

Provincial Gazette Extraordinary

5816

5816

5816

Friday, 11 January 2002

Vrydag, 11 Januarie 2002

uLwesihlanu, 11 Januwari 2002

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Ibhaliswe ePosini njengephephandaba

CONTENTS

INHOUD

IZIQULATHO

PROVINCIAL ADMINISTRATION: WESTERN CAPE

PROVINSIALE ADMINISTRASIE: WES-KAAP

ULAWULO WEPHONDO LENTSHONA KOLONI

DEPARTMENT OF ECONOMIC AFFAIRS, AGRICULTURE AND TOURISM: PUBLIC TRANSPORT BRANCH

DEPARTEMENT VAN EKONOMIESE SAKE, LANDBOU EN TOERISME: TAK PUBLIEKE VERVOER

ISETYENA LORHULUMENTE LEZOTHUTHO LESEBE LEMICIMBI YEZOQOQOSHO, EZOLIMO NOKHENKETHO

NATIONAL LAND TRANSPORT TRANSITION ACT, 2000 (Act 22 of 2000)

NASIONALE OORGANGSWET OP LANDVERVOER, 2000 (Wet 22 van 2000)

INATIONAL LAND TRANSPORT TRANSITION ACT, 2000 (Act 22 of 2000)

Western Cape Regulations on Special Procedures for Legislation, 2001 (section 41 of the Act)

Wes-Kaapse Regulasies oor Spesiale Prosedures vir Wettiging, 2001 (artikel 41 van die Wet)

Imiqathango yeNtshona Koloni emiselwe ukwenza iiNkqubo eZithile zokuqhuba zibe seMthethweni, 2001 (icandelo 41 lalo Mthetho)

P.N. 7/2002

11 January 2002

P.K. 7/2002

11 Januarie 2002

P.N. 7/2002

11 Januwari 2002

The Minister of Transport and Public Works has, in terms of section 41 of the National Land Transport Transition Act, 2000 (Act 22 of 2000), made the Regulations set out in the Schedule below.

Die Minister van Vervoer en Publieke Werke het kragtens artikel 41 van die Nasionale Oorgangswet op Landvervoer, 2000 (Wet 22 van 2000) die Regulasies soos in die Bylae hieronder vasgestel.

UMphathiswa wezoThutho neMisebenzi yoRhulumente uthe ngokwecandelo 41 leNational Land Transport Transition Act, 2000 (Act 22 of 2000), wamisela imiqathango njengoko ulungisiwe kule Shedyuli ingezantsi.

SCHEDULE

BYLAE

ISHEDYULI

Regulations Governing Special Procedures for the Legislation of Certain Operators of Minibus Taxi-type services.

Regulasies Betreffende Spesiale Prosedures vir die Wettiging van Sekere Operateurs van Minibustaxi-tipe Dienste.

Kumiselwe imiqathango yokwenza iiNkqubo eZithile zokuqhuba zabaQhubi beeTeksi zohlobo lweMini Bus zibe seMthethweni.

Table of contents

Inhoudsopgawe

Isiqulatho

1. Definitions	2
2. Board's obligations to grant operating licence	2
3. Application for operating licence for minibus taxi-type service	2
4. Criteria referred to in regulation 3	2
5. Closing date for application	2
6. Limitation on number of applications per operator	2
7. Board's compliance with section 41(2)(a)(v) and (vi) of the Act	2
8. Persons who have already applied for permits	2
9. Title	2

1. Definiesies	10
2. Raad se verpligting om bedryfslisensies toe te staan	10
3. Aansoek om bedryfslisensie vir minibustaxi-tipe diens	10
4. Kriteria waarna in regulasie 3 verwys word	10
5. Sluitingsdatum vir aansoeke	10
6. Beperking op die aantal aansoeke per operateur	10
7. Raad se toegewing kragtens artikel 41(2)(a)(v) en (vi) van die Wet	10
8. Persone wat reeds om permitte aansoek gedoen het	10
9. Titel	10

1. Inkcazo-magama	18
2. Iimbophelelo zeBhodi ekukhupheni ilayisenisi yokuqhuba	18
3. Isicelo esibhekiselele kwilayisenisi yokuqhuba iitekisi zohlobo lwemini-bus	18
4. Indlela elandelwayo ekubhekiselelwe kuyo kumqathango 3	18
5. Umhla wokugqibela wokuthunyelwa kwezicelo	18
6. Ukulinganiselwa kwenani lezicelo kumqhubi ngamnye	18
7. Ukuhlangabezana nemimiselo yeBhodi ngokwecandelo 41(2)(a)(v) nele (vi) lalo Mthetho	18
8. Abantu asele befake izicelo zokufumana amaphepha-mvume	18
9. Isihloko	18

1. *Definitions*

In these regulations, unless the context indicates otherwise—

“the Act” means the National Land Transport Transition Act, 2000 (Act 22 of 2000), and any word or expression to which a meaning has been assigned in the Act has that meaning.

2. *Board’s obligation to grant operating licence*

The board must grant an operating licence for minibus taxi-type services to a public transport operator who applies in terms of regulation 3 (in these regulations “the operator”) for that type of operating licence and who complies with all of the criteria listed in regulation 4.

3. *Application for operating licence for minibus taxi-type service*

- (1) Subject to full compliance with the criteria listed in regulation 4, a person who operates a minibus taxi-type service without the necessary permit, may apply to the board for an operating licence for that service.
- (2) An application contemplated by subregulation (2) must be on a form substantially the same as the form in Annexure “A” to these regulations and must be accompanied by the operator’s income tax certificate and income tax number or, if applicable, a statement that the operator is not required to register to pay income tax and the reasons therefor, and R25,00 (twenty-five rand).

4. *Criteria referred to in regulation 3*

In order to be eligible to apply for an operating licence in terms of regulation 3 the operator must comply with all of the following criteria:

- (a) The operator must not have been able to apply for a permit as contemplated by section 41(1) of the Act.
- (b) The operator must be the registered owner of the vehicle concerned in the application.
- (c) The operator must be a member of a registered association or an association which had an application for registration pending on or before 30 June 1997.
- (d) The operator must have been operating the service before 30 June 1997 and continuously thereafter, on the route or routes and at the rank or ranks indicated in the application.
- (e) The operator must not previously have been the holder of a permit authorising a service or services substantially the same as those involved in the application and have sold or otherwise alienated the permit.
- (f) The operator must have signed a declaration that he or she is a person contemplated by paragraph (e).

5. *Closing date for application*

An application for an operating licence in terms of regulation 3 must be submitted to the board on or before 1 February 2002.

6. *Limitation on number of applications per operator*

An operator may not submit more than three applications in terms of regulation 3.

7. *Board’s compliance with section 41(2)(a)(v) and (vi) of the Act*

In adjudicating an application for an operating licence in terms of regulation 3 the board must—

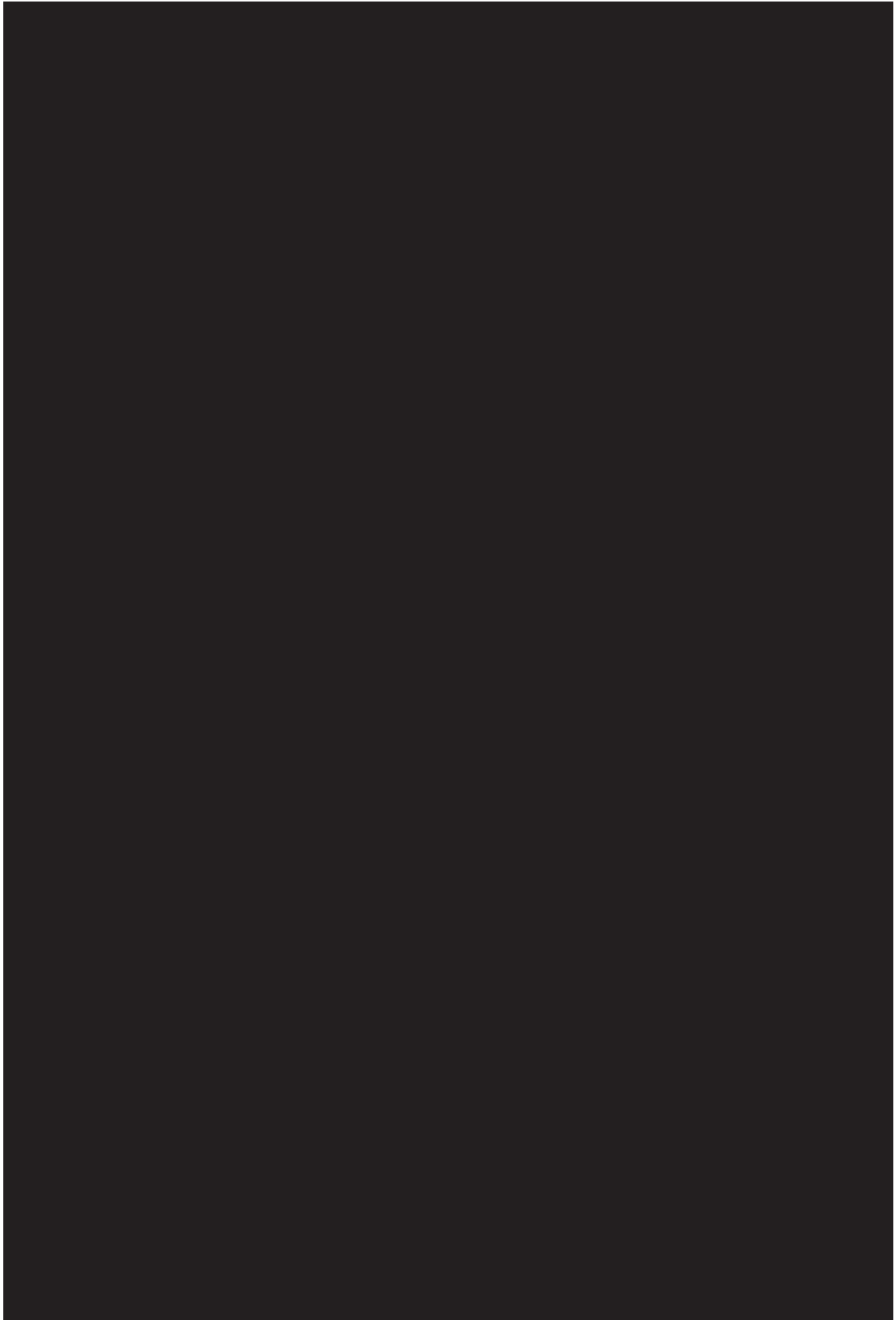
- (a) verify the route or routes concerned in consultation with the applicable municipality, the Registrar and the relevant association;
- (b) submit the application to the relevant planning authority with a request for recommendations on the matters set out in section 83(1)(b) of the Act, and
- (c) subject to section 39(5) of the Act, consider the recommendations contemplated by paragraph (b).

8. *Persons who have already applied for permits*

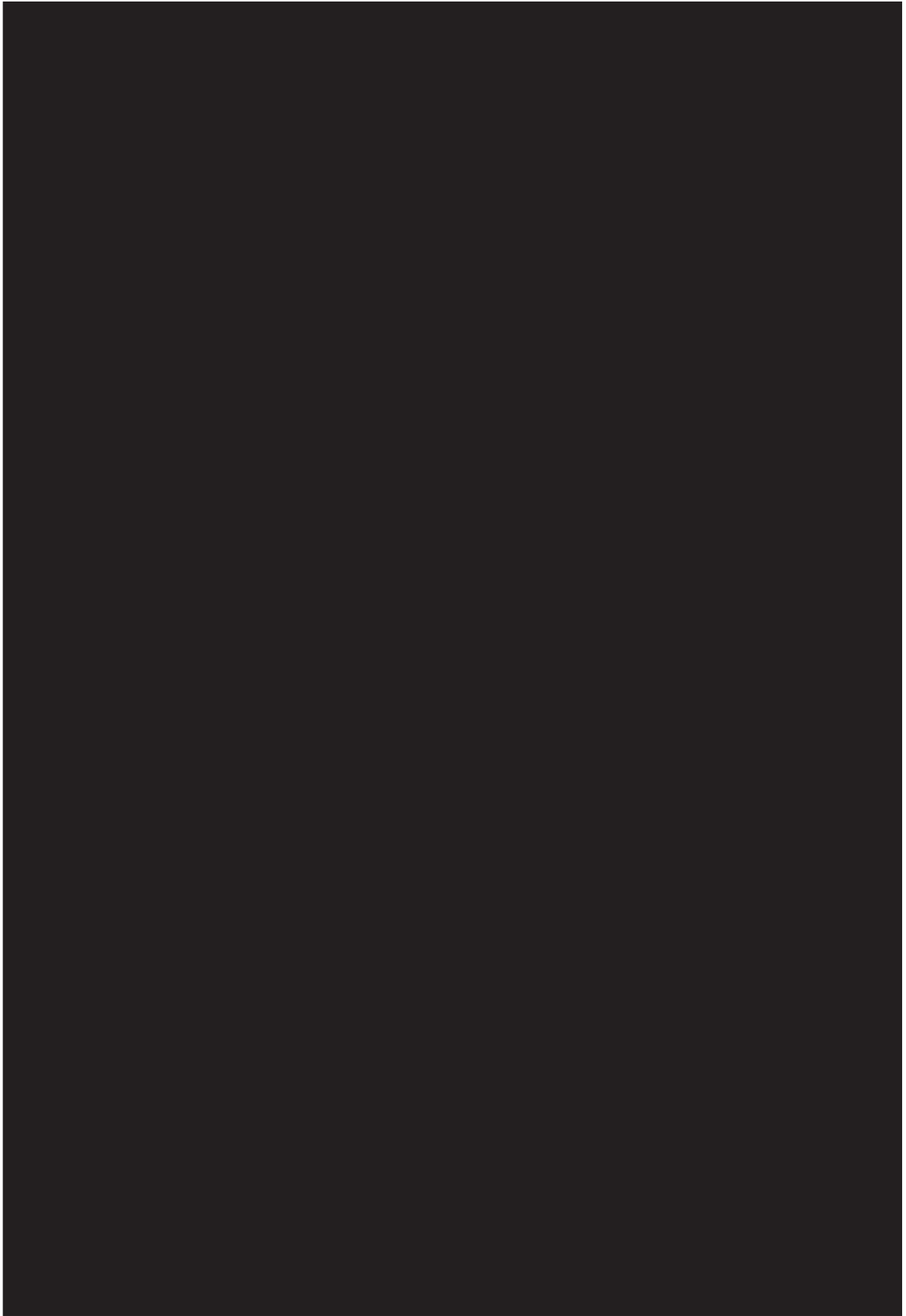
- (1) Where a person has already applied for a permit before the date of commencement of the Act and such application has not yet been finalised, or refused, that person need not re-apply in terms of regulation 3 for an operating licence if the application form submitted with such former application substantially complies with the form set out in Annexure “A”, and if that person meets the criteria listed in regulation 4, but the board may request the applicant to verify or update the information submitted with such application.
- (2) The board may refuse to consider an application where the applicant has not complied with a request under sub-regulation (1), or has not complied therewith to the satisfaction of the board.

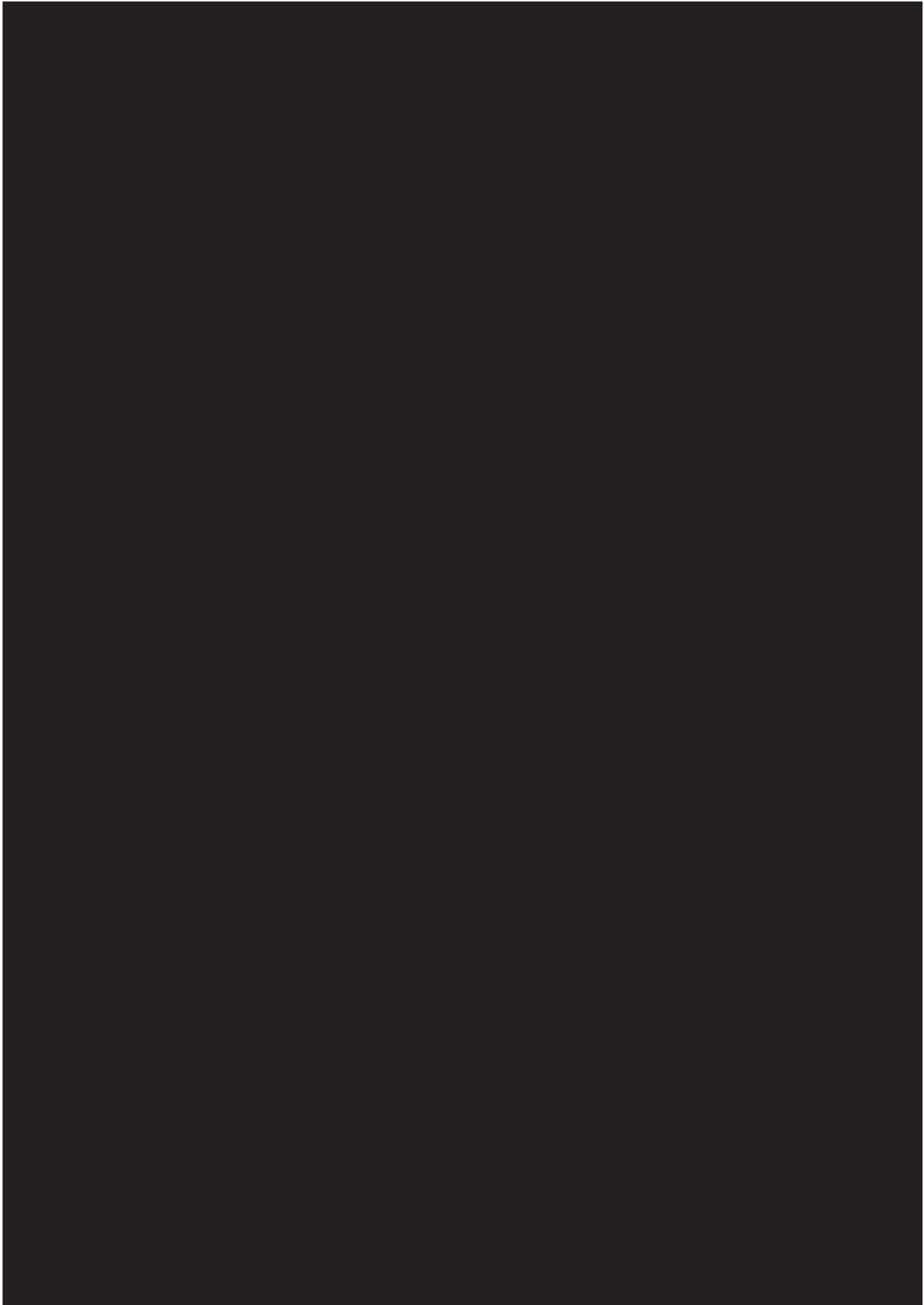
9. *Title*

These regulations are called the Western Cape Regulations on Special Legalisation, 2001.















1. Definisies

In hierdie regulasies, tensy die konteks anders aandui, beteken—

“die Wet” die Nasionale Oorgangswet op Landvervoer, 2000 (Wet 22 van 2000), en enige woord of uitdrukking waaraan ’n betekenis in die Wet toegeken is, het daardie betekenis.

2. Raad se verpligting om ’n bedryfslisensie toe te staan

Die Raad moet ’n bedryfslisensie vir minibustaxi-tipe dienste toestaan aan ’n operateur wat kragtens regulasie 3 (in hierdie regulasies “die operateur”) om daardie tipe bedryfslisensie aansoek doen en wat aan die kriteria soos gelys in regulasie 4 voldoen.

3. Aansoek om bedryfslisensie vir minibustaxi-tipe diens

- (1) Onderworpe aan volle voldoening aan die kriteria soos gelys in regulasie 4, kan ’n persoon wat ’n minibustaxi-tipe diens sonder die nodige permit bedryf, by die Raad aansoek doen om ’n bedryfslisensie vir daardie diens.
- (2) ’n Aansoek wat met subregulasie (2) rekening hou, moet op ’n vorm wat wesenlik dieselfde is as die vorm in Bylae “A” by hierdie regulasies ingedien word en moet vergesel wees van die aansoeker se inkomstebelastingcertifikaat en inkomstebelastingnommer of, waar van toepassing, ’n verklaring waarom dit nie van die operateur vereis word om te registreer vir die betaling van inkomstebelasting nie, tesame met redes daarvoor, asook R25,00 (vyf-en-twintig rand).

4. Kriteria waarna in regulasie 3 verwys word

Ten einde in aanmerking te kom vir ’n bedryfslisensie kragtens regulasie 3 moet die operateur aan al die volgende kriteria voldoen:

- (a) Die operateur moes nie daartoe in staat gewees het om kragtens artikel 41(1) van die Wet om ’n permit aansoek te doen nie.
- (b) Die operateur moet die geregistreerde eienaar wees van die voertuig wat in die aansoek ter sprake is.
- (c) Die operateur moet ’n lid wees van ’n geregistreerde vereniging of ’n vereniging wie se aansoek om registrasie voor op of 30 Junie 1997 hangende was.
- (d) Die operateur moes die diens reeds voor 30 Junie 1997 bedryf het, en ook ononderbroke daarna, op die roete of roetes en by die staanplek of staanplekke soos aangedui in die aansoek.
- (e) Die operateur moes nie tevore reeds ’n permithouer gewees het nie van ’n diens of dienste wat wesenlik dieselfde is as dié betrokke by die aansoek, en wat die permit verkoop het of andersins vervreem het.
- (f) Die operateur moes ’n verklaring onderteken het dat hy of sy die persoon is wat in paragraaf (e) bedoel word.

5. Sluitingsdatum vir aansoeke

’n Aansoek om ’n bedryfslisensie kragtens regulasie 3 moet voor of op 1 Februarie 2002 by die Raad ingedien word.

6. Beperking op die aantal aansoeke per operateur

Kragtens regulasie 3 mag ’n operateur nie meer as drie aansoeke indien nie.

7. Raad se voldoening aan artikel 41(2)(a)(v) en (vi) van die Wet

Tydens die beslissing oor ’n aansoek om ’n bedryfslisensie kragtens regulasie 3 moet die Raad:

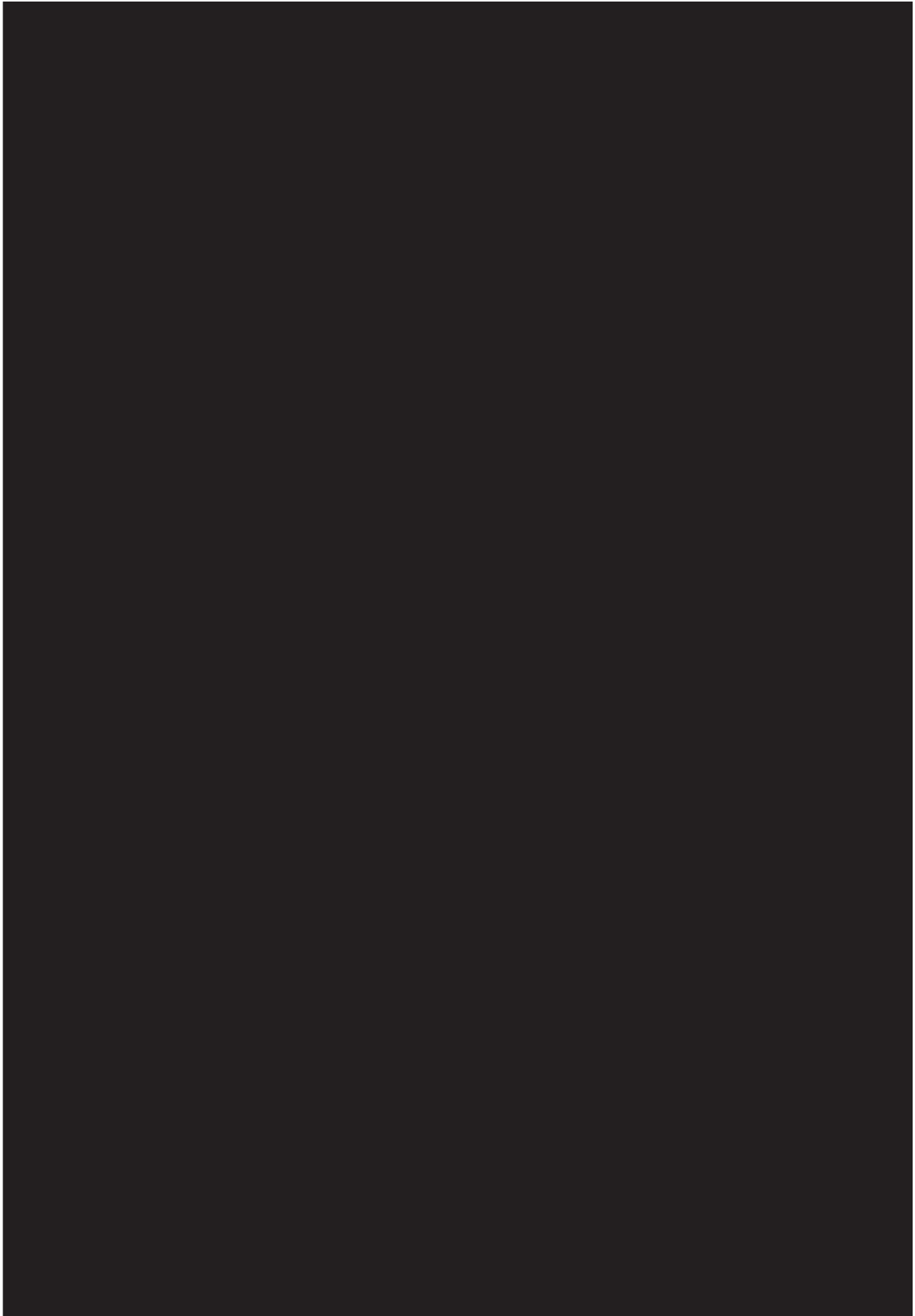
- (a) in oorleg met die toepaslike munisipaliteit, die Registrateur en die betrokke vereniging die roete of roetes verifieer;
- (b) die aansoek aan die betrokke beplanningsowerheid voorlê met ’n versoek vir aanbevelings rakende die sake soos uiteengesit in artikel 83(1)(b) van die Wet, en
- (c) onderworpe aan artikel 39(5) van die Wet, die aanbevelings soos versoek in paragraaf (b) in berekening neem.

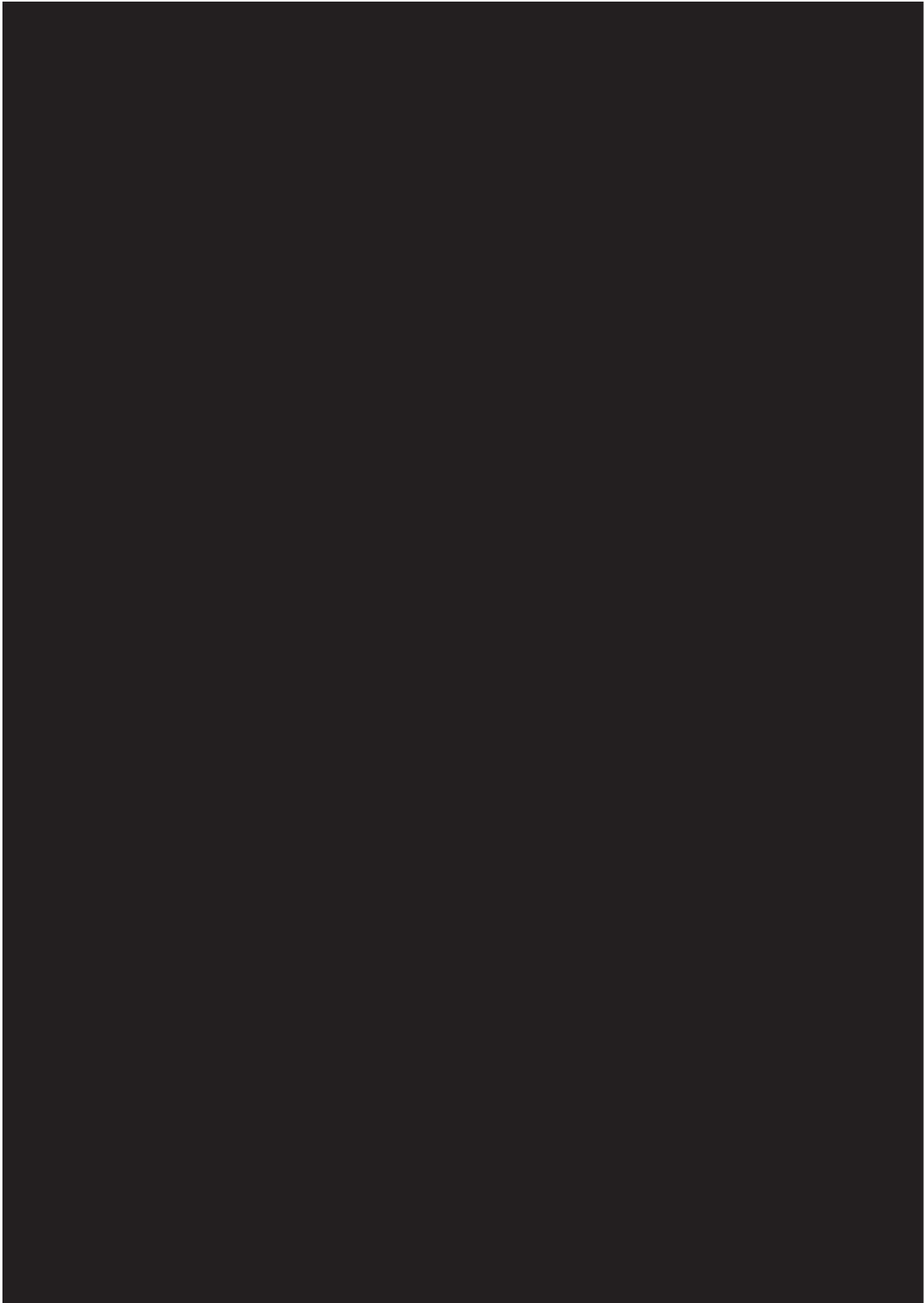
8. Persone wat reeds om permitte aansoek gedoen het

- (1) Indien ’n persoon reeds voor die inwerkingtreding van die Wet aansoek gedoen het om ’n permit en sodanige permit nog nie afgehandel of afgekeur is nie, hoef genoemde persoon nie weer kragtens regulasie 3 aansoek te doen om ’n bedryfslisensie nie, indien die aansoekvorm wat tydens sodanige vorige aansoek ingedien is, wesenlik ooreenstem met die vorm soos uiteengesit in bylae “A”, en indien daardie persoon die kriteria soos in regulasie 4 uiteengesit bevredig, maar die Raad kan die aansoeker versoek om die inligting in sodanige aansoek te verifieer of op datum te bring.
- (2) Die Raad kan weier om ’n aansoek in oorweging te neem indien die aansoeker nie aan ’n versoek kragtens subregulasie (1) voldoen nie, of volgens die Raad nie bevredigend daaraan voldoen nie.

9. Titel

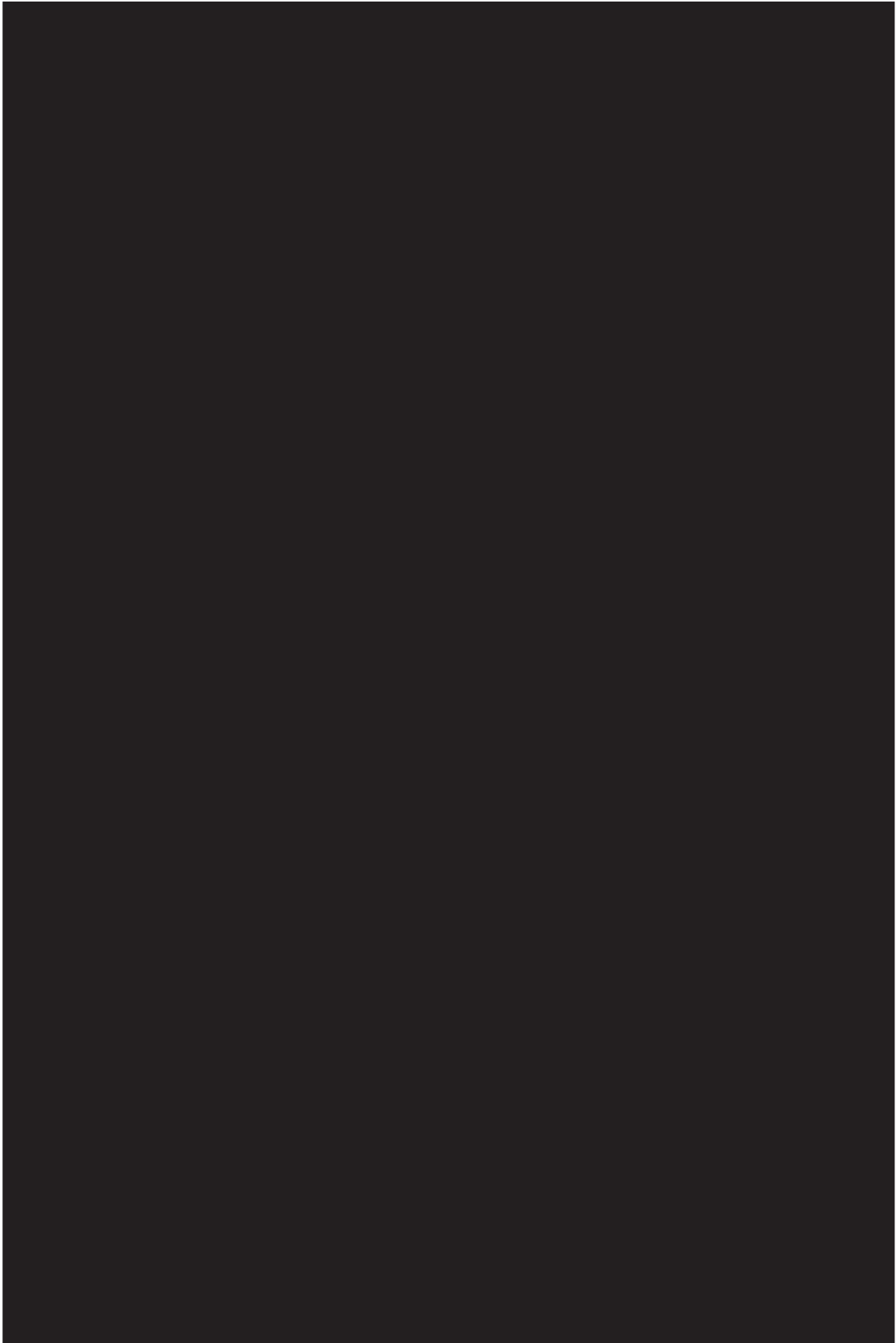
Hierdie regulasies heet die Wes-Kaapse Regulasies oor Spesiale Wettiging, 2001, bekend staan.



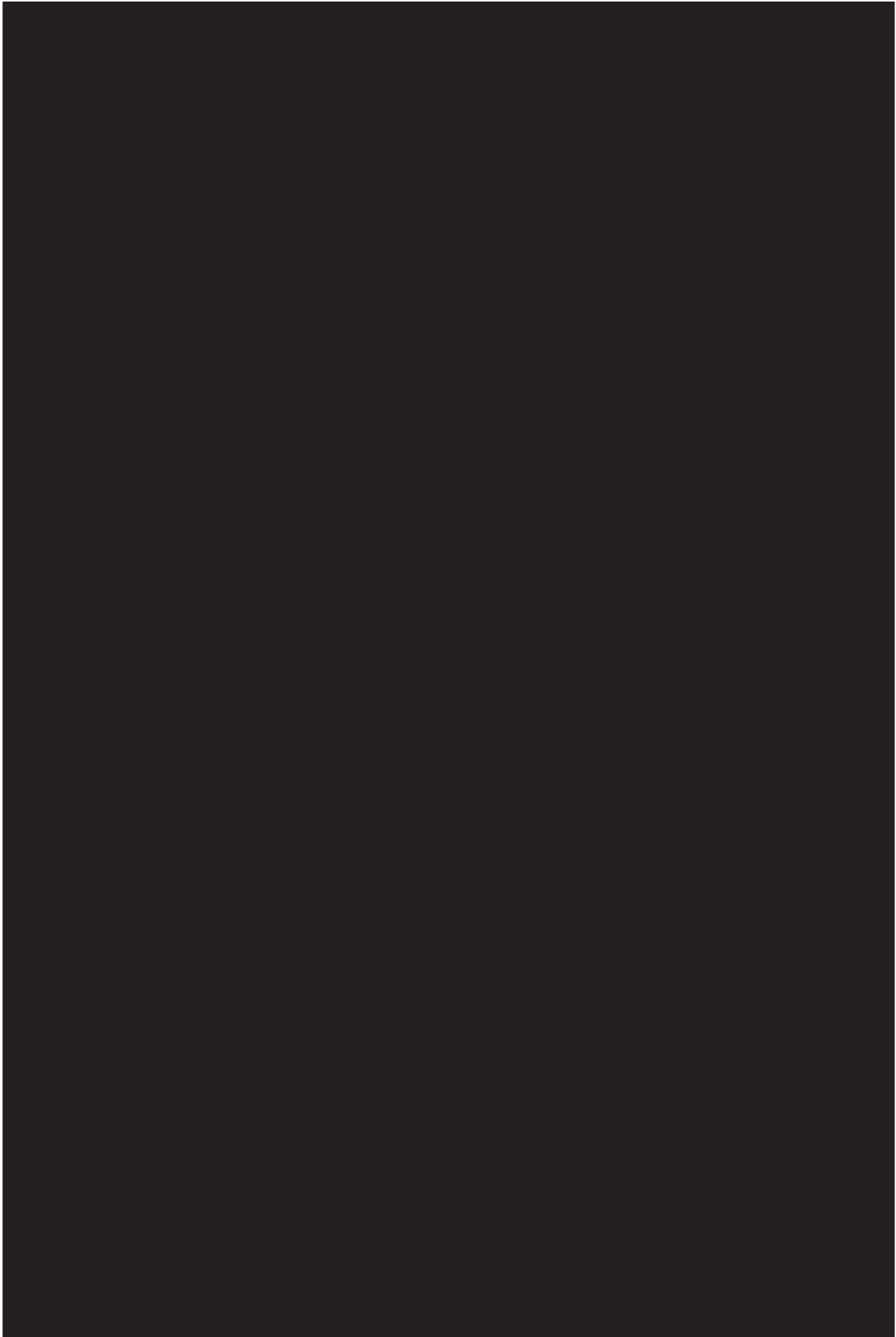












1. ***Inkcazo-magama***

Kule miqathango, ngaphandle kokuba kubhekiselelwe ntweni yimbi —

“UMthetho” uthetha iNational Land Transport Transition Act, 2000 (Act 22 of 2000), naliphi na igama okanye ibinzana elinentsingiselo echatshazelweyo kulo Mthetho iya kuhlala imi ngolo hlobo ingalo.

2. ***Imbophelelo zeBhodi yokukhupha ilayisenisi yokuqhuba.***

Kufuneka ibhodi ikhuphele umqhubi wesithuthi sikawonke-wonke othe wafaka isicelo selayisenisi yokuqhuba yeeteki zohlobo lweminibus, oko ikwenza ngokomqathango 3 (kule miqathango “umqhubi”) uya kunikwa ilayisenisi emlungeleyo yokuqhuba kwaye kufuneka abe uyahlangabezana nazo zonke izinto ezidweliswe apha ngezantsi kumqathango 4.

3. ***Isicelo esibhekiselele kwilayisenisi yokuqhuba iteksi yohlobo lweminibus***

- (1) Kuxhomekeke ekubeni uyahlangabezana na nezi ndlela zilandelwayo zidweliswe apha ngezantsi kumqathango 4, ukuba umntu oqhuba iteksi yohlobo lweminibus akanamphepha-mvume afanelekileyo, kufuneka enze isicelo kwibhodi yeelayisenisi ukuze afumane ilayisenisi elungele loo nkonzo ayisebenzayo.
- (2) Isicelo esichaziweyo phaya kumqathangwana (2) kufuneka senziwe kwifomu ehambelana naleyo ibonakaliswe kwiSihlomelo “A” enale miqathango kwaye kufuneka ikhatshwe sisiqinisekiso somqhubi serhafu yengeniso kwanenombolo yerhafu okanye, ibe yingxelo echaza ukuba umqhubi akakulungelanga ukurhafa ngokwengeniso, xa ikho, kananjalo zichazwe nezizathu zoko, ndawonye nama-R25,00 (Amashumi amabini eerandi).

4. ***Indlela elandelwayo ekubhekiselelwe kuMqathango 3***

Ukuze ube ukulungele ukufaka isicelo selayisenisi ngokomqathango 3 kufuneka umqhubi ahlangebezane nayo yonke le nkqubo ilandelayo:

- (a) Umqhubi kufuneka abe akazange afake isicelo sephepha-mvume njengoko kuchaziwe phaya kwicandelo 41(1) lalo Mthetho.
- (b) Umqhubi kufuneka abe ungumini sithuthi esichaphazelekayo kwisicelo obhalisileyo .
- (c) Umqhubi kufuneka abe lilungu lombutho obhalisileyo okanye umbutho owafaka isicelo sobhaliso ngaphambi komhla wama-30 kuJuni 1997.
- (d) Umqhubi kufuneka abe ebesele esebenza kule nkonzo kwangaphambi komhla wama-30 kuJuni 1997 aze abe ebeqhuba ukusebenza emva koko, esebenzisa indlela okanye iindlela kwanerengi okanye iirenki ezibonakaliswe apha kwisicelo.
- (e) Umqhubi kufuneka ukuba abe ebenalo kwakwixa elingaphambili iphepha-mvume eligunyazisa ukuqhuba le kwenkonzo kungenjalo ezi nkonzo ngokuzinzileyo ngokufanayo neziya zichatshazelweyo kwisicelo.
- (f) Umqhubi kufuneka abe watyikitya isifungo sokuba ungulo mntu kuthethwe ngaye kumhlathi (e).

5. ***Umhla wokugqibela wokuthunyelwa kwezicelo***

Isicelo selayisenisi yokusebenza ngokomqathango 3 kufuneka singeniswe kwibhodi ngomhla okanye ngaphambi 1 Febhuwari 2002.

6. ***Ukulinganiselwa kwenani lezicelo kumqhubi ngamnye***

Umqhubi kufuneka athumele izicelo zibe zithathu ngokomqathango 3.

7. ***Ukuhlangabezana nemimiselo yebhodi ngokwecandelo 41(2)(a)(v) nele (vi) lalo Mthetho***

Ukugweba isicelo selayisenisi yokusebenza ngokomqathango 3 ibhodi kufuneka—

- (a) iqinisekise ukuba indlela okanye iindlela ezisetyenziswayo zokucebisana kunye nomasipala ochaphazelekayo, iRejistra nombutho obandakanyekayo;
- (b) ngenisa isicelo kwiziphatha-mandla zocwangciso ezichaphazelekayo njengoko kuchaziwe kwicandelo 83(1)(b), lalo Mthetho kananjalo.
- (c) ixhomekeke kwicandelo 39(5) lalo Mthetho, qwalasela izindululo ezichatshazelweyo kumhlathi (b).

8. ***Abantu asele befake izicelo zokufumana amaphepha-mvume***

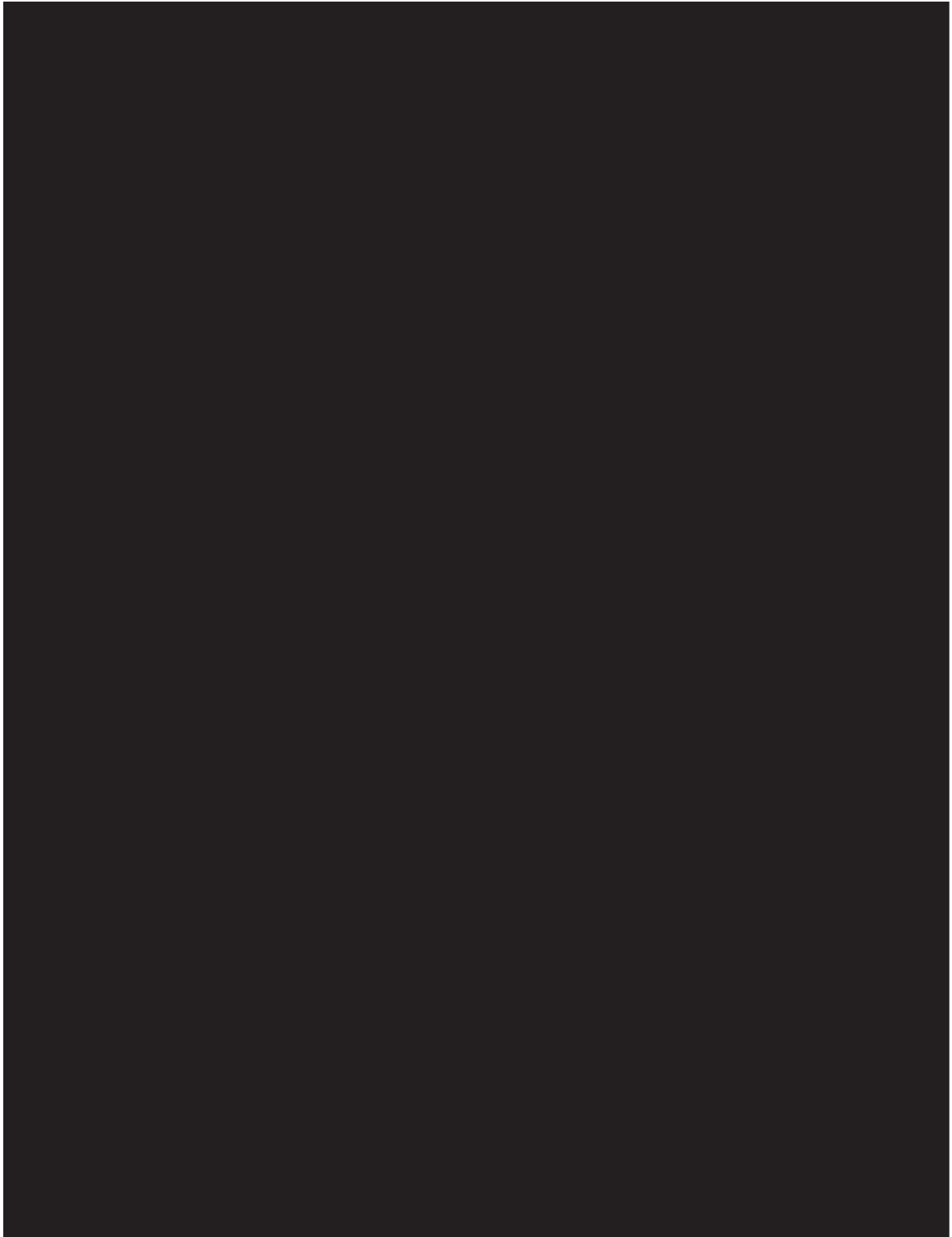
- (1) Xa umntu sele wasenza isicelo ngaphambi komhla wokusungulwa kwalo Mthetho kwaye isicelo eso akukagqitywa ngokupheleleyo ngaso, loo mntu akanakube enze esinye isicelo kwakhona ngokomqathango 3 welayisenisi yokusebenza xa ifomu yesicelo ingeniswe kunye nesicelo sokuqala ngaxesha nye abe ehlangabezana nezinto ezikhankanywe phaya kwiSihlomelo A, nokuba loo umntu lowo ehlanagabezana nezinto ezidweliswe kuqathango we-4, kodwa yona ibhodi iya kumxelela umfaki-sicelo ukuba aqinisekise okanye azihlaziye iingombolo azibhale kwisicelo sakhe.
- (2) Ibhodi isenokungavumi ukuqwalasela isicelo somfaki-sicelo xa athe akahlangabezana nemiqathango njengoko ibekiwe phaya kwicandelwana (1), okanye engakhange ahlangebezane ngokwaneleyo nemimiselo yebhodi.

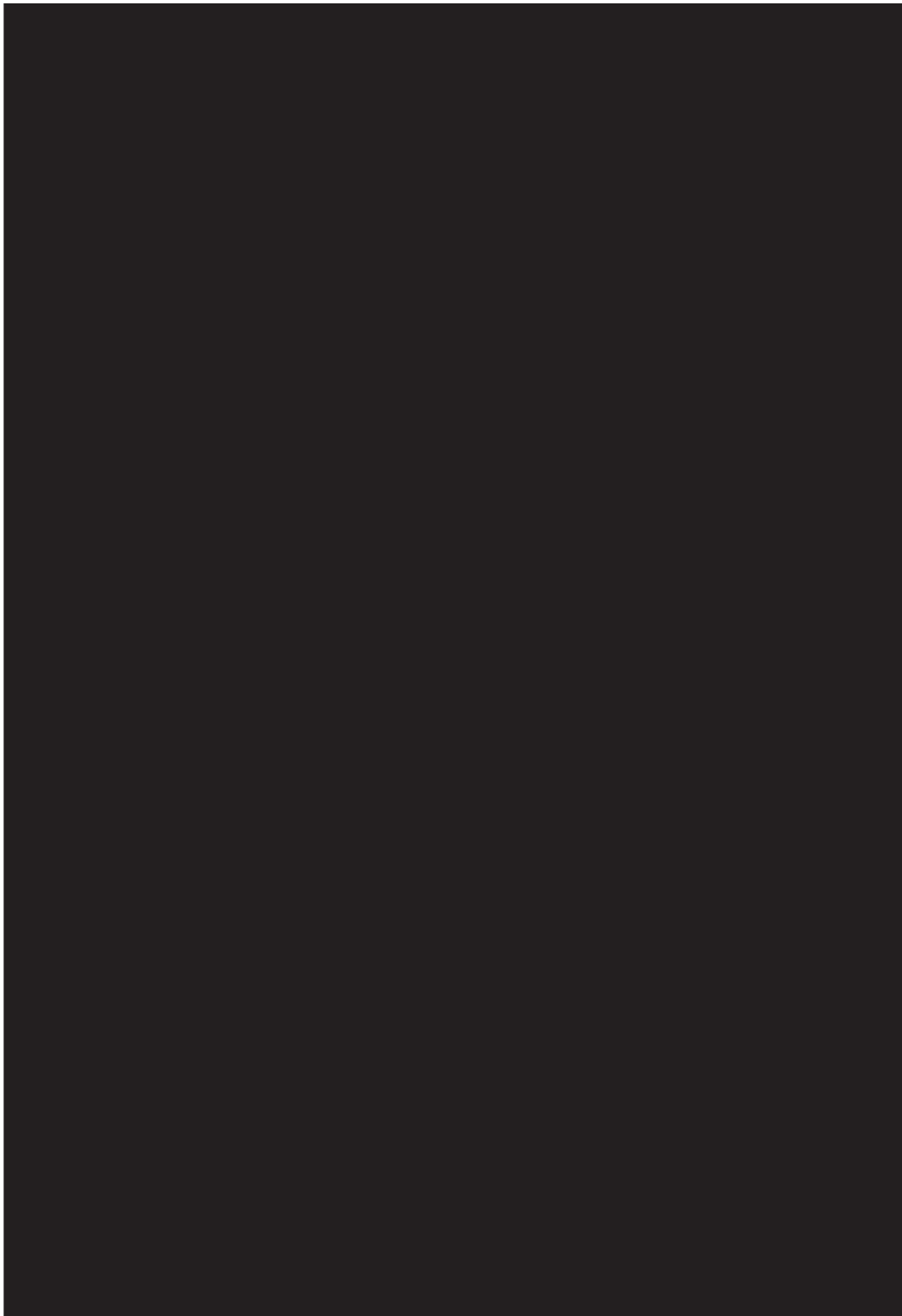
9. ***Isihloko***

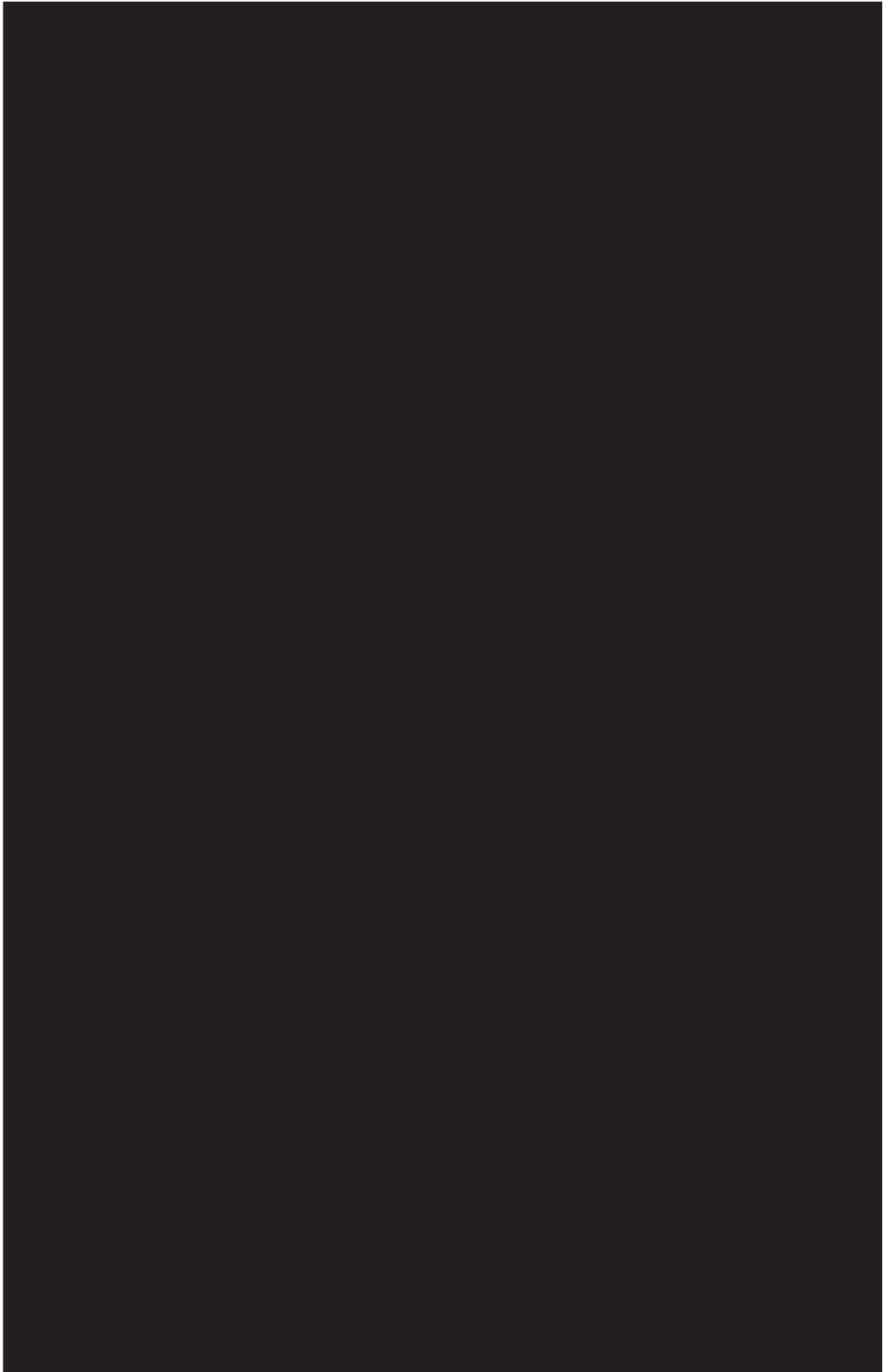
Le miqathango ibizwa njengeMiqathango yeNtshona Koloni yokwenza iiNkqubo eZithile zokuqhuba zibe seMthethweni, 2001.



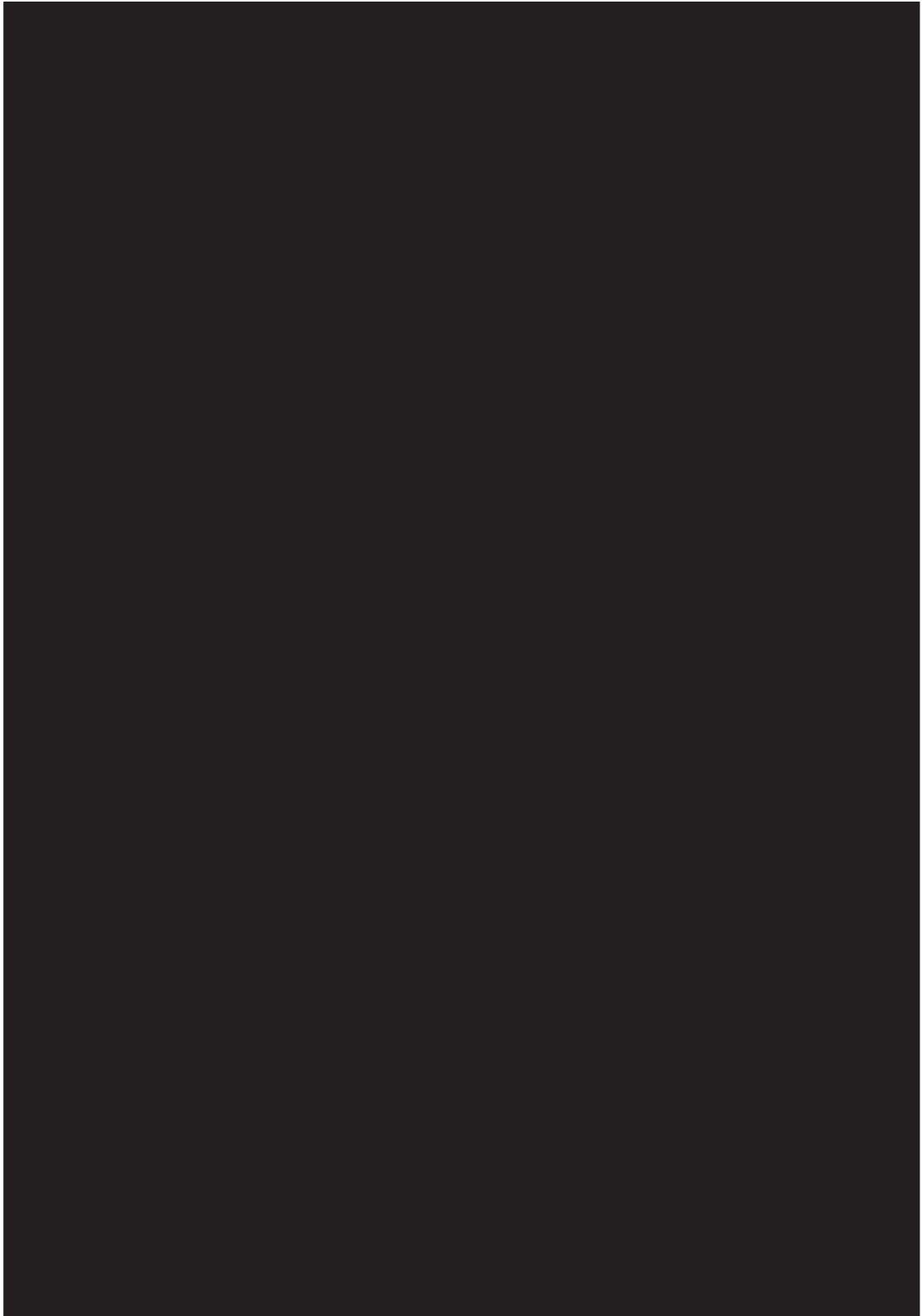












SUID-AFRIKA EERSTE –
KOOP SUID-AFRIKAANS
VERVAARDIGDE GOEDERE

SOUTH AFRICA FIRST –
BUY SOUTH AFRICAN
MANUFACTURED GOODS

