructure;

“service provider” means any person or organ of state providing or authorised to provide services in connection with the provision of electricity, water, sewerage, gas, telephone lines, electronic communication facilities or similar services;

“station” includes—

- (a) in the case of a railway line, the areas within a station used for the track, civil infrastructure, buildings, train control systems, railway yards, sidings or signals, and all other facilities and systems necessary for or incidental to the operation, maintenance and administration of the railway line;
- (b) in the case of a busway, the areas within the station used for the busway, civil infrastructure, buildings, signs, signals and markings, and all other facilities and systems necessary for or incidental to the operation, maintenance and administration of the bus system; and
- (c) parking garages and areas, passenger drop-off and pick-up points and commercial and retail land uses forming part of the station premises;

“stock” means all categories of domestic farming livestock and game animals;

“stock camp” means a site for use in connection with the temporary encampment of stock while in transit;

~~“street” means a street or other road under the control of a municipality that is not a municipal road;~~

“structure” means any building, structure or thing erected on, above or under the ground, whether permanent or temporary, irrespective of its nature or size;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“subsidised transport infrastructure” means municipal transport infrastructure for which subsidy is paid;

“subsidy” means subsidy payable to a municipality in terms of an agreement contemplated in section 24(2);

“this Act” includes regulations made under this Act;

“township” means an area divided into stands, erven or plots, whether with or without public open spaces and established or recognised as a township under any law;

“traffic” means road or rail vehicular or non-motorised traffic;

**“traffic signs”** means road traffic signage as contemplated in the National Road Traffic Act or rail signs or signals as contemplated in the National Railway Safety Regulator Act, 2002 (Act 16 of 2002) and includes signs or signals for controlling road and rail traffic at level crossings and at other locations where there are potential conflicts between rail and other traffic;

**“transport infrastructure”** means a road or railway line or ancillary transport infrastructure, including its reserve;

**“trunk road”** means a road which has been classified as a trunk road in terms of section 5(2)(a) or section 9(1), or is regarded as a trunk road in terms of section 9(6);

**“urban area”** means an area consisting of—

- (a) subject to paragraphs (b) and (c), that portion of the area of jurisdiction of a local authority which has by survey been subdivided into erven of two hectares or less or is surrounded by surveyed erven, and includes public roads abutting thereon;
- (b) an area within the perimeter of an urban edge, where the urban edge refers to a line on a relevant plan or map showing the planned outer limit of lateral urban expansion and has been declared in terms of a law administering land use planning in the area concerned; or
- (c) an area which has been declared an urban area for the purposes of this Act under subsection (2),

and includes areas adjacent to an area referred to in paragraph (a) or (b) and extending outside the boundary of that area measured at right angles to the edge of the area, for a distance of 250 metres;

**“wayleave”** means access over or right of way to a road or public transport infrastructure reserve granted by the road or public transport infrastructure authority.

(2) The Minister, with the concurrence of the Minister of Local Government, may by notice in the *Provincial Gazette* declare any area to be an urban area for the purposes of this Act.

### **Authorities responsible for transport infrastructure**

2. (1) The Minister must finance, plan, design, declare, construct, develop, maintain, control, manage, regulate, upgrade, protect and rehabilitate provincial transport infrastructure, and all rights and obligations attached to such infrastructure vest in the Minister.

(2) The relevant municipality must finance, plan, design, declare, construct, develop, maintain, control, manage, regulate, upgrade, protect and rehabilitate municipal transport infrastructure in its area of jurisdiction, subject to subsection (3), and all rights and obligations attached to such infrastructure vest in that municipality.

(3) In respect of municipal transport infrastructure situated in the area of a district municipality, the relevant municipality for purposes of subsection (2) is the district municipality, unless the district municipality and a local municipality in its area have agreed that the local municipality will take responsibility for the transport

infrastructure.

(4) A responsible authority may agree with another authority that the responsibility for certain of or all of the aspects relating to transport infrastructure mentioned in subsections (1) and (2) is transferred to the other authority on the terms and conditions agreed upon, which must include conditions as to financial responsibilities.

(5) The authority to which the responsibility for transport infrastructure is transferred in terms of an agreement contemplated in subsection (4) must publish a notice in the *Provincial Gazette* reflecting the agreement.

### **Title to, vesting and transfer of land on which transport infrastructure is situated**

3. (1) Title to land, including servitudes, acquired by or on behalf of the Province or a municipality for transport infrastructure must be registered in the name of the Province or municipality, as the case may be.

(2) Where title to land over which transport infrastructure has been declared remains in the name of the person who owns the land at the time of the declaration, restrictions imposed by the declaration on all land constituting the reserve of that transport infrastructure must be registered with the Registrar of Deeds and indicated on the title deed of the land.

(3) Subsection (2) does not apply to a previously declared road which is not closed at any time after the commencement of this Act.

(4) The office of Roads Trustees established by section 23 of the Ordinance is abolished.

(5) All land vested or registered in the name of the Roads Trustees in terms of the Ordinance, vests in the Province.

(6) If—

(a) any transport infrastructure is relocated, changed or permanently closed;  
 (b) the reserve of transport infrastructure is reduced or changed; or  
 (c) an authority ceases to use land for the purpose of transport infrastructure, any redundant land which, as a result of an action contemplated in paragraph (a), (b) or (c), ceases to form a part of the transport infrastructure concerned, together with all works and things attached thereto, reverts to the owner of the land of which the redundant land formed a part immediately before the declaration of that transport infrastructure, unless the responsible authority directs otherwise by notice in the *Provincial Gazette*.

(7) Where land is transferred back to the owner by virtue of subsection (6)(a), (b) or (c), compensation, calculated in the prescribed manner, is payable by that owner to the responsible authority concerned.

(8) Subject to subsection (6), land vested in an authority, including land retained through a notice in terms of subsection (6), and no longer required for any purpose related to transport infrastructure, may be disposed of by that authority.

(9) Where land reverts in terms of subsection (6) or is disposed of in terms of subsection (8) in a case where the land vested in—

- (a) the Province, the proceeds must be paid into the Provincial Revenue Fund; and
- (b) a municipality and was acquired using subsidy money paid by the Minister, the net proceeds of the transfer or disposal and any other income obtained from that land must be paid into the Provincial Revenue Fund in proportion to the subsidy contribution made for its acquisition.

### **Professional engineers, or town planners ~~or architects~~ to be responsible for specific functions**

4. (1) The responsible authority must ensure that functions performed in terms of this Act are undertaken under the responsibility and due diligence of a suitably qualified professional person, subject to subsections (2) and (3).

(2) No person other than a person registered as—

- (a) a Professional Engineer or Professional Engineering Technologist in terms of the Engineering Profession Act, 2000 (Act 46 of 2000); or
- (b) a town planner ~~or architect~~ in terms of the relevant professional accreditation legislation,

may be responsible for the oversight and approval of technical strategies or plans related to transport infrastructure.

(3) No person other than such a Professional Engineer or Professional Engineering Technologist may be responsible for the oversight and approval of technical strategies or plans related to the following activities:

- (a) Design of civil, structural, electrical or mechanical engineering components of transport infrastructure;
- (b) development of remedial and maintenance strategies of existing transport infrastructure;
- (c) management of the construction and maintenance of transport infrastructure; or
- (d) other prescribed activities.

## **PART 2: CLASSIFICATION OF TRANSPORT INFRASTRUCTURE, RESERVE WIDTHS, BUILDING LINES AND BUILDING RESTRICTION AREAS**

### **Classification of roads and railway lines**

5. (1) Roads and railway lines in the Province are classified as follows:

- (a) Trunk roads, under the control of the Minister;
- (b) main roads under the control of the Minister or a municipality;
- (c) district roads under the control of the Minister or a municipality;
- (d) minor roads under the control of the Minister or a municipality;
- (e) public transport roads under the control of the Minister or a municipality;
- (f) public paths under the control of the Minister or a municipality;
- (g) heavy railway lines under the control of the Minister or a municipality; and
- (h) light railway lines under the control of the Minister or a municipality.

(2) The responsible authority must, in every notice issued in terms of section 19(1) in respect of a road or railway line—

- (a) [in the prescribed manner](#) classify the road or railway line concerned to be one of the ~~types~~ [categories](#) listed in subsection (1);
- (b) state whether the Minister or a municipality is responsible for the road or railway line; and
- (c) in the case of a district municipality, whether the district municipality or a local municipality is responsible for the road or railway line.

(3) A public transport road may be situated in its own exclusive reserve or within the reserve of a trunk, main, district or minor road.

(4) The responsible authority may set conditions for public transport roads and must make known those conditions by notice in the *Provincial Gazette*.

(5) Where a public transport road is declared within the reserve of another road, the authority responsible for the other road is also the responsible authority for the public transport road, but acting in consultation with the public transport infrastructure authority concerned.

(6) Where a public transport road under the control of a municipality is situated wholly within the reserve of a trunk road, or a main, district or minor road under the control of the Minister, the Minister and the municipality must, where appropriate, conclude a written agreement as to which authority is responsible for maintenance, advertising control, wayleaves and other relevant aspects in relation to the public transport road.

(7) [Subject to the consultation process set out in subsection \(10\), the](#)~~The~~ Minister may, after consultation with the affected municipalities, alter the classification of a provincial road or a provincial railway line by notice in the *Provincial Gazette*.

(8) [Subject to the consultation process set out in subsection \(10\), a](#)A municipality may alter the classification of a municipal road or a municipal railway line by notice in the *Provincial Gazette*.

[\(8A\) When the Minister has altered the classification of a provincial road or railway line as contemplated in subsection \(7\), or a municipality has altered the classification of a municipal road or railway line as contemplated in subsection \(8\), the Minister or the municipality, as the case may be, must cause to publish](#)

particulars of the alteration in each official language in at least one newspaper in the area concerned.

(9) Where a municipal road or municipal railway line is subsidised by the Province, the municipality must obtain written approval from the Minister for an alteration of classification contemplated in subsection (8) before publishing the notice in the *Provincial Gazette*.

(10) Before a change of classification contemplated in subsection (7) or (8), the Minister or the municipality, as the case may be, must cause a notice to be published in each official language in at least one newspaper circulating in the area concerned, containing—

- (a) details of the proposed change of classification;
- (b) particulars of the times and places at which documents indicating the effect of the proposed change in classification may be inspected; and
- (c) an invitation to interested and affected parties to comment in writing, before a date not less than 60 days after publication of the notice, on the implications of the proposed change in classification.

(11) A notice contemplated in subregulation (7) or (8) must inform the compilation of the records contemplated in section 12.

## **Reserve widths of roads and railway lines**

6. (1) Subject to subsection (2), the standard minimum reserve widths of roads and railway lines declared under Part 4 are as follows:

- (a) Trunk road: 30 metres;
- (b) main road: 25 metres;
- (c) district road: 20 metres;
- (d) minor road: 20 metres;
- (e) public transport road: 20 metres, except in the case where the public transport road is declared within the reserve of a trunk, main, district or minor road;
- (f) public path: two metres;
- (g) heavy railway line: 20 metres; and
- (h) light railway line: 10 metres.

(2) A responsible authority may, on declaration, relocation or alteration of a road or railway line, in the notice under section 19(1), determine that the road or railway line has a reserve width other than the standard minimum reserve width.

(3) The Minister may alter the reserve width of a road or railway line, or portion thereof, for which the Minister is the responsible authority—

- (a) after consultation with all affected municipalities;
- (b) subject to the necessary project planning in terms of Part 4; and
- (c) by notice in the *Provincial Gazette* in the prescribed manner and containing the prescribed information.

(4) A municipality may alter the reserve width of a road or railway line, or portion thereof, for which it is the responsible authority—

- (a) after consultation with all other affected municipalities and the Minister;
- (b) subject to the necessary project planning in terms of Part 4;
- (c) with the approval of the Minister where the road or railway line is subsidised by the Province; and
- (d) by notice in the *Provincial Gazette* in the prescribed manner and containing the prescribed information.

(5) The reserve width of all roads lawfully fixed or altered in terms of the Ordinance and in force at the commencement of this Act remains in force unless altered under this Act.

### **Classification and reserves of ancillary transport infrastructure**

7. (1) Ancillary road infrastructure must be classified as follows:

- (a) Parking area;
- (b) rest area;
- (c) direct access service site;
- (d) stopping place;
- (e) weighbridge site;
- (f) traffic control centre;
- (g) stock camp;
- (h) material storage site; or
- (i) depot.

(2) Ancillary public transport infrastructure must be classified as follows:

- (a) Public transport interchange;
- (b) station;
- (c) marshalling facility;
- (d) depot; or
- (e) control and information centre.

(3) The responsible authority must, in every notice in terms of section 19(1) in respect of ancillary transport infrastructure—

- (a) classify the ancillary transport infrastructure declared in the notice to be one of the types listed in subsection (1) or (2), except where the infrastructure is located within and forms part of the reserve of transport infrastructure classified in terms of section 5;
- (b) state whether the Minister or a municipality is responsible for the ancillary transport infrastructure; and
- (c) in the case of a district municipality, whether the district municipality or a local municipality is responsible for the road or railway line.

~~(4) The Minister or a municipality, as the case may be, may in consultation with each other, alter the classification of ancillary transport infrastructure by notice in the *Provincial Gazette*, subject to subsection (5) and the necessary project planning~~

~~process in terms of Part 4.~~

(4) Subject to the consultation process set out in subsection (4B), the Minister may, after consultation with the affected municipality, alter the classification of ancillary transport infrastructure for which the Minister is responsible by notice in the *Provincial Gazette*.

(4A) Subject to the consultation process set out in subsection (4C), and subject to subsection (5) if applicable, a municipality may alter the classification of ancillary transport infrastructure for which it is responsible by notice in the *Provincial Gazette*.

(4B) When the Minister has altered the classification of ancillary transport infrastructure as contemplated in subsection (4), or a municipality has altered the classification of ancillary transport infrastructure as contemplated in subsection (4A), the Minister or the municipality, as the case may be, must cause to publish particulars of the alteration in each official language in at least one newspaper in the area concerned.

(4C) Before a proposed change of classification contemplated in subsection (4) or (4A), the Minister or the municipality, as the case may be, must cause a notice to be published in each official language and at least one newspaper circulating in the area concerned, containing—

- (a) details of the proposed change in classification;
- (b) particulars of the times and places at which documents indicating the effect of the proposed change in classification may be inspected; and
- (c) an invitation to interested and affected parties to comment in writing, before a date, not less than 60 days after publication of the notice, on the implications of the proposed change in classification.

(5) Where ancillary transport infrastructure in respect of which a municipality is the responsible authority is subsidised by the Province, the municipality must obtain ~~consent~~ written approval for the alteration of classification contemplated in subsection (4A) from the Minister before ~~the commencement of the project planning process~~ publication of a notice contemplated in subsection (4A) in the *Provincial Gazette*.

(5A) A notice contemplated in subsection (4) or (4A) must inform the compilation of the records contemplated in section 12.

(6) The reserve of ancillary transport infrastructure must be determined through the project planning process undertaken in terms of Part 4 before the declaration of the ancillary transport infrastructure.

(7) The Minister may alter the reserve of previously declared ancillary transport infrastructure for which the Minister is the responsible authority—

- (a) after consultation with affected municipalities;
- (b) subject to the necessary project planning in terms of Part 4; and
- (c) by notice in the *Provincial Gazette* in the prescribed manner and containing the prescribed information.

(8) A municipality may alter the reserve of previously declared ancillary transport infrastructure for which it is the responsible authority—

- (a) after consultation with all other affected municipalities;
- (b) subject to the necessary project planning in terms of Part 4;
- (c) with the approval of the Minister where the ancillary transport infrastructure is subsidised by the Province; and
- (d) by notice in the *Provincial Gazette* in the prescribed manner and containing the prescribed information.

### **Building lines and building restriction areas**

8. (1) Building lines and building restriction areas—

- (a) as specified in subsection (2) and (3) apply to all trunk roads, main roads, district roads, public transport roads and railway lines declared under Part 4;
- (b) previously declared under the Ordinance or other legislation remain in force in accordance with that previous declaration, subject to subsection (4).

(2) In an urban area there is a building line on each side of a road or railway line at a distance of five metres measured at right angles to the centre line of the road or railway line.

(3) Outside an urban area there is—

- (a) a building line on each side of a road or railway line at a distance of five metres measured at right angles to the centre line of the road or railway line;
- (b) a building restriction area on each side of a road or railway line within a distance of 100 metres measured at right angles to the centre line of the road or railway line; and
- (c) a building restriction area situated within a distance of 500 metres from any point of intersection of the centre line of a road or railway line with the centre line of another road or railway line.

(4) The responsible authority may increase or reduce a building line or building restriction area—

- (a) in the case of subsidised transport infrastructure, with the approval of the Minister;
- (b) subject to the necessary project planning in terms of Part 4; and
- (c) by notice in the *Provincial Gazette* in the prescribed manner and containing the prescribed information.

## **PART 3: TRANSITIONAL PROVISIONS IN RESPECT OF EXISTING ROADS**

### **Assessment of previously declared roads**

~~9. (1) As soon as possible after the commencement of this Act the Head of Department must enter into joint assessments and reach agreement with~~

~~municipalities in the prescribed manner to classify all previously declared roads in accordance with the categories set out in section 5. If agreement is not reached, the matter must be dealt with in terms of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).~~

~~(2) — The agreements reached between the parties following assessments under subsection (1) must specify for each road assessed —~~

~~(a) — the classification and any change in classification;~~

~~(b) — the road authority and any change in road authority; and~~

~~(c) — that any transfer of an assessed road is to be undertaken in terms of section 10.~~

~~(3) — After completion of an assessment in respect of a municipal area, the Head of Department must cause a notice to be published in each official language in at least one newspaper circulating in that area, containing —~~

~~(a) — details of the agreement with respect to the assessment of roads in the area, including any proposed change in classification, any change in road authority and in the case of a transfer, the authority from which the road is to be transferred and the authority to which the road will be transferred;~~

~~(b) — particulars of the times and places at which the findings of the assessment may be inspected; and~~

~~(c) — an invitation to interested and affected parties to comment in writing before a date, not later than 60 days after publication of the notice, on the implications of the assessments.~~

~~(4) — After considering public comment received following the invitation published in terms of subsection (3)(c), the Head of Department must publish a notice in the *Provincial Gazette*, listing all the roads classified in terms of the assessments and agreements under subsection (1) and providing details of any transfers of roads between road authorities.~~

~~— (5) — The agreements reached between the parties following assessments under subsection (1) must inform the compilation of the records contemplated in section 12.~~

~~— (6) — Every previously declared trunk road, main road, minor road and public path is regarded as a road of the same respective category under this Act, and all conditions relating to the previous declaration continue to apply, unless otherwise agreed to in terms of subsection (1).~~

~~— (7) — Every road previously declared as a divisional road is regarded as classified as a district road in terms of this Act, unless otherwise classified in terms of subsection (1).~~

~~— (8) — Where the classification of a previously declared road involves conditions that differ from those applicable to the road at the date of commencement of this Act, including the width of its reserve and the building restriction areas, the conditions applicable on that date continue to apply to the road until altered in terms of this Act.~~

9. (1) As soon as reasonably possible after the commencement of this Act the Head of Department must enter into joint assessments with municipalities regarding previously declared roads in the respective areas concerned to determine in the prescribed manner—

- (a) the appropriateness of the classification of each such road in terms of subsection (8) or (9), as the case may be, or whether the declaration of the road should be withdrawn for the road to be simultaneously designated by a municipality as a street or public thoroughfare under the exclusive control of that municipality;
- (b) the appropriateness of the existing road authority; and
- (c) the condition of the road, and the current and future maintenance requirements, both physical and financial.

(2) As part of the joint assessment contemplated in subsection (1), the Head of Department must cause a notice to be published in each official language in at least one newspaper circulating in each area concerned, containing—

- (a) details regarding the assessment of the roads in the area, including any proposed change in classification, any change in road authority, any proposed withdrawal of a declaration as a road and, in the case of a transfer, the authority from which the road is to be transferred and the authority to which it is to be transferred;
- (b) particulars of the times and places at which the findings of the assessment may be inspected; and
- (c) an invitation to interested and affected parties to comment in writing before a date, not later than 60 days after publication of the notice, on the implications of the assessment.

(3) Following the joint assessments contemplated in subsection (1) and the consideration of public comment received following the invitation published in terms of subsection (2)(c), the Head of Department and each municipality must enter into a written agreement in the prescribed manner, which must specify in respect of each road assessed—

- (a) the classification of the road as a particular category of road referred to in section 5(1) and any change in classification, or whether the declaration of the road should be withdrawn for the road to be simultaneously designated by the municipality as a street or public thoroughfare under the exclusive control of the municipality;
- (b) the road authority and any change in road authority; and
- (c) whether a transfer agreement contemplated in section 10 is required in respect of the road.

(4) If an agreement contemplated in subsection (3) is not reached, the matter must be dealt with in terms of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).

(5) If an agreement contemplated in subsection (3) is reached, the Minister must, to the extent necessary, on the recommendation of the Head of Department—

(a) make a declaration altering the classification of the road concerned by notice in the *Provincial Gazette*; or

(b) enter into a transfer agreement contemplated in section 10.”;

(6) When the Minister has made a declaration contemplated in subsection (5)(a), the Minister must publish particulars of the declaration in each official language in at least one newspaper in the area concerned.

(7) A declaration contemplated in subregulation (5)(a) must inform the compilation of the records contemplated in section 12.

(8) Every previously declared trunk road, main road, minor road and public path is regarded as a road of the same respective category under this Act, and all conditions relating to the previous declaration continue to apply, unless otherwise declared in terms of subsection (5)(a).

(9) Every road previously declared as a divisional road is regarded as classified as a district road in terms of this Act, unless otherwise declared in terms of subsection (5)(a).

### **Transfer agreements in respect of previously declared roads**

**10. (1)** After a joint assessment contemplated in section (9), the Minister and a municipality may by agreement transfer responsibility for a previously declared road regarding—

- (a) the rights pertaining to the road;
- (b) the financial and subsidy arrangements for the road;
- (c) an agency arrangement whereby one authority undertakes responsibility for or relating to the road under the control of the other authority, with or without payment; or
- (d) any other matter which the parties consider appropriate, subject to this Act.

~~(2) — The authority that transfers a road under subsection (1) must give notice of the transfer —~~

~~(a) — in the *Provincial Gazette*; and~~

~~(b) — in each official language in at least one newspaper circulating in the area concerned.~~

(2) Despite a joint assessment contemplated in section (9) not having been conducted, but subject to subsection (2A), the Minister may by agreement with a municipality transfer responsibility for a road, with or without conditions, to that

municipality.

(2A) Before a proposed transfer contemplated in subsection (2), the Minister must cause a notice to be published in each official language in at least one newspaper circulating in the area concerned, containing—

(a) details of the proposed transfer; and

(b) an invitation to interested and affected parties to comment in writing, before a date, not less than 60 days after publication of the notice, on the implications of the proposed transfer.

(2B) An authority that transfers a road under subsection (1) or (2) must give notice of the transfer in—

(a) the *Provincial Gazette*; and

(b) each official language in at least one newspaper circulating in the area concerned.

(2C) A notice contemplated in subsection (2B) must inform the compilation of records contemplated in section 12.

(3) Where the land on which a road transferred to another authority is situated is vested in the transferor, the land must be transferred to the other authority without cost, except the transfer costs, which may be carried by either authority as agreed.

(4) Where a road is transferred in terms of this section, the list referred to in section 12 must be updated accordingly.

#### **PART 4: PLANNING AND DECLARATION OF TRANSPORT INFRASTRUCTURE**

##### **Transport system planning**

**11.** (1) The Head of Department must—

- (a) ensure that transport system planning of transport infrastructure for which the Minister is the responsible authority is undertaken as prescribed;
- (b) produce annual updates of such planning, including budgets, as input to the Department's budgeting cycles and implementation programmes; and
- (c) make those updates available to municipalities before 30 April each year.

(2) A municipality must—

- (a) ensure that transport system planning of transport infrastructure in its area is included in its integrated transport plan as required by the NLTA;
- (b) insofar as is practical, ensure that planning and budgeting for the construction, upgrading and maintenance of transport infrastructure under the authority of all organs of state in its municipal area, and where appropriate, bordering on that area, are included in the annual updates of its integrated transport plan; and

- (c) submit information on such planning and budgeting to the Minister timeously to ensure its inclusion in the relevant updates of the provincial land transport framework.

(3) The Minister and municipalities must prepare arterial management plans as prescribed, which must—

- (a) be approved by the responsible authority if not the authority preparing the plan;
- (b) be incorporated into the relevant integrated transport plan and spatial development framework and the provincial land transport framework;
- (c) define the policy for the existing and future use of the transport infrastructure concerned;
- (d) provide a physical plan guiding current management of the transport infrastructure and defined stages of future upgrading;
- (e) include restrictions in respect of adjacent land use, access, parking, public transport and non-motorised transport.

### Records of transport infrastructure

12. (1) ~~After completing the assessments of previously declared roads required in terms of section 9, the~~ The Head of Department must compile a comprehensive list and associated data as prescribed of all declared transport infrastructure in the Province.

(2) The Head of Department must ensure that the list and associated data relate to relevant custodian and user management plans provided for in the Government Immovable Asset Management Act, 2007 (Act 19 of 2007).

(3) Before finalising the list, the Head of Department must—

- (a) submit a draft of the list to all municipalities;
- (b) request their comments in relation to the draft list within 180 days of the receipt of the list; and
- (c) consider any comments received in terms of paragraph (b).

(4) The Head of Department must allocate an identification number or code to each transport infrastructure listed in terms of subsection (1).

(5) The Head of Department must—

- (a) ensure that the list is available for inspection by the public during office hours at the place or places designated by the Head of Department; and
- (b) update the list whenever any transport infrastructure in the Province is declared, relocated, reclassified, transferred or closed or when its declaration is withdrawn.

(6) Every municipality must—

- (a) keep a list of all declared transport infrastructure in the area for which the

- municipality is the responsible authority, based on the same numbering or coding system referred to in subsection (4);
- (b) ensure that the list is available for inspection by the public during office hours at the place or places designated by the municipality; and
  - (c) update the list whenever any transport infrastructure for which the municipality is responsible is declared, relocated, reclassified, transferred or closed, or when its declaration is withdrawn.

### **Project planning process**

**13.** (1) The responsible authority must undertake a project planning process where it intends to declare—

- (a) a new road, railway line or ancillary transport infrastructure;
- (b) the relocation of an existing road or railway line whereby the whole planned reserve falls outside the existing reserve;
- (c) the widening of the reserve of a road or railway line, subject to subsection (10);
- (d) an alteration of the reserve of ancillary transport infrastructure, subject to subsection (10);
- (e) the increase or reduction of a building line or building restriction area;
- (f) the relocation or amendment of declared transport infrastructure that has not been constructed; or
- (g) the permanent closure of transport infrastructure.

(2) Before the commencement of the project planning process, an agreement must be concluded between the responsible authority and any other institution required to be involved in processes in terms of NEMA, NHRA or any other law on the scope of—

- (a) technical planning necessary to define the preferred alignment or alternative alignments, layout or alternative layouts, reserve and property acquisition of the transport infrastructure concerned;
- (b) an integrated environmental management process in accordance with NEMA, if required by NEMA;
- (c) public participation required by NEMA and as further provided for in section 14(3), if any; and
- (d) a heritage impact assessment in accordance with NHRA, if required.

(3) The technical planning must be carried out in the prescribed manner.

(4) Where a planning process is not undertaken as part of an integrated environmental management process in terms of NEMA, the responsible authority must, before the commencement of the planning, notify interested and affected parties of the intended planning in the prescribed manner and allow at least 30 days for those parties to comment or make representations in respect of the planning.

(5) After completion of the planning process, the responsible authority must notify interested and affected parties in the prescribed manner and cause a notice to be published in each official language in at least one newspaper circulating

in the area, containing the prescribed information, and inviting interested and affected parties to comment in writing on the plan before a date, not later than 30 days after publication of the notice.

(6) Where the Minister is the responsible authority in respect of the transport infrastructure referred to in subsection (1), the Minister must consult with the municipalities in whose areas the transport infrastructure is or will be situated and request them to submit written comments on the planning within a specified time.

(7) A municipality must in responding make specific reference to the effect which any proposed alternative routes or layouts may have on any integrated transport plan, spatial framework or other strategic municipal development planning of the municipality.

(8) Where the project has an impact on transport infrastructure under the authority of an organ of state in another sphere of government, that organ of state must also be consulted.

(9) Where a portion of transport infrastructure is to be relocated, the responsible authority must undertake a planning process dealing with any redundant transport infrastructure, either separately or as part of the process of relocating the transport infrastructure, to effect one or more of the following:

- (a) Alter its classification;
- (b) withdraw its declaration;
- (c) transfer the transport infrastructure or land concerned to a private person or another authority; or
- (d) close it permanently.

(10) Subject to subsection (11), a responsible authority may widen or alter—

- (a) a planned or existing transport infrastructure;
- (b) a section of a road or railway line; or
- (c) the extent and reserve of transport infrastructure previously declared,

without undertaking a planning process in terms of this section, if the widening or alteration is not longer than a continuous length of 1000 metres, and—

- (i) in the case of a road or railway line, the new reserve deviates from the existing reserve by not more than five metres on one or both sides of the reserve; or
- (ii) in the case of ancillary transport infrastructure, the new reserve is located not further than five metres beyond the existing reserve;

(11) Before acting in terms of subsection (10), the responsible authority must—

- (a) notify all interested and affected parties in writing in the prescribed manner and invite them to comment in writing before a date, not later than 30 days after notification; and

- (b) ensure that any integrated processes required in terms of NEMA or NHRA have been undertaken.

### **Integrated environmental management process**

14. (1) Where required in terms of NEMA, the responsible authority must, when undertaking a project planning process in terms of section 13, cause an integrated environmental management process to be undertaken in co-ordination with the planning so that the technical planning implications are considered jointly with the environmental and other implications of the project.

(2) The integrated environmental management process must be undertaken in terms of Chapter 5 of NEMA.

(3) The public participation process in terms of NEMA must include consultation on the impact of all aspects of the project contemplated in this Act.

(4) Where the responsible authority is not the competent authority that administers the integrated environmental management process in terms of NEMA, the responsible authority must co-ordinate that process and the processes in terms of this Act, including technical investigations, specialist studies and the public participation process, into a single process.

### **Planning process before ~~permanent closure~~withdrawal of declaration**

15. (1) If a responsible authority intends to withdraw the declaration of transport infrastructure—

- (a) in order to permanently close it;
- (b) in order to change its designation to a street or public thoroughfare under the exclusive control of a municipality; or
- (c) that has not been constructed,

it must undertake a planning process before making the declaration of the withdrawal under section 19.

(2) Where permanent closure of the transport infrastructure is intended, the planning process must take place in the form of an environmental impact assessment as envisaged in NEMA and, if applicable, a heritage impact assessment in terms of NHRA.

(3) The planning process must identify all the implications of the intended action on adjacent land use and the surrounding area, including the impact of the reassignment of traffic, and environmental, heritage, social, economic, health, safety and access impacts.

(4) The responsible authority must, before the commencement of the planning process—

- (a) notify interested and affected parties of the intended planning in the

- prescribed manner;
- (b) allow at least 30 days for those parties to comment or make representation on the factors to be included in the planning; and
- (c) consider any representations received.

(5) After completion of the planning, the responsible authority must cause a notice to be published in each official language in at least one newspaper circulating in the area, containing—

- (a) a description of the proposed action;
- (b) particulars of the times and places at which the findings of the planning may be inspected; and
- (c) an invitation to interested and affected parties to comment in writing before a date, not later than 30 days after publication of the notice, on the implications of the closure.

(6) Where the responsible authority is the Minister, he or she must consult with the municipalities in whose areas the transport infrastructure is or will be situated and request them, within a specified time, to submit written comments on the planning, with specific reference also to the effect which the proposed action may have on any integrated transport plan, spatial framework or other strategic development planning of the municipality.

(7) Where the proposed action has an impact on transport infrastructure under the authority of other spheres of government or organs of state, they must also be consulted.

### **Application to close, relocate or alter transport infrastructure**

16. (1) Any person directly affected by existing or proposed transport infrastructure may apply to the responsible authority in writing in the prescribed manner to have the transport infrastructure closed, relocated or altered.

~~(2) The application must be submitted in the prescribed manner and must be accompanied by the prescribed fee.~~

- (3) On receipt of such an application, the responsible authority may—
- (a) refuse it and provide reasons for the refusal; or
  - (b) support it, in which case the authority must, subject to subsection (4), undertake a project planning process in terms of section 13 or 15, as the case may be.

(4) A responsible authority may recover from the applicant all expenditure in connection with such an application and the project planning process contemplated in subsection (3)(b).

### **Decision by road or public transport infrastructure authority**

17. (1) At the completion of the process contemplated in section 13 or

15, the responsible authority must consider all reports, comments and representations in connection with the proposed action.

(2) The responsible authority must within 180 days of the dates referred to in section 13(5), 13(11)(a) or 15(5)(c), as the case may be, decide—

- (a) to proceed with the declaration, relocation, alteration or closure of the transport infrastructure; or
- (b) not to proceed with it, and give notice to that effect in each official language in at least one newspaper circulating in the area and in the *Provincial Gazette*.

(3) If the responsible authority decides to proceed as contemplated in subsection (2)(a), it must, before starting with the procedures in terms of section 19, give notice of its decision in each official language in at least one newspaper circulating in the area and in the *Provincial Gazette*, and allow a period of 30 days after the date of publication for appeals to be lodged.

### **Regulatory protection measures for transport infrastructure**

**18.** (1) From the date on which the decision to proceed with the declaration of a new, relocated or altered route or layout of transport infrastructure is published in the *Provincial Gazette* in terms of section 17(3) until the date on which the transport infrastructure has been declared in terms of section 19, and despite any law to the contrary—

- (a) no application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme, or for any authorisation or decision contemplated in NEMA or NHRA may be granted without the prior written permission of the responsible authority—
  - (i) in respect of an area within the building lines of the transport infrastructure to which that decision relates; or
  - (ii) on the basis of future access to the transport infrastructure to which that route or layout relates; and
- (b) sections 36 to 45 inclusive and 51 apply, with the changes required by the context in respect of the transport infrastructure concerned.

(2) From the date on which the notice in terms of section 17(3) is published in the *Provincial Gazette* until the date on which the transport infrastructure has been declared in terms of section 19, and despite any law to the contrary, no person, including any service provider may—

- (a) lay, construct, alter or add to any pipeline, electricity line or cable, telephone line or cable, or any other structure or service infrastructure on, over or under the area within the building lines of the transport infrastructure concerned; or
- (b) construct, alter or add to any structure of any nature whatsoever on, over or under that area,

except in terms of an existing registered servitude or—

- (i) with the prior written permission of the responsible authority; ~~or~~
- (ii) under the authority of a wayleave issued by the responsible authority, and in terms of any conditions determined by the responsible authority; or.

(iii) in accordance with an agreement entered into in terms of section 43A(1).

(2A) Sections 43A(16), (17), (18) and (19), with the changes required by the context, apply in the event of a contravention of subsection (2).

(3) From the date on which transport infrastructure has been declared in terms of section 19 until the completion of the transport infrastructure, and despite section 44 or any other law to the contrary, a person intending to apply ~~no application~~ for a change or intensification in land use in respect of a portion of land in an urban area within 250 metres of the boundary of the transport infrastructure concerned must, in addition to obtaining the approval of the authority empowered to grant approval for such changes or intensification, obtain written permission for the proposed change or intensification of land use from the responsible authority on the basis of the impact of the proposed action on the transport infrastructure concerned, road traffic safety or transport operation. ~~may be granted by the authority empowered to grant changes in land use without first obtaining and considering the written comments of the responsible authority in the prescribed manner.~~

(4) The authority responsible for granting approval for changes or intensification of land use in respect of land referred to in subsection (3) may not do so without taking into consideration whether an application for approval in terms of that subsection has been submitted to the responsible authority, the decision of the responsible authority, if any, and the written comments of the responsible authority.

(5) Application for written permission contemplated in subsection (1), (2) or (3), as the case may be, must be submitted in the prescribed manner.

## **Declaration of transport infrastructure**

**19.** (1) The responsible authority may, subject to subsection (5) and the completion of a planning process in accordance with this Part by notice in the *Provincial Gazette* declare that—

- (a) there is transport infrastructure on or over any land in accordance with a plan published in the notice, or available for inspection at a place and times stated in the notice;
- (b) an existing transport infrastructure is relocated or altered to the extent specified in the notice and shown on such a plan; or
- (c) an existing transport infrastructure is permanently closed to the extent specified in the notice and shown on such a plan.

(2) The responsible authority may, subject to subsection (4), by notice in the *Provincial Gazette*, withdraw a declaration issued under subsection (1) after having undertaken the applicable planning process in terms of section 15 or pursuant to an agreement contemplated in section 9(3).

(3) When an authority has made a declaration in terms of subsection (1) or has withdrawn a declaration in terms of subsection (2), the authority must publish particulars of the declaration or the withdrawal, as the case may be, in each official

language in at least one newspaper circulating in the area concerned.

(4) Subject to section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), a responsible authority may, by notice in the *Provincial Gazette*, transfer the authority, rights, responsibilities or ownership of transport infrastructure partly or in its entirety to another authority in terms of an agreement with that other authority.

(5) A notice under subsection (1)(a) must, for each item of transport infrastructure being declared—

- (a) state which entity is to be the responsible authority for the transport infrastructure;
- (b) indicate the classification in terms of section 5, in the case of a road or railway line, and section 7(1) or (2), in the case of ancillary transport infrastructure;
- (c) provide details of the reserve width or extent in terms of section 6(2), if applicable, in the case of a road or railway line or section 7(6) in the case of ancillary transport infrastructure;
- (d) describe the location, route and reserve of the road or railway line or the layout of other transport infrastructure concerned by means of a sketch plan annexed to the notice; and
- (e) state that more detailed information is available for inspection at a place and at times specified in the notice.

(6) Where transport infrastructure is relocated or altered, the relocation or alteration is regarded as a declared transport infrastructure of the same classification as that which applied to the relocated or altered transport infrastructure immediately before the declaration of the relocation or alteration.

## **PART 5: PROCEDURES ON CLOSURE OF TRANSPORT INFRASTRUCTURE**

### **Permanent closure of transport infrastructure**

- 20.** (1) The responsible authority must—
- (a) before permanent closure of transport infrastructure erect, and display for at least 60 days, a notice at the point of closure, or at each end of the portion or portions to be closed, indicating in each official language the intended action and to whom comments or objections may be addressed; and
  - (b) after permanent closure of transport infrastructure erect appropriate traffic signs and road markings warning the public of the closure and where applicable re-directing users to an alternative route.

### **Temporary closure or deviation of road or railway line**

**21.** (1) The responsible authority may temporarily close or deviate, or restrict or regulate the use of, a road or railway line or any portion thereof—

- (a) for the purpose of or pending the construction, rehabilitation, maintenance or repair of the road or railway line;
- (b) for the purpose of or pending the construction, erection, laying, extension,

- maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under that road or railway line;
- (c) by reason of a public event which requires special measures for the control of traffic or special provision for the accommodation of crowds;
  - (d) for any other reason which renders such action necessary; or
  - (e) at the request of any person.

(2) The responsible authority must compensate the owner of land who has suffered damages in consequence of action taken under this section in an amount not exceeding the actual financial loss suffered by the owner, ~~as agreed with the owner.~~

~~(3) — If the parties are unable to reach agreement in terms of subsection (2) the Expropriation Act, 1975 (Act 63 of 1975), applies, with the necessary changes, as to compensation and the procedures for determination thereof.~~

(4) When a road or railway line or portion thereof is closed or deviated in terms of this section, the responsible authority must erect and maintain, for the duration of the closing or diversion, appropriate road signs or markings indicating the closure or diversion at each end of the closed or deviated section in the prescribed form and manner.

(5) A responsible authority must, before the temporary closure or deviation of a road or railway line, notify affected parties in the prescribed manner and publish a notice in each official language in at least one newspaper circulating in the area not less than 21 days before the closure or deviation, containing the prescribed information, and allow at least 14 days for interested and affected parties to comment and make representations.

(6) A person may request the responsible authority in writing in the prescribed manner to temporarily close or deviate, or restrict or regulate the use of, a road or railway line, or any portion thereof, as envisaged in subsection (1).

(7) A person making a request in terms of subsection (6) must pay to the responsible authority the costs, as determined by that authority, of complying with the request, including the costs of ensuring the safety of the users of the road or railway line concerned.

### **Emergency closure or deviation**

**22.** (1) In cases of emergency, the responsible authority may close or deviate transport infrastructure or deviate traffic on transport infrastructure.

- (2) If there is danger to the public, property or traffic, the authority must—
- (a) where the situation allows, notify the authorities responsible for emergency services in the area so as to coordinate actions; and
  - (b) erect warning and route guidance signs to ensure safety and facilitate traffic flows.

## Right of public to use closed or deviated road or railway line

**23.** The public may use a road or railway line or portion thereof that has been closed or deviated in terms of this Part until the responsible authority has erected signs indicating the closure or deviation as contemplated in section 20(1)(b), 21(4) or 22(2)(b).

## PART 6: FINANCING AND SUBSIDY ARRANGEMENTS

### Subsidy arrangements with municipalities

**24.** (1) A municipality may apply to the Minister in the prescribed manner for payment of a subsidy in respect of the project planning, design, construction, maintenance or management of any transport infrastructure.

(2) If the Minister approves the application, a written subsidy agreement must be concluded between the Minister and that municipality in the prescribed form containing the prescribed information.

(3) The subsidy agreement must provide that payment of subsidy is subject to compliance by the municipality with standards and guidelines determined by the Head of Department.

(4) Where a municipality intends to apply for a subsidy in connection with transport infrastructure which it intends to declare, it must—

- (a) before starting the project planning process in terms of Part 4, apply in writing to the Minister for approval of the subsidy; and
- (b) after the completion of the project planning process, provide the Minister with a copy of the notice published in terms of section 17(3) and all comments received.

(5)(a) Subject to a subsidy agreement being concluded between the Minister and the municipality concerned within 36 months of the commencement of this Act,  
~~—A~~a municipal road which was wholly or partly funded or subsidised by the Province immediately before the commencement of this Act qualifies for subsidy in terms of this Part.

(b) The subsidy agreement must be in the prescribed form and must contain the prescribed information.

(c) If a subsidy agreement is not so concluded in respect of a municipal road contemplated in paragraph (a), the municipality may apply to the Minister for the payment of a subsidy as contemplated in subsection (1).

(6) Applications in terms of subsection (1) must be divided, where applicable, into the following activities:

- (a) Activities necessarily incurred on project planning as required by Part 4;
- (b) design of transport infrastructure;
- (c) construction;

- (d) maintenance or repair;
- (e) resurfacing of roads;
- (f) deviation of municipal services;
- (g) erection of fences;
- (gA) relaying of railway track or the refurbishment of rail ballast;
- (h) maintenance of structures, bridges and retaining walls; and
- (i) compensation payments and other costs in connection with land acquisition.

### **Estimates of expenditure for purposes of subsidy**

**25.** (1) Not later than 1 December each year, every municipality with subsidised transport infrastructure in its area must submit to the Head of Department for approval estimates of expenditure for the following municipal financial year on transport infrastructure under its authority in respect of which subsidy is claimable in terms of this Act. The estimates must be in the prescribed form.

(2) If a municipality fails to comply with subsection (1), the Head of Department may revise the subsidy payable to the municipality by an amount the Head of Department determines.

(3) The Head of Department may, in approving any estimates of expenditure, after consultation with the municipality, alter or delete any proposed expenditure for any reason.

(4) A municipality may submit proposed amendments of such estimates to the Head of Department at any time for approval.

### **Calculation of subsidy percentage**

**26.** (1) The subsidy percentage on subsidised transport infrastructure is calculated as follows:

- (a) On capital expenditure—
  - (i) the percentage of expenditure prescribed by the Minister, either generally or specifically, in respect of the construction, relocation or widening of roads or railway lines, construction or alteration of the layout of ancillary transport infrastructure, and the acquisition of property for securing or increasing the reserve for roads, railway lines or ancillary transport infrastructure; and
  - (ii) the percentage of expenditure prescribed by the Minister, either generally or specifically, in respect of the alteration, deviation or removal necessitated by the construction of transport infrastructure, of anything used for delivering municipal services, including electrical supply or any telecommunications services, any pipe, post, standard, wire, cable, conduit, sewer or appliance;
- (b) on current expenditure, the prescribed percentage, which may differ in relation to different types of transport infrastructure.

(2) The percentage of subsidy for capital and current expenditure on a public transport road located wholly within the reserve of a trunk, main, district or

minor road may be different from the subsidy applicable to the road in whose reserve it is located.

(3) No subsidy is payable in respect of compensation paid for the expropriation of land for transport infrastructure unless the Head of Department has—

- (a) provided written consent to expropriate the land before it was expropriated, and
- (b) approved in writing the payment of the compensation where it was determined by agreement between the municipality and the land owner.

### **Determination of amount of subsidy expenditure**

**27.** (1) The Head of Department must in respect of each municipality determine the amount of approved capital and current subsidy expenditure annually, subject to the PFMA, having regard to—

- (a) the estimates of expenditure submitted in terms of section 25;
- (b) the subsidy percentages calculated in accordance with section 26;
- (c) the compound percentage increase per year in the total income of the municipality during the two financial years immediately preceding the year for which the subsidy amount of expenditure is being determined; and
- (d) other prescribed factors regarded relevant by the Head of Department.

(2) The Head of Department may—

- (a) authorise an increase in the amount of subsidy expenditure not exceeding the prescribed limits, subject to the PFMA;
- (b) in determining or increasing any amount of subsidy expenditure, direct that any item in or portion of any expenditure does not qualify for subsidy; and
- (c) in determining any amount of subsidy expenditure impose the conditions relating thereto that he or she regards necessary or desirable.

(3) A municipality may not, without the Head of Department's written approval, exceed the total amount of subsidy expenditure determined under this section, and if it does so the Head of Department may reduce the subsidy payable to the municipality by the amount that he or she regards proper.

### **Rent, sale and other income from land acquired with subsidy money**

**28.** (1). Where a municipality has acquired land—

- (a) using subsidy money; or,
  - (b) as a grant from the Province,
- and concludes a lease, sale or other agreement relating to that land or any part of it, it must pay the net income from the lease, sale or agreement to the Province in proportion to the subsidy contribution made by the Province for its acquisition, subject to subsection (2).

(2) The proceeds of a lease, sale or other agreement referred to in subsection (1) may, with the approval of the Minister—

- (a) where the land concerned falls in a metropolitan transport area as contemplated in section 3 of the Urban Transport Act, 1977 (Act 78 of 1977), be paid into the Consolidated Metropolitan Transport Fund established by section 18 of the Urban Transport Act, 1977; or
- (b) if the municipality has established a municipal land transport fund in terms of section 27 of the NLTA, be paid into that fund.

### **Equated percentage rate of subsidy on capital expenditure**

**29.** (1) A municipality must, before commencing any construction in respect of which subsidy on capital expenditure is payable in terms of this Act, submit to the Head of Department a detailed estimate of expenditure, divided into subsidisable and non-subsidisable items, and the Head of Department must equate the relative percentage rates applicable in respect of the construction.

(2) On completion of the construction contemplated in subsection (1), the municipality must submit a written statement of the actual expenditure, divided into subsidisable and non-subsidisable items, incurred on or in respect of the construction to the Head of Department, who may, if the estimates contemplated in subsection (1) have been departed from, revise and alter the equated percentage rate contemplated in that subsection.

### **Contributions from other sources**

**30.** When expenditure incurred by a municipality on or in connection with transport infrastructure is—

- (a) wholly funded from a source other than the municipality or the Province, the expenditure does not qualify for subsidy;
- (b) partly funded from a source other than the municipality or the Province, only that portion of the expenditure as is not so funded qualifies for subsidy.

### **Payment of subsidy**

**31.** (1) Subsidy must be paid annually after the end of the financial year in respect of which it is due, on submission of a claim by the municipality in the form determined by the Head of Department.

(2) The Head of Department may make advances on subsidies, but the total amount of advances to a municipality during any financial year may not exceed 90 percent of the estimated total amount of subsidy payable to that municipality for that financial year.

(3) The Head of Department may reduce the amount of subsidy payable to a municipality if he or she has reason to believe that any work has not been performed in terms of the agreement referred to in section 24(2) or in accordance with the standards and guidelines referred to in section 24(3).

## Records of expenditure on transport infrastructure

**32.** Every municipality receiving or applying for subsidy must at all times have available for inspection by the Head of Department, all books, records, invoices, accounts and other documents relating to any expenditure incurred by it on or in connection with the transport infrastructure concerned.

## Reduction of determined subsidy expenditure

**33.** If the total actual expenditure incurred in any financial year by a municipality on or in connection with subsidised transport infrastructure is less than the estimated expenditure submitted in terms of section 25(1)—

- (a) the actual amount of subsidy expenditure must not exceed—
  - (i) the amount calculated in accordance with the prescribed subsidy percentage under section 26 unless authorised by the Head of Department; or
  - (ii) the actual expenditure on the transport infrastructure; and
- (b) the sum of the amounts received from other sources as contemplated in section 30 must be deducted from the total actual expenditure and the amount of subsidy expenditure must be determined in accordance with the remaining portion.

## PART 7: EXPROPRIATION AND COMPENSATION

### Expropriation of property

**34.** (1) The responsible authority may expropriate land, other than land owned by an organ of state, for the purpose of—

- (a) transport infrastructure works or activities in connection therewith, [including the temporary deviation of a road or railway line](#);
- (b) subject to NEMA and any other applicable law, the acquisition, mining or treatment, raising or removal of materials including gravel, stone, sand, clay, water other than water that has been artificially pumped for watering stock, and any other material or substance for purposes contemplated by this Act, outside of an urban area;
- (c) the accommodation of staff engaged in the building, rehabilitation, upgrading or maintenance of transport infrastructure; or
- (d) the storage or maintenance of vehicles, machines, equipment, tools, stores or material.

(2) The Expropriation Act, 1975, applies, with the changes required by the context, to actions taken under subsection (1).

(3) A responsible authority may raise and remove materials on land owned by an organ of state, but only in terms of an agreement with that organ of state and subject to NEMA and any other applicable law.

(4) Where a portion of land is expropriated and the owner satisfies the

responsible authority that the remainder of the land has become useless to the owner as a result of the expropriation, that authority may also expropriate that remainder.

(5) Where a responsible authority has permanently closed an access to or egress from land and the owner of the land is unable to put the land to beneficial use as a direct result of the closure, or the transport infrastructure is unable to provide access to that land, that authority may expropriate the land.

(6) Where land or a portion thereof is injuriously affected by the expropriation of other land by a responsible authority, the authority may also expropriate the land or portion that is so affected.

(7) This section does not prevent an authority from acquiring property for the purposes of this Act by purchase or lease or by any other method other than expropriation.

### **Entry on and taking possession of property**

**35.** (1) Where a responsible authority requires land or the temporary use thereof or any material thereon for a purpose mentioned in subsection (2), the authority, or any person authorised in writing by it, may, after giving not less than 48 hours' notice to the owner or occupier of the land or material and with the consent of the owner or occupier—

- (a) enter upon the land with the necessary workers, equipment and vehicles;
- (b) survey and determine the area and levels of the land;
- (c) dig or bore on or into the land; or
- (d) demarcate the boundaries of the land or material.

(2) An authority may act under subsection (1)—

- (a) to determine the value of the land or material concerned;
- (b) to make any inspection, inquiry, investigation, or survey in connection with the exercise or performance of the powers, duties and functions conferred or imposed by or under this Act;
- (c) to inspect, maintain and repair any structure, apparatus, appliance, installation or any other thing which is or has been constructed, erected or placed on such land by or on behalf of that authority in terms of this Act; or
- (d) to enable it to perform any of its other functions under this Act.

(3) Where an owner or occupier has refused consent for an authority or a person authorised by the authority to act under subsection (1), the authority must in writing request the owner or occupier to furnish reasons for the refusal within the time allowed by the authority, which may not be less than seven days.

(4) The owner or occupier must furnish reasons in writing for the refusal within the time specified by the authority in terms of subsection (3).

(5) If such reasons are not provided within the time so specified, or are not acceptable to the authority, it may apply to a court having jurisdiction for an order

authorising any action contemplated in subsection (1).

(6) Such a court may, if it grants the order, order the owner or occupier to pay the costs of the application, where appropriate on attorney and client scale, if satisfied that the authority acted reasonably for the purposes of this Act.

(7) Despite subsections (3), (4) and (5), the responsible authority may, without giving notice in terms of subsection (3) or applying for a court order in terms of subsection (5), perform any action contemplated in subsection (1) where that action is required urgently to prevent death or injury to persons or substantial damage to property.

(8) A responsible authority may pass over land to gain access to other land for the purposes mentioned in subsection (2), with the necessary workers, equipment and vehicles, with the consent of the owner or occupier of the first-mentioned land, and if such consent is refused, subsections (3), (4), (5), (6) and (7) apply with the necessary changes.

(9) Where access is obtained in terms of this section to land enclosed by a fence without a gate, the responsible authority may erect a gate in the fence, which must be manned, and when unmanned must be provided with a lock, and must be kept properly secured.

(10) If any person has suffered damage as a result of the exercise of a power conferred by this section the responsible authority must repair the damage at its cost or ~~pay damages or compensation in respect thereof to~~ compensate that person ~~in accordance with the Expropriation Act, 1975~~ for his or her actual financial loss.

## PART 8: MANAGEMENT AND CONTROL OF TRANSPORT INFRASTRUCTURE AND ADJACENT LAND

### ~~Prohibition of certain advertisements on or visible from transport infrastructure~~

~~36. (1) Subject to regulations contemplated in section 37, no person may display or cause or permit to be displayed an advertisement on or by means of a fixed structure or a stationary vehicle fitted for the specific purpose of advertising, except with the prior written permission of the responsible authority if the advertisement is—~~

- ~~(a) visible from a road outside an urban area;~~
- ~~(b) within 50 metres from the boundary of the reserve of a road other than a freeway in an urban area, and is visible from that road; or~~
- ~~(c) within 250 metres from the boundary of the reserve of a freeway in an urban area, and is visible from that freeway.~~

~~(2) No person may in, on or above any transport infrastructure—~~

- ~~(a) display or cause or commit to display an advertisement; or~~

~~(b) erect, construct, place or exhibit a board, notice framework, scaffolding or other device by means of which an advertisement could be displayed.~~

~~(3) Subsections (1) and (2) do not apply to the displaying of an advertisement—~~

~~(a) that was lawfully displayed immediately before the commencement of this Act, or before the transport infrastructure concerned was declared under section 19, for as long as it is displayed continuously at the same place; or~~

~~(b) that must be displayed in terms of a law and is displayed strictly in terms of that law.~~

~~(4) Permission by the responsible authority in terms of subsection (1) does not provide exemption from other laws requiring further approval by a municipality or any other authority.~~

~~(5) If a municipality makes a by-law regulating the display of advertisements on or visible from municipal transport infrastructure in its area of jurisdiction, this section and sections 37 to 39 do not apply in respect of that municipal transport infrastructure, unless indicated otherwise in the by-law.~~

### Prohibition of certain advertisements

36.(1) No person may display or cause or permit to be displayed an advertisement if the advertisement is—

(a) visible from a road outside an urban area—

(i) for which the Minister is the road authority; or

(ii) which has been designated in terms of subsection (5)(a);

(b) within 50 metres from the boundary of the reserve of a road in an urban area other than a freeway—

(i) for which the Minister is the road authority; or

(ii) which has been designated in terms of subsection (5)(a), and is visible from that road;

(c) within 250 metres from the boundary of the reserve of a road in an urban area that is a freeway—

(i) for which the Minister is the road authority; or

(ii) which has been designated in terms of subsection (5)(a), and is visible from that freeway.

unless the Minister has assessed the impact of such display on road traffic safety and transport operation and granted prior written permission on application in the prescribed manner.

(2) The Minister may refuse to grant such permission only if satisfied that the display of the advertisement is likely to lead to unsafe driving conditions or serious impairment of transport operation.

(3) The permission of the Minister may be subject to conditions.

(4) No person may in, on or above any transport infrastructure for which the

Minister is the responsible authority, or a road designated in terms of subsection (5)(a), display or cause or commit to display an advertisement.

(5) The Minister may, after consultation with the relevant municipality, by notice in the *Provincial Gazette*—

- (a) designate a municipal road as a road in respect of which the Minister's permission contemplated in subsection (1) is required; or
- (b) designate a road for which the Minister is the roads authority as a road in respect of which the Minister's permission contemplated in subsection (1) is not required.

(6) Subsections (1) and (2) do not apply to the displaying of an advertisement—

- (a) that was lawfully displayed immediately before the commencement of this Act, or before the transport infrastructure concerned was declared under section 19, for as long as it is displayed continuously at the same place; or
- (b) that must be displayed in terms of a law and is displayed strictly in terms of that law.

(7) Permission by the Minister in terms of subsection (1) does not provide exemption from section 43(1) or any other applicable law.

(8) The Minister may make regulations prescribing—

- (a) in general or in relation to a specific road or portion of a road, the types of advertisements that are exempt from the application of subsection (1);
- (b) the criteria to be used to assess the impact of a display referred to in subsection (1) on road traffic safety and transport operation;
- (c) the general conditions of permission applicable to the display of all advertisements where permission has been granted in terms of subsection (1);
- (d) the technical requirements applicable to the display of advertisements, including advertisements which are exempt from the application of subsection (1) and advertisements contemplated in paragraph (a); and
- (e) the manner in which an application for permission in terms of subsection (1) must be submitted.

### **~~Regulations regarding advertisements on or visible from transport infrastructure~~**

~~37.—(1)—The Minister may make regulations regarding advertisements referred to in section 36.~~

~~—(2)—Without derogating from the generality of subsection (1), regulations made under that subsection may provide for—~~

- ~~(a)—the classification of transport infrastructure into categories on the basis of their scenic, environmental or architectural importance, or on other similar bases, for the purpose of distinguishing between the types of advertisements which are permitted in~~

each category;

~~(b) — the classification of advertisements into categories for the purpose of regulating and controlling their display or erection;~~

~~(c) — the procedures to be followed in applying for permission contemplated in section 36(1) and the fee payable on application for such permission;~~

~~(d) — the assessment of the implications of advertisements on the safety of traffic and transport operation;~~

~~(e) — methods of display and illumination of advertisements;~~

~~(f) — safety, amenity and decency of advertisements;~~

~~(g) — design and construction of advertisements and their supporting structures, their position, maintenance, alteration and future removal; and~~

~~(h) — the categories of advertisements that may be erected or displayed without the prior written permission of the responsible authority, on the basis of criteria set out in the regulations.~~

### Removal of unauthorised advertisements

~~38.—(1) — The responsible authority may remove an advertisement that is erected in the reserve of the transport infrastructure and displayed in contravention of this Act.~~

~~—(2) — A person who displays an advertisement contrary to this Act or permits it to be so displayed, and has been directed by the responsible authority by written notice to remove it, must do so within the period stated in the notice, which may not be shorter than 14 days.~~

~~—(3) — If the person to whom a notice in terms of subsection (2) is directed fails to remove the advertisement within the period stated therein, the responsible authority may take the necessary legal steps to have the advertisement removed, and recover from that person the legal and any other costs necessary to effect the removal of the advertisement.~~

38. (1) If an advertisement contemplated in section 36(1)(a), (b) or (c) is displayed—

(a) without the permission of the Minister in terms of section 36(1);

(b) in contravention of section 36(4); or

(c) in contravention of regulations made under section 36(8)(d), whether or not the advertisement type is exempt in terms of regulations made under section 36(8)(a),

the Minister may by written notice direct the owner or lessee of the advertisement, the person who erected the advertisement, the landowner on whose land the advertisement is displayed or the person whose product or services are advertised to remove the advertisement within a reasonable time stated in the notice.

(2) If the person to whom a notice referred to in subsection (1) has been directed fails to comply with it within the time stated therein, the Minister may apply to a court for authorisation to remove the advertisement.

(3) If an advertisement—

- (a) has been erected in contravention of section 36(4); or
- (b) has been erected on property under the control of the Minister; or
- (c) poses an imminent danger to life or property;

the Minister may, after expiry of the time period in the notice contemplated in subsection (1), remove the advertisement without a court order.

(4) On removal of an advertisement in accordance with subsection (2) or (3) the Minister—

- (a) may recover from the person on whom notice in terms of subsection (1) was served the costs of the removal and the costs of the return of the advertisement in terms of paragraph (b); and
- (b) must return the advertisement to the person on whom the notice was served or to the owner or lessee of the advertisement, as the case may be.

### **Regulation of advertisements by municipalities**

**38A.** (1) A municipality must regulate the display of—

- (a) advertisements on or above a road; and
- (b) advertisements visible from a road.

(2) For the purposes of subsection (1), a municipality must at least establish a system for the submission and approval of applications for the display of advertisements, which must provide for—

- (a) the classification of roads into categories on the basis of their scenic, environmental or architectural importance or on other similar bases for the purpose of distinguishing between the types of advertisements permitted in each category;
- (b) the classification of advertisements into categories for the purpose of regulating and controlling their display or erection;
- (c) the procedures to be followed when applying for approval to display an advertisement and the fee payable on application for such approval;
- (d) the assessment of the impact of such display on road traffic safety and transport operation;
- (e) the assessment of the impact of such display on the environment;
- (f) methods of display and illumination of advertisements;
- (g) the assessment of the safety, amenity and decency of advertisements;
- (h) the design and construction of advertisements and their supporting structures, their position, maintenance, alteration and future removal;
- (i) categories of advertisements that may be erected or displayed without the permission of the municipality on the basis of specified criteria; and
- (j) the removal of unauthorised advertisements.

### **Presumptions relating to advertisements**

**39.** For the purposes of this Act, in the absence of evidence to the contrary

[that raises reasonable doubt](#), an advertisement is regarded as displayed or to have been permitted to be displayed—

- (a) by the person who erected it or otherwise caused it to appear;
- (b) where it relates to a product or article produced or manufactured by a particular person, by that person;
- (c) where it relates to a service rendered by a particular person, or a business undertaking or place owned by a particular person, by that person; or
- (d) by the person who owns or occupies the land on which the advertisement is erected or displayed.

### **Access to and exit from transport infrastructure**

**40.** (1) Subject to subsections (2) and (4), no person may—

- (a) enter or leave transport infrastructure by means of vehicular transport other than via a lawfully erected roadway, gate, bridge or other passage;
- (b) where access to or exit from transport infrastructure to or from adjacent land is barred by a lawfully erected fence, wall, hedge, trench, ditch or similar obstacle along or near the edge of the transport infrastructure, enter or leave the transport infrastructure by means of vehicular or non-motorised transport other than via a lawfully erected roadway, gate, bridge, stile or other passage; or
- (c) construct an ingress to or an exit from transport infrastructure in any manner that permits vehicular or non-motorised transport access between the transport infrastructure and any other property unless the responsible authority, [on application in the prescribed manner](#), has authorised in writing the construction thereof.

(2) Subsection (1) does not apply to a lawfully erected access roadway, gate, bridge, stile or other passage which was in existence and use immediately before the commencement of this Act and which was not closed or removed at any time thereafter.

(3) No person may subdivide land that once subdivided would require the erection of a roadway, gate, bridge, stile or other passage to gain access to or exit from transport infrastructure unless the responsible authority has approved the subdivision.

(4) A responsible authority may not refuse an application for access referred to in subsection (1)(c) by the owner of a subdivided property, resulting from the subdivision of his or her original property, if, in doing so, no other reasonable access to or exit from the subdivided property to or from transport infrastructure is available, where—

- (a) a land surveyor surveyed the subdivided property and lodged a diagram thereof with the Surveyor-General before the commencement of this Act; and
- (b) after the survey of the property and the date of lodging of the diagram with the Surveyor-General, and before commencement of this Act, a person other than the owner of the property of which the subdivided property formed a portion at

the time when the said survey was made, acquired or concluded an agreement of sale to acquire the ownership of that subdivided property, unless the roadway, gate, bridge, stile or other passage to be used for access to or exit from the transport infrastructure is unsafe or is incompatible with standards and guidelines for access to the transport infrastructure determined by the Head of Department or the municipality concerned.

(5) In considering an application for access under subsection (1)(c) or an application for a subdivision under subsection (3), the authority must have regard to ~~the requirements of—~~

- (a) a spatial development framework or arterial management plan that indicates the conditions under which such an access may be approved; ~~or~~
- (b) ~~in the absence of such a plan,~~ standards and guidelines on the provision of access to transport infrastructure prepared by the Head of Department or by the municipality concerned; and
- (c) requirements prescribed by the Minister.

(6) The responsible authority may—

- (a) in granting authority under subsection (1)(c)—
  - (i) determine the nature of the access roadway, gate, bridge, stile or other passage and the place where and manner in which it must be constructed; and
  - (ii) impose other conditions in connection therewith or with its use that it regards necessary; and
- (b) withdraw the authorisation if any requirement determined or condition imposed in terms of paragraph (a) is not observed.

(7) An authority, in granting access to pedestrians or cyclists from an adjacent property to any transport infrastructure, must ensure that they are provided with safe routes and crossings.

### **Relocation or closure of access to or exit from road**

**41.** (1) The responsible authority may, by written order specifying the reasons for the order, direct the owner of land which has access to or exit from a road through that land, either directly or through an access road, to relocate, restrict or close the access or exit, in such a manner or to such an extent and for the period specified in the notice, or permanently.

(2) Where the relocation, restriction or closure in terms of subsection (1) of any access to or exit from a road necessitates the alteration, resiting, re-erection or reconstruction of any gate, private garage or driveway, the responsible authority must, subject to paragraphs (3) and (4)—

- (a) carry out the work so necessitated at its own cost, or
- (b) permit the owner concerned to carry out the work at the cost of that authority.

(3) The liability of the responsible authority in terms of this subsection is limited to the cost of substituting gates, garages or driveways of a similar standard to those which are, in terms of subsection (2), required to be altered, resited, re-erected or reconstructed.

(4) The responsible authority is not liable for the cost of replacing any gate, private garage or driveway where the access to or exit from the road concerned was gained in contravention of any law.

~~(5) — Where the owner of land gaining access to a road applies for and is given permission by the responsible authority to relocate the access, there is no liability on that authority to contribute to the cost of the relocation.~~

(5)(a) An owner of land with access to a road may apply to the responsible authority in the prescribed manner for permission to relocate the access.

(b) There is no liability on the responsible authority to contribute to the cost of such relocation.

### **Prohibition of depositing or leaving of certain articles or materials on or near transport infrastructure**

42. (1) No person may—

- (a) deposit or leave a disused vehicle or machine or part thereof, or any refuse on any transport infrastructure; or
- (b) without the prior written permission of the responsible authority on application in the prescribed manner, or contrary to a condition imposed by that authority and set out in the written permission, deposit or leave a disused vehicle or machine or part thereof or any refuse within 200 metres from the centre line of any road or railway line where it is visible from that road or railway line.

(2) The responsible authority may remove a disused vehicle or machine or part thereof or refuse found on transport infrastructure, and may recover the cost of the removal from the person who deposited or left it there.

(3) (a) If a vehicle, machine, part or refuse is deposited or left on land in contravention of subsection (1)(b), the responsible authority may direct the owner or occupier of the land or the person who deposited or left it there by notice in writing to remove it or to render it no longer visible within the period stated in the notice, which may not be less than 14 days from the date of the notice.

(b) If a person to whom the notice referred to in subsection (3) was directed fails to comply with it, the responsible authority may remove the vehicle, machine, part or refuse from that land or take any steps that it considers necessary to render it invisible, and may recover the costs from that person.

~~**Structures and other works on, over or below reserves of transport infrastructure or within building lines or building restriction areas**~~

**Structures other than service infrastructure within reserves or building lines of transport infrastructure or within building restriction areas**

**43.** (1) Despite any other law, but subject to subsection ~~(5)~~(3) or (3A), no person may, except with the prior written permission on application in the prescribed manner of, and in accordance with standards and specifications approved by the responsible authority, undertake or cause or permit to be undertaken an activity mentioned in subsection (2)—

- (a) on or within the reserve of transport infrastructure;
- (b) within the building lines of transport infrastructure; or
- (c) within a building restriction area.

(2) The activities contemplated by subsection (1) are the following:

- (a) Erecting or installing a structure or other thing which is attached to the land on which it stands, including a structure or thing that does not form part of that land;
- (b) constructing or laying anything under or below the surface of land;
- (c) constructing anything which projects over the land concerned;
- (d) carrying electric or other wires or pipelines across or laying underground cables or pipelines over, under or on the land concerned; or
- (e) making any structural addition or alteration to any structure or thing referred to in paragraph (a), (b), (c) or (d).

(3) Subsection (1) does not apply to —

- (a) the completion of a structure the erection of which was started before the commencement of this Act or before the restriction imposed by a building line or building restriction area concerned came into effect; or
- ~~(b) an enclosure, fence, wall or hedge which does not rise higher than 1,6 metres above the surface of the land on which it stands.~~
- (b) any service infrastructure works.

(3A) Paragraphs (b) and (c) of subsection (1) do not apply to an enclosure, fence, wall or hedge which does not rise higher than 1,6 metres above the surface of the land on which it stands.

(4) A person may apply to the responsible authority in the prescribed manner ~~and on payment of the prescribed fee~~ for a departure from restrictions imposed by a building line or building restriction area referred to in subsection (1).

(5) ~~Such a~~An application referred to in subsection (1) or subsection (4) may be granted or refused having regard to the nature of the transport infrastructure involved, the development or proposed development adjacent to it and other factors regarded as relevant by ~~that~~the responsible authority concerned.

(6) Where the applicant is not the owner of the land to which the application relates, the applicant must demonstrate to the satisfaction of the responsible authority that he or she is empowered to negotiate on behalf of, and that the proposal is acceptable to, the owner.

(7) In granting permission in terms of subsection (5), the authority may impose—

- (a) specifications with which the structure, object, alteration or addition must comply;
- (b) the manner and circumstances in which, the place where and the conditions on which it may be erected, installed, constructed or laid;
- (c) duties to be fulfilled by the owner of the land, the applicant or other persons with regard to the proposed action;
- (d) a duty to reimburse the authority for costs incurred in monitoring the activities referred to in paragraphs (a), (b) and (c), either before the commencement of the work or at a later stage; or
- (e) a duty to pay rent as determined by the authority for the use or occupation of land owned by it or under its authority.

(8) If permission is granted in terms of subsection (5) on condition that a structure or object be removed at a later stage, no compensation for the removal is payable to the owner of the structure or object, or to his or her successors in title, unless otherwise agreed to by the authority.

(9) The Registrar of Deeds having jurisdiction must, at the written request of the responsible authority, note the condition referred to in subsection (8) on the title deed of the land affected thereby and in the appropriate registers, and the costs in connection with that noting must be paid by the person to whom the permission has been given.

(10) A municipality must consult with the Head of Department before undertaking the actions in terms of subsections (4) and (5) in respect of subsidised transport infrastructure.

(11) Where a person has erected, installed, constructed or laid a structure or object, or has undertaken preparatory excavations or any other work or activity contemplated in subsection (2), without the permission required by subsection (1) or contrary to such permission, the responsible authority may direct that person by written notice served on that person to remove it, or to take the necessary steps to restore or safeguard the transport infrastructure, within a reasonable time stated in the notice, ~~which may not be shorter than 30 days from the date of the notice.~~

(12) If the person to whom a notice referred to in subsection (11) has been directed, fails to comply with the notice within the time stated therein, the responsible authority may apply to a court for authorisation to remove the structure or object ~~and recover the cost of removal from that person~~ or take the necessary steps to restore or safeguard the transport infrastructure.

(12A) Where a structure or object or preparatory excavations or any other work or activity contemplated in subsection (11)—

- (a) has been erected, or has commenced, on property under the control of the responsible authority; or

(b) poses an imminent danger to life or property;

the responsible authority may, after the expiry of the time period stated in the notice, without a court order, remove the structure or the object or take the necessary steps to restore or safeguard the transport infrastructure.

(12B) On taking any steps referred to in subsection (12) or (12A), the responsible authority—

- (a) may recover from the person on whom notice referred to in subsection (11) was served the costs of the removal of the structure or object, of the steps taken to restore or safeguard the transport infrastructure and of the return of the structure or object contemplated in paragraph (b), as the case may be; and
- (b) where a structure or object was removed in terms of subsection (12) or (12A), must return that structure or object to the person on whom the notice was served.

(13) Despite subsection (3), the responsible authority may, without a court order, remove or shift to a place it determines a structure or object contemplated in subsection (2) which was installed, erected, constructed or laid before the date on which the transport infrastructure concerned was declared.

(14) Where a person is obliged in terms of a law to remove or shift a structure or object so erected, installed, constructed or laid, the responsible authority may recover the cost of the removal or shifting from that person.

### Service infrastructure within reserves of transport infrastructure or within building restriction areas

43A. (1) Despite the Electronic Communications Act, 2005 (Act 36 of 2005), the Eskom Conversion Act, 2001 (Act 13 of 2001), the Electricity Regulation Act, 2006 (Act 4 of 2006), the National Water Act, 1998 (Act 36 of 1998), the Water Services Act, 1997 (Act 108 of 1997), the Gas Act, 2001 (Act 48 of 2001), or any similar law relating to service infrastructure works, no service provider may perform any service infrastructure works—

- (a) on or within the reserve of transport infrastructure;
- (b) within the building lines of transport infrastructure; or
- (c) within a building restriction area,

except in terms of an agreement with the responsible authority, and in accordance with standards, specifications approved by the responsible authority.

(2) Subject to subsection (3), a service provider must, not less than 90 days before it intends to commence service infrastructure works on or within any transport infrastructure or within any building line or building restriction area, submit written notice to the responsible authority in the prescribed manner, providing at least the following information:

- (a) The details of the service provider, as well as the details of the person duly

authorised to serve notice on behalf of the service provider, and proof of such authority;

- (b) mapping and plans prepared by a Professional Engineer or Professional Engineering Technologist registered as such in terms of the Engineering Profession Act, 2000 (Act 46 of 2000), showing the location and horizontal and vertical alignment of the proposed service infrastructure in relation to the transport infrastructure and any applicable building lines or building restriction areas, including the position of the proposed service infrastructure in relation to existing or planned buildings, bridges or other structures;
- (c) in the case of a road, elements of the road structure, buildings, bridges or other structures, sidewalks, cycle paths, verge, boundary fences or walls and any other structures that may be affected by the service infrastructure;
- (d) detailed plans and specifications for the service infrastructure;
- (e) detailed plans and specifications identifying the standards and procedures for the repair and reconstruction the transport infrastructure to its original condition necessitated by any damage caused to the transport infrastructure or any elements thereof by or arising from the installation of the service infrastructure; and
- (f) the proposed sequencing and programme dates of commencement and completion of the installation of the service infrastructure.

(3) The responsible authority may, on good cause shown, accept written notice, or written notice of the intention to commence service infrastructure works—

- (a) which differs from paragraphs (a) to (f) of subsection (2); or
- (b) submitted less than 90 days before commencement of the service infrastructure works concerned.

(4) Subsections (1) and (2) do not apply to the completion of service infrastructure works that started before the commencement of this Act or before the restriction imposed by a building line or building restriction area came into effect.

(5) The responsible authority and the service provider must cooperate and collaborate with one another to promote the provision of service infrastructure and at the same time protect the integrity and safety of transport infrastructure.

(6) Where the service provider is an organ of state, the responsible authority and the service provider must cooperate and collaborate with one another to promote the provision of service infrastructure and at the same time protect the integrity and safety of transport infrastructure, in accordance with section 41 of the Constitution.

(7) The agreement contemplated in subsection (1) must set out—

- (a) the standards and specifications contemplated in subsection (1);
- (b) the conditions on which the service provider may install the service infrastructure;
- (c) the manner in which the service provider must deal with future maintenance, changes, repairs or upgrading either to the service infrastructure or to the transport infrastructure; and

(d) the compensation payable by the service provider to the responsible authority, if any.

(8) The service provider must—

(a) take due precautions to safeguard the public and protect public and private property during the works;

(b) restore the site on completion of the works; and

(c) unless agreed otherwise with the responsible authority, bear the cost of—

(i) the relocation of service infrastructure that may be necessitated as a result of any future repair maintenance, rehabilitation or construction of or to transport infrastructure required by the responsible authority;

(ii) any alteration or modifications to the transport infrastructure that may be necessitated by any future, repair, maintenance, rehabilitation or construction of or to the service infrastructure that may be required by the service provider.

(9) The responsible authority may require service providers to share conduit pipes or manholes on agreed conditions.

(10) If an agreement contemplated in subsection (1) cannot be reached—

(a) where the service provider is an organ of state, the matter must be dealt with in terms of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005);

(b) where the service provider is a private person, either the service provider or the responsible authority may approach a competent court for a decision or, by agreement, refer the dispute to arbitration,

and the works may not commence until resolution of the dispute by agreement or by decision of the applicable court or arbitrator, as the case may be.

(11) The responsible authority may appoint, at the cost of the service provider, professional civil engineers or other experts in the design, construction or maintenance of transport infrastructure to advise the responsible authority or to oversee the service infrastructure works in order to safeguard the interests of the Province or municipality in relation to the transport infrastructure, and ensure that the service provider undertakes the work in terms of the standards and procedures, and in accordance with the programme of installation, as agreed.

(12) The responsible authority may impose fees, as prescribed, payable by the service provider to cover the cost of entering into the agreement contemplated in subsection (1) and undertaking the procedures prescribed by this section.

(13) If an agreement is entered into pursuant to subsection (1) on condition that service infrastructure be removed at a later stage, no compensation for the removal is payable to the owner of the service infrastructure, or to his or her successors in title, unless otherwise agreed to by the responsible authority.

(14) The Registrar of Deeds having jurisdiction must, at the written request of the responsible authority, note the condition referred to in subsection (13) on the title deed of the land affected thereby and in the appropriate registers, and the costs in connection with that noting must be paid by the service provider concerned.

(15) A municipality must consult with the Head of Department before entering into an agreement pursuant to subsection (1), in respect of subsidised transport infrastructure.

(16) Where service infrastructure has been installed or service infrastructure works have commenced on or within transport infrastructure or within any building line or building restriction area notwithstanding that an agreement contemplated in subsection (1) has not been concluded, the responsible authority may direct the service provider by written notice to remove the service infrastructure or to take the necessary steps to restore or safeguard the transport infrastructure within a reasonable time stated in the notice.

(17) If a service provider to whom a notice referred to in subsection (16) has been directed, fails to comply with it within the time stated therein, the responsible authority may apply to the court for authorisation to take the necessary steps to remove the service infrastructure or to restore or safeguard the transport infrastructure.

(18) If the service infrastructure or service infrastructure works contemplated in subsection (16)—

- (a) have been erected, or have commenced, on property under the control of the responsible authority; and
- (b) poses an immediate danger to life or property;

the responsible authority may, without a court order, take the necessary steps to remove the service infrastructure or to restore or safeguard the transport infrastructure.

(19) On taking the steps referred to in subsection (17) or (18), the responsible authority—

- (a) may recover the costs of the steps taken and the cost of the return of the service infrastructure, if applicable, from the service provider on whom notice was served; and
- (b) must return the service infrastructure to the service provider.

(20) Despite subsection (4), the responsible authority may, at its own cost, remove or shift to a place it determines service infrastructure contemplated in subsection (1), which was installed, erected, constructed or laid before the date on which the transport infrastructure concerned was declared.

(21) Where a service provider is obliged in terms of a law to remove or shift a service infrastructure contemplated in subsection (20), the responsible authority may

recover the cost of the removal or shifting from that service provider.

## **Restrictions on changes in land use**

~~44.—(1)—A person intending to undertake a development involving a change or intensification in land use on land within an area adjacent to—~~

~~(a)—transport infrastructure referred to in paragraphs (a) and (b) of subsection (2); or~~

~~(b)—proposed transport infrastructure referred to in section 18(3), must, where a traffic impact assessment or a public transport assessment prescribed under the NLTA is required—~~

~~(i)—obtain approval for the proposed development from the responsible authority;~~

~~(ii)—implement any mitigating measures required by that authority in granting that approval; and~~

~~(iii)—obtain the approval of the authority empowered to grant approval for such changes or intensification.~~

44. (1) A person intending to undertake a development involving a change or intensification in land use on land within an area referred to in paragraph (a) or (b) of subsection (2) must, where a traffic or transport impact assessment is required by the responsible authority, in addition to obtaining the approval of the authority empowered to grant approval for such changes or intensification—

(a) on application in the prescribed manner, obtain written permission for the proposed development from the responsible authority on the basis of the impact of the proposed change or intensification in land use on the transport infrastructure concerned, road traffic safety or transport operation; and

(b) implement any mitigating measures required by the responsible authority in granting that approval.

(1A) An authority responsible for granting approval of a development involving a change or intensification of land use on land referred to in subsection (1) may not do so without taking into consideration whether an application contemplated in subsection (1)(a) has been submitted and the decision of the responsible authority pursuant thereto, if any.

(2) A Surveyor-General may not approve a general plan or a diagram of erven, stands, lots or holdings which together form a township or any other subdivision, if any part of the township or subdivision falls within—

(a) 100 metres of the near boundary of a road or railway line outside an urban area; or

(b) 50 metres of the near boundary of a road or railway line in an urban area, unless—

(i) the responsible authority has approved a plan or sketch of the proposed township or subdivision; and

(ii) the general plan or diagram corresponds substantially with that plan.

(3) A responsible authority may refuse to give approval under subsection (2) only if satisfied that the proposed township or subdivision will frustrate an object of this Act.

(4) (a) A responsible authority may give approval under subsection (2) subject to conditions—

- (a) prohibiting the division or further division of the land or of a specified part of it;
- (b) limiting the use to which the land or a specified part of it may be put;
- (c) limiting the number or extent of buildings or other structures which may be erected on the land or on a specified part of it;
- (d) prohibiting the erection, construction or establishment of a structure or object on, over or below the surface of the land or a specified part of it within a specified distance from the road or railway line concerned.

(5) In giving such approval the responsible authority may stipulate that if the land or a specified part of it is consolidated with other land, the title to the consolidated land will be subject to a condition imposed under paragraph (a).

(6) A responsible authority may revoke or amend a condition contemplated in subsection (4).

(7) Despite contrary provisions in the Deeds Registries Act, 1937 (Act 47 of 1937)—

- (a) the person giving transfer of land to which conditions referred to in subsection (4) apply, must insert them in the deed of transfer;
- (b) the Registrar of Deeds must endorse on the title deed of land retained by the person giving transfer, each of those conditions that applies to the land so retained;
- (c) a certificate of consolidated title issued in respect of consolidated land mentioned in subsection (4)(b), must contain every condition to which the title to that land is to be subject in terms of a stipulation made under that subsection.

(8) The responsible authority may enforce compliance with any such condition referred to in subsection (7).

(9) Despite contrary provisions in the Deeds Registries Act, 1937, or other laws, a Registrar of Deeds, with the responsible authority's written approval, may cancel a condition which in terms of subsection (7) has been inserted in a deed of transfer or certificate of consolidated title or has been endorsed on a title deed.

(10) The cancellation referred to in subsection (9) may be done on the written application of the owner of the land, accompanied by the written approval of the responsible authority and proof that all mortgagees have been notified of the proposed cancellation.

### **Distance indicators, signposts and warnings on roads**

45. Subject to the National Road Traffic Act, every road authority must

erect and maintain—

- (a) direction signposts at the junction of every road of which it is the road authority, with any other road and any national road;
- (b) such distance indicators, signposts, directions and warnings as are necessary or desirable for the safety or guidance of the public.

### **Obstructions and clearances**

**46.** (1) The responsible authority may require the owner or occupier of any land adjacent to a road or railway line by notice in writing to reduce the height or width of any tree, bush, vegetation, wall, hedge, fence or any other obstruction affecting the road or railway line or the intersection with any other road or railway line that could impair the vision of a driver or cause unsafe conditions, to a height, width or length specified in the order.

(2) If the owner or occupier fails to comply with a notice contemplated in subsection (1) within the time specified in the notice, to the satisfaction of the responsible authority, the responsible authority may enter upon the land and perform the necessary work, and may claim the cost thereof from the owner or occupier.

### **Fences along or within boundaries of transport infrastructure**

**47.** (1) The responsible authority may erect a fence—

- (a) along the boundary of transport infrastructure;
- (b) around land from which materials are being or have been raised and removed by the authority; or
- (c) around a water supply provided or used by the authority.

(2) The responsible authority must contribute not less than 60 percent of the reasonable costs incurred by a person in erecting a fence, according to standards and specifications approved by the authority, along the boundary of transport infrastructure as a result of—

- (a) the issuing a notice in terms of section 48(5) prohibiting the erection of a gate; or
- (b) the removal, with the approval of that authority [on application in the prescribed manner](#), of one or more gates from the transport infrastructure in terms of that section.

(3) The responsible authority may contribute to the costs incurred by a person in erecting a fence along the boundary of transport infrastructure in cases not contemplated in subsection (2), if the fence is constructed according to standards and specifications approved by that authority.

(4) Any additional costs incurred in the erection of fencing, including game fencing, to specifications of a higher standard than those required by the responsible authority is not payable by that authority, unless otherwise agreed by the authority.

(5) No person other than the responsible authority may—

- (a) erect a fence on or within the boundaries of any transport infrastructure, except with the prior written permission [on application in the prescribed manner](#) of, and in accordance with standards and specifications determined by, that authority; or
- (b) without prior written permission of that authority [on application in the prescribed manner](#), remove a fence erected in accordance with this section on or within the boundaries of any transport infrastructure.

(6) An authority may not grant permission for the removal of a fence contemplated in subsection (5)(b) unless—

- (a) the condition of the fence necessitates its replacement; or
- (b) the owner of the land on which it is situated undertakes in writing to defray the costs of the removal and the re-erection of the fence in accordance with standards and specifications determined by that authority.

(7) All fences lawfully erected and in existence on or within the boundaries of transport infrastructure immediately before the commencement of this Act are regarded to have been properly erected with the permission of the responsible authority.

(8) The responsible authority may at any time remove a fence referred to in subsection (7), but must replace it with a fence on the boundary of the transport infrastructure concerned at its own cost.

(9) The responsible authority must—

- (a) remove any fence erected in contravention of this section and re-erect it on the boundary of the transport infrastructure concerned, and
- (b) where a fence has been removed in contravention of this section, re-erect it on the boundary of the transport infrastructure concerned.

(10) Where transport infrastructure is relocated, the responsible authority may, if it has contributed to the cost of a fence alongside that transport infrastructure, move the fence to the new location of the transport infrastructure.

(11) Subject to the Fencing Act, 1963 (Act 31 of 1963), the owner of land abutting on the boundary of transport infrastructure must maintain a fence lawfully erected on or within that boundary.

(12) Where a fence on or within the boundary of transport infrastructure has been damaged or stolen—

- (a) where moneys are not recovered from the person responsible for the damage or theft the responsible authority must contribute not less than 60 percent of the reasonable costs incurred by the owner of the abutting land in repairing the fence to the standards of the damaged or stolen fence;
- (b) repairs to damaged or stolen fences must be undertaken by the owner of the

- (c) abutting land no later than 21 days after the damage or theft takes place; and until repairs have been completed, the owner of the abutting land is responsible for ensuring that no livestock that may endanger users of the transport infrastructure enters the transport infrastructure.

(13) The responsible authority may at any time replace, at its cost, a fence erected or regarded to be erected in terms of this section.

### **Gates across roads**

**48.** (1) No person may erect a gate across a road except with the prior written approval [on application in the prescribed manner](#) of, and in accordance with standards and specifications approved by, the responsible authority.

(2) In the case of a trunk, main or district road outside of an urban area, such approval may not be granted unless—

- (a) the responsible authority is prepared to construct a motor cattle-grid across the roadway alongside the gate;
- (b) in the case of a road in respect of which subsidy is payable, the Minister has been notified of the proposed erection of a gate and has been given an opportunity to comment; and
- (c) the person applying for approval has provided security to the road authority, for payment of at least 50 percent of the costs of construction of the motor cattle-grid.

(3) The responsible authority must remove a gate erected in contravention of this section.

(4) A road authority which has granted approval under subsection (2) must construct the motor cattle-grid either simultaneously with or as soon as possible after construction of the gate.

(5) The Minister may, by notice in the *Provincial Gazette* or by regulation, prohibit the erection of gates across any type or category of road, or any specific road or portion thereof.

(6) A road authority may, after complying with subsection (7), remove a gate that has been erected in terms of this section across a road.

(7) A road authority which intends to remove a gate under subsection (6) must by written notice inform every owner of land who may be adversely affected by the removal of its intention and that objections thereto may be submitted on or before a date specified in the notice, which date may not be less than 21 days after the date of the notice.

### **Motor cattle-grids**

**49.** (1) A road authority may construct a motor cattle-grid across a road or close or relocate such a grid, provided that where necessary the grid operates in

conjunction with a gate alongside it.

(2) A motor by-pass and gate lawfully in existence immediately before the commencement of this Act in accordance with the Ordinance is regarded as a motor cattle-grid constructed in accordance with subsection (1).

(3) When a road authority closes or relocates a motor cattle-grid, section 15 applies, with the necessary changes.

(4) When a road authority removes a gate in terms of section 48(3) or (6), it must also remove a motor cattle-grid which operates in conjunction with that gate.

### **Mining operations on or under transport infrastructure or building restriction areas**

**50.** (1) No person may conduct any mining operations on or under any transport infrastructure or building restriction area, except with the written permission [on application in the prescribed manner](#) of the responsible authority, which may grant the permission subject to conditions that it considers appropriate.

(2) Where transport infrastructure has become undermined subsequent to its creation, whether or not in contravention of subsection (1), and it becomes necessary in order to preserve the safety or interests of the public, the responsible authority may—

- (a) instruct the person responsible for the undermining to render the transport infrastructure safe or to provide for its reconstruction to the satisfaction of that authority, at the expense of that person and within a time determined by the authority; and
- (b) if that person fails to comply with that instruction, undertake the work contemplated in paragraph (a) and recover the cost from that person.

### **Trading on or in transport infrastructure or building restriction areas**

**51.** (1) Except as provided in subsection (3), no person may, without the written permission of the responsible authority [on application in the prescribed manner](#) or contrary to the terms of such permission, carry on a trade, sell goods or exhibit, offer or manufacture for sale goods on or in a transport infrastructure or building restriction area.

(2) Permission under subsection (1) may be granted—

- (a) in the case of roads and ancillary road infrastructure, only in respect of premises or areas zoned or demarcated for that purpose in accordance with applicable legislation; and
- (b) in the case of railway lines and ancillary public transport infrastructure, only in respect of special areas designated by the responsible authority for trading purposes.

(3) Subsection (1) does not apply to a person who conducted business on any land before the declaration of transport infrastructure across that land and after

the declaration continues with the business, unless that person has been directed by the responsible authority by written notice to discontinue it on account of road safety or operation of traffic on the transport infrastructure.

(4) An employee of the responsible authority or a person authorised thereto in writing by the responsible authority, an employee of a municipality designated or appointed to perform law enforcement functions, or a person who in terms of a road traffic law is a traffic officer, may—

- (a) if the employee, officer or person (in this section called the competent official) suspects on reasonable grounds that a person has performed an act for which an authority's written permission is required in terms of subsection (1), demand that the person produce to him or her the written permission to perform that act;
- (b) if the person to whom the demand is made, fails to produce the written permission, or if the competent official suspects on reasonable grounds that a person has performed an act that is unlawful in terms of subsection (1)—
  - (i) demand that person's full name and residential address to be furnished immediately; and
  - (ii) order that person to remove from the transport infrastructure or building restriction area every article, structure, tent, vehicle, implement or other object used or destined to be used for or in connection with such an act; or
- (c) if a person fails to comply with an order contemplated in subparagraph (ii) of paragraph (b), remove from the transport infrastructure or building restriction area an article, structure, tent, vehicle, implement or other object mentioned in that subparagraph, and claim the costs of removal from the person concerned.

(5) A municipality may perform the functions in terms of this section in respect of provincial transport infrastructure, in agreement with the Minister.

## **PART 9: GENERAL PROVISIONS**

### **Specific powers of Minister**

**52.** (1) The Minister may, subject to subsection (2)—

- (a) plan, design, construct, finance, control, manage, develop, maintain, protect and rehabilitate provincial transport infrastructure;
- (b) grant financial or other assistance to a municipality, on conditions that the Head of Department determines—
  - (i) for the construction or maintenance of transport infrastructure; or
  - (ii) for the expropriation by that municipality of property for the purpose of transport infrastructure;
- (c) plan, design, construct or maintain municipal transport infrastructure in the area of a municipality in agreement with that municipality;
- (d) manage transport infrastructure assets for which the Department is responsible, subject to the Government Immovable Asset Management Act, 2007;
- (e) exercise any power that is reasonably incidental or ancillary to the powers

listed in paragraphs (a) to (d).

(2) The Minister must act with the concurrence of the Minister of Finance when determining a subsidy to a municipality and setting conditions relating thereto.

### **General powers and duties of responsible authorities**

**53.** (1) The responsible authority may—

- (a) remove or dispose of an animal which is on transport infrastructure or within the reserve of transport infrastructure in contravention of the National Road Traffic Act or any other law, but is not liable to compensate any person where such an animal is killed or injured while in the process of being removed or disposed of in order to avoid danger to traffic;
- (b) provide and maintain on transport infrastructure, boreholes, pumps and all appurtenances or conveniences which it regards necessary;
- (c) erect, construct and maintain either on or, subject to this Act, outside the reserve of transport infrastructure a building, hut, tent or other structure for the accommodation of officials and workers employed on that transport infrastructure or executing works in connection therewith;
- (d) store either on or, subject to this Act, outside the reserve of transport infrastructure plants, machinery, equipment or other things which it regards necessary for the construction or maintenance of the transport infrastructure;
- (e) lease out or dispose of rights held in land that was acquired for or in connection with transport infrastructure and is not immediately required, or grant temporary rights to such land free of charge;
- (f) rehabilitate or landscape or otherwise improve areas within transport infrastructure;
- (g) lay, move or remove a railway line within a road;
- (h) within transport infrastructure provide for or authorise service facilities including filling stations, restaurants, playgrounds and other facilities for the use of the travelling public;
- (i) by notice in the *Provincial Gazette*—
  - (i) prohibit or restrict the movement of stock otherwise than in a vehicle on any road specified in the notice; or
  - (ii) provide that stock may not be moved on such a road without the written approval of the responsible authority; and
- (j) where stock is found on a road in contravention of a notice referred to in paragraph (i), impound the stock in the prescribed manner.

(2) Subject to the National Road Traffic Act, the responsible authority may provide and maintain traffic signs, traffic control devices and markings necessary for the guidance and safety of traffic on roads, and appropriate signals and signs on railway lines.

### **Regulations**

**54.** (1) The Minister may make regulations—

- (a) prescribing mechanisms and requirements for monitoring the performance by

- authorities of their functions under this Act, performance standards or indicators and the financial and other consequences of failure by authorities to perform those functions or to perform them adequately;
- (b) prescribing—
    - (i) the manner and form in which any application in connection with any authorisation, approval, permission or exemption contemplated by this Act must be made, the information to be submitted therewith and, *where the Minister is the responsible authority*, the fees, if any, to be paid for the application;
    - (ii) requirements for the publishing and serving of notices and notifying interested and affected parties.
  - (c) prescribing a form to be used, the information to be furnished and procedure to be followed in connection with any claim for compensation provided for in this Act;
  - (d) where the Minister is the responsible authority, prescribing a fee or rent for any authorisation, approval or permission granted in terms of this Act over and above the application fees prescribed under paragraph (b) or in cases where no application fee is prescribed;
  - (e) prescribing the manner in which authorities must keep account of money received or paid out in respect of transport infrastructure;
  - (f) prescribing how transport infrastructure works must be costed;
  - (fA) prescribing the planning process in respect of transport infrastructure;
  - (fB) prescribing the categorisation of roadside development environments;
  - (g) subject to Part 6—
    - (i) prescribing items which rank or do not rank for subsidy in respect of any category of expenditure;
    - (ii) providing for the exclusion from payment of subsidy in respect of expenditure which the Minister considers unjustified or unnecessary; and
    - (iii) making the payment of subsidy for expenditure on any work conditional on the work being carried out in accordance with plans, standards, guidelines and specifications approved by the Head of Department;
  - (h) prescribing to whom, and dates on which, claims for subsidy must be submitted;
  - (i) subject to the Businesses Act, 1991 (Act 71 of 1991), regulating trading on or in transport infrastructure;
  - (j) with regard to any matter which in terms of this Act may or must be prescribed, regulated or determined by regulation;
  - (k) generally, regarding any other ancillary or incidental matter that is necessary or expedient to prescribe for the proper implementation or administration of this Act.

(2) The regulations may provide that a contravention of a provision thereof or failure to comply therewith is an offence punishable with a fine or imprisonment for a period not exceeding 12 months, or both such a fine and imprisonment.

(3) Different regulations may be made under subsection (1) for different types of transport infrastructure.

(4) The making or amendment of regulations under subsection (1) that have financial implications must be done with the concurrence of the Minister of Finance.

(5) A regulation made in terms of the Ordinance and in force immediately before the commencement of this Act in regard to a matter on which the Minister may make regulations under subsection (1), is regarded as a regulation made under subsection (1) until repealed or superseded by a new regulation under this section.

### **Standards and guidelines**

**55.** (1) The Head of Department may set standards, criteria and guidelines, for transport infrastructure, including—

- (a) standards and criteria for providing access to roads;
- (b) standards and criteria for—
  - (i) the planning, design, development, construction, management, control, maintenance, protection and rehabilitation of transport infrastructure; and
  - (ii) road and rail safety in the Province, which standards and criteria may differ in relation to different types of transport infrastructure and are subject to, in the case of roads, the National Road Traffic Act, and, in the case of railway lines, the National Railway Safety Regulator Act, 2002;
- (c) standards and criteria for the design, construction, control and management of motor cattle-grids, including—
  - (i) their size, material to be used, mode of construction, level and position;
  - (ii) the length and width of approaches from the roadway to a motor cattle-grid;
  - (iii) the signs to be erected and maintained to give warning of a motor cattle-grid and the closing or diversion of a motor cattle-grid; and
  - (iv) the proper management, maintenance and control of motor cattle-grids;
- (d) standards, and guidelines on the use, control and protection of rest camps, rest places and stock camps on or forming part of roads.

(2) Municipalities must comply with the standards, criteria and guidelines set by the Head of Department in terms of subsection (1), or may use their own standards and guidelines provided that these comply as a minimum with standards and guidelines set by the Head of Department.

(3) The standards and guidelines set by the Head of Department must be published by the Department by making them available via electronic media or the official Departmental website.

### **By-laws**

**56.** ~~(1)~~—Before a municipality makes a by-law in respect of municipal

transport infrastructure, ~~or relating to any other matter aimed at promoting the objects of this Act in relation to that municipal transport infrastructure,~~ it must consult with the Minister.

~~(2) This Act does not apply to any matter that is regulated by a by-law properly made by a municipality insofar as that by-law deals with a matter that is regulated by this Act.~~

## Delegation

**57.** (1) Subject to subsection (3), the Minister may delegate a power or duty conferred or imposed on the Minister by this Act to the Head of Department or an official of the Department.

(2) The Head of Department may delegate a power or duty conferred or imposed on the Head of Department by this Act or delegated to the Head of Department in terms of subsection (1) to an official of the Department.

(3) Subsection (1) does not apply to the power to expropriate property or rights under section 34 or to make regulations under section 54.

(4) A delegation under subsection (1) or (2)–

- (a) does not prevent the Minister or Head of Department, as the case may be, from exercising that power or performing that duty;
- (b) must be done in writing; and
- (c) may at any time be amended or withdrawn in writing.

## ~~Agency a~~Agreements relating to ~~for~~ road or public transport functions

**58.** (1) The responsible authority may conclude an agreement contemplated in subsection (2) with any person or body (in this section called “the other party”), including—

- (a) the Minister, subject to subsection (4);
- (b) a municipality;
- (c) the South African National Roads Agency Limited, established in terms of section 2 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998);
- (d) the Passenger Rail Agency of South Africa, established in terms of section 22(1) of the Legal Succession to the South African Transport Services Act, 1989 (Act 9 of 1989); and
- (e) the company Transnet Limited, established in terms of section 2 of the Act mentioned in paragraph (d).

(2) An agreement contemplated in subsection (1) may provide that—

- (a) the other party takes over any or all responsibility for or in relation to any transport infrastructure;
- (b) the other party does work in connection with transport infrastructure, including

the construction and maintenance thereof or have the work done under its supervision, for the account of the responsible authority, or that the responsible authority will do such work for the account of the other party, or otherwise in terms of the agreement;

- (c) the municipality in whose area the transport infrastructure is situated is responsible for the disposal of all storm water from that transport infrastructure or deviation thereof and expenditure incurred in connection therewith, but the responsible authority, if not the municipality, is not responsible for damage caused by or arising from the disposal of storm water by that municipality or the failure by it to dispose of storm water; or
- (d) the responsible authority performs any of the functions envisaged in this Act, or work relating thereto, in the area of jurisdiction of, or on land belonging to, the other party, at the cost of the other party, in accordance with and subject to this Act.

(3) An agreement contemplated in subsection (1) may provide for the sharing of the costs of a project between the parties.

(4) The Minister must, in concluding an agreement that has financial implications for the Province, act with the concurrence of the Minister of Finance.

### **Limitation of liability of responsible authority**

**59.** (1) A responsible authority or any of its agents or employees or officials, or any person who operates or has constructed transport infrastructure, is not liable in respect of damage or loss suffered by a person—

- (a) through the use of that part of transport infrastructure not intended or constructed for the use of vehicles; or
- (b) as a result of the closure or relocation of a road or railway line under this Act.

(2) A responsible authority is not liable for claims for diminution in value of land by or as a result of the declaration of transport infrastructure from the owner of that land or any other person.

### **General prohibitions**

**60.** (1) No person or institution, including an organ of state, may—

- (a) leave or place obstructions which may be dangerous to traffic, or any refuse, debris, ash heaps, earthenware, glass, tins, nails, pieces of metal, timber, tree stumps, stones or other material on any transport infrastructure;
- (b) damage transport infrastructure or spill fuel or other chemicals or gas thereon that may damage it;
- (c) wilfully damage trees, shrubs or other improvements on transport infrastructure;
- (d) attach to a gate or place on any transport infrastructure spikes or other objects that may cause injury to persons or animals or damage to property;
- (e) obstruct, threaten or hinder, or use foul, abusive or insulting language to, an official, employee, agent or contractor of a responsible authority, or a person

authorised by that authority, in the execution of his or her duties under this Act;

- (f) shine lights onto, or increase the lighting on, transport infrastructure in a manner that could endanger traffic;
- (g) unlawfully occupy, or reside in or within five metres of, transport infrastructure or a building restriction area;
- (h) deposit, accumulate or discharge or cause or permit to be deposited, accumulated or discharged on land abutting on any transport infrastructure any substance, matter or thing which is or is likely to be blown or washed onto the transport infrastructure or is likely to be offensive, dangerous, harmful or injurious to traffic thereon; or
- (i) falsely hold out to be an official, employee, agent or contractor of a responsible authority.

(2) No person or institution, including an organ of state, may, unless authorised by or in terms of this Act or any other law—

- (a) dig up, remove or alter the soil, surface, gravel, cuttings, banks or drains of any transport infrastructure;
- (b) paint or affix a figure, letter, drawing, sign, symbol, graffiti or other like object or symbol on a roadway or bridge forming part of transport infrastructure or on a traffic sign erected on transport infrastructure;
- (c) erect a traffic sign on any transport infrastructure;
- (d) use any transport infrastructure while it is under construction or repair, except in the manner indicated by the responsible authority by road signs or other methods;
- (e) close, deviate, alter or in any other manner encroach on any transport infrastructure;
- (f) close transport infrastructure that the public is entitled to use or erect a fence or other barrier to prevent the public from using such transport infrastructure;
- (g) use transport infrastructure that has been closed to traffic and indicated by appropriate road signs;
- (h) deviate traffic onto a road or railway line, except in the case of an emergency; or
- (i) alter, move, remove, disturb, damage or destroy a peg, beacon or other means of identification placed on, in, over or under or attached to land for the purposes of this Act.

(3) A responsible authority may, on application in the prescribed manner, in writing authorise the doing of an act prohibited by subsection (2), subject to the conditions and for the period it determines ~~and on payment of the prescribed fees or rentals~~, if it is satisfied that no damage to the transport infrastructure or prejudice to the public can result.

## Offences and penalties

**61.** (1) A person commits an offence if he or she—

- (a) contravenes section 4(2) or (3), 36(1) or (2), 40(1) or (3), 42(1), 43(1), 43A(1), 44(1), 47(5) or (11), 48(1), 50(1), 51(1) or 60(1) or (2);

- (b) fails to comply with a notice under section 38(2) within the period stated in the notice;
- (c) fails to meet an obligation imposed on him or her under section 43(7)(a), (b) or (c);
- (d) fails to comply with a notice under section 43(10)(a) within the period stated in the notice;
- (e) fails to comply with a condition imposed under section 44(4);
- (f) fails to comply with a notice contemplated in section 46(1);
- (g) fails to furnish his or her full name and residential address to a competent official when demanded in terms of section 51(4)(b)(i);
- (h) fails to comply with an order given under section 51(4)(b)(ii); or
- (i) moves stock on transport infrastructure in contravention of a notice referred to in section 53(1)(i).

(2) A person convicted of an offence under subsection (1) is liable to a fine or imprisonment for a period not exceeding 12 months or both the fine and imprisonment.

(3) Such fines must be paid into the Provincial Revenue Fund where the Minister is the responsible authority or to a municipality where it is the responsible authority.

(4) In addition to any other penalty, a court convicting a person of an offence under subsection (1) may sentence the person to a penalty, payable to the responsible authority, equivalent to the amount of all expenditure incurred by that authority, or estimated by the authority to be incurred by it, in connection with any work necessary to restore the transport infrastructure to its former state or, where applicable, repair the damages in question, and, failing payment of such penalty, to imprisonment for a period not exceeding three months.

(5) Subsection (4) does not preclude the responsible authority from recovering any amount that it is entitled to recover from a person, minus, where applicable, any penalty paid in terms of subsection (4), whether or not the person has been charged with or convicted of an offence in terms of this section.

### **Appeals against decision by Head of Department or official**

**62.** (1) A person affected by a decision of the Head of Department or an official of the Department in terms of this Act may appeal to the Minister against the decision.

(2) An appeal under subsection (1) must be [submitted](#) ~~noted and dealt with~~

in the manner prescribed ~~upon payment of the prescribed fee.~~

(3) The Minister may—

- (a) consider and decide an appeal; or
- (b) appoint an appeal panel constituted in the prescribed manner to consider and advise the Minister on the appeal.

(4) The Minister may, after considering an appeal, confirm, set aside or vary the decision, provision, conditions or directive appealed against or may make any other appropriate order, ~~including an order that the prescribed fee paid by the appellant, or any part thereof, be refunded.~~

(5) An appeal under this section does not suspend the decision against which the appeal is lodged, unless the Minister directs otherwise.

### **Other transitional provisions**

**63.** (1) Any proclamation, notice, certificate, regulation or by-law made or issued, and any direction, approval, consent, permission or authority given and any appointment made or any other action taken or thing done under a law repealed by this Act and in force immediately before the commencement of this Act, and which could have been made, issued, given, taken or done under any provision of this Act, remains in force, and is regarded to have been made, issued, given, taken or done under this Act.

(2) An expropriation that commenced, and proceedings for the determination of compensation instituted by a responsible authority, before the commencement of this Act in terms of a law repealed by this Act must be concluded in terms of the repealed law as if this Act had not been passed, but the parties may agree to proceed with the expropriation or proceedings in accordance with this Act.

### **Relation of Act to other laws**

**64.** The provisions of this Act are additional to and not in substitution of other laws dealing with matters related to the matters dealt with by this Act.

### **Repeal of laws**

**65.** Subject to section 63(1), the laws mentioned in the Schedule are repealed in so far as they apply in and have been assigned to the Province to the extent indicated in the third column thereof.

### **Short title and commencement**

**66.** This Act is called the Western Cape Transport Infrastructure Act, 2012, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

## SCHEDULE

<b>No and year of law</b>	<b>Short title</b>	<b>Extent of repeal</b>
Act 21 of 1940	Advertising on Roads and Ribbon Development Act, 1940	The whole.
Act 22 of 1944	National Roads and Ribbon Development Amendment Act, 1944	The whole.
Act 28 of 1952	Advertising on Roads and Ribbon Development Amendment Act, 1952	The whole.
Act 16 of 1962	Advertising on Roads and Ribbon Development Amendment Act, 1962	The whole.
Act 16 of 1966	Advertising on Roads and Ribbon Development Amendment Act, 1966	The whole.
Act 6 of 1976	Advertising on Roads and Ribbon Development Amendment Act, 1976	The whole.
Act 2 of 1979	Advertising on Roads and Ribbon Development Amendment Act, 1979	The whole.
Act 43 of 1985	Advertising on Roads and Ribbon Development Amendment Act, 1985	The whole.
Ordinance 19 of 1976	Roads Ordinance, 1976	The whole.
Ordinance 18 of 1977	Roads Amendment Ordinance, 1977	The whole.
Ordinance 11 of 1978	Roads Amendment Ordinance, 1978	The whole.
Ordinance 6 of 1980	Roads Amendment Ordinance, 1980	Sections 1 to 8.
Ordinance 28 of 1980	Roads Second Amendment Ordinance, 1980	The whole.
Ordinance 5 of 1982	Roads Amendment Ordinance, 1982	The whole.
Ordinance 20 of 1983	Roads Amendment Ordinance, 1983	The whole.
Ordinance 13 of 1985	Roads Amendment Ordinance, 1985	The whole.
Ordinance 16 of 1986	Roads Amendment Ordinance, 1986	The whole.