ROAD TRANSPORTATION ACT NO. 14 OF 1977

[ASSENTED TO 7 JUNE, 1977] [DATE OF COMMENCEMENT: 1 JANUARY, 1978]

(*Afrikaans text signed by the State President*)

as amended by

Road Transportation Amendment Act, No. 93 of 1979

Road Transportation Amendment Act, No. 91 of 1980

Road Transportation Amendment Act, No. 64 of 1981

Road Transportation Amendment Act, No. 78 of 1982

Road Transportation Amendment Act, No. 8 of 1983

Transfer of Powers and Duties of the State President Act, No. 97 of 1986
[with effect from 3 October, 1986—see title CONSTITUTIONAL LAW]

Legal Succession lo the South African Transport Services Act, No. 9 of 1989
[with effect from 6 October, 1989—see title RAILWAYS AND HARBOURS]

Discriminatory Legislation regarding Public Amenities Repeal Act, No. 100 of 1990
[with effect from 15 October. 1990—see title CONSTITUTIONAL LAW]

Post Office Amendment Act, No. 85 of 1991
[with effect from 19 June, 1991—see title POSTS AND TELEGRAPHS]

Proclamation No. R.22 of 1996
[with effect from 1 May, 1996—see title CONSTITUTIONAL LAW]

Abolition of Restrictions on the Jurisdiction of Courts Act, No 88 of 1996
[with effect from 22 November, 1996—see title COURTS]

Cross-Border Road Transport Act, No. 4 of 1998
[with effect from 1 April, 1998—see title MOTOR VEHICLES]

Transport Appeal Tribunal Act, No. 39 of 1998

GENERAL NOTE

This Act has been repealed by section 53 (1) of Act No. 4 of 1998 in so far as it is applied in respect of cross-border transport.

The provisions of this Act, relating to the consideration and determination of appeals by the National Transport Commission, have been repealed by section 18 of Act No. 39 of 1998 in so far as those provisions relate to any matter corresponding to that in respect of which the Regulatory Committee is authorised by law to perform or give any act, direction or decision.

ACT

To provide **for the control of certain forms of** road transportation **and** for matters **connected** therewith.

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

"Administrator" .....

[Definition of "Administrator" deleted by Proclamation No 24 of 1990.]

"authorized officer" means an inspector, any member of the South African Police, or any person in the service of a provincial administration or a local authority whose duty it is to inspect motor vehicles or licences for motor vehicles or to control traffic;

[Definition of "authorized officer" substituted by s. 1 (*a*) of Act No. 8 of 1933 and amended by s 36 (6) of Act No. 9 of 1989.]

"board" means a local road transportation board established in terms of section 4;

"bus" means a motor vehicle designed or adapted for the conveyance of more than nine persons (including the driver);

"carrier" means a person whose business it is to convey persons or goods for reward;

"class", in relation to persons, excludes race or population group;

[Definition of "class" substituted by s. 1 of **Act** No. 100 of 1990.]

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"commission" means the National Transport Commission mentioned in section **3** of the Transport (Co-ordination) Act, **1948** (Act No. **44** of **1948);**

"competent board", in relation to—

(a) an application for the grant, renewal, amendment or transfer of a permit, means a board which in terms of section **7** (1) (c) has jurisdiction to deal with such application;

(b) a permit issued by a board, means the board which issued such permit;

"decentralized industry" means any undertaking which is engaged in the manufacture of any article or part of any article and which—

(a) receives or has received decentralization benefits or assistance from the Department of Industries, Commerce and Tourism and which **is** situated within an area declared to be a decentralized industrial area under section 2 (c) and which prior to such declaration was established in that area; or

[Para. *(a)* substituted by s. 1 *(a)* **of Act No. 78 of 1982.1**

(b) after an area has been declared to be a decentralized industrial area under section 2 *(c)*, is established in that area; or

(c) is situated in an area declared to be a decentralized industrial area under any law governing road transportation in any—

(i) self-governing territory **as** defined in section **38** of the National States Constitution Act, **1971** (Act No. **21** of **1971);** or

(ii) country the territory of which formerly formed part of the Republic;

[Definition **of** "decentralized industry" substituted by s. 1 (a) of **Act** No. **91** of **1980.** Para. **(c)** substituted by s. 1 (b) of **Act** No. 8 of **1983.1**

"distinguishing mark" means a distinguishing mark contemplated in section **24** (1) **(e);**

"exempted area" means an area declared to be an exempted area under section 2 ***(b);***

"exempted goods" means goods declared to be exempted goods under section 2 *(d)*;

"foreign registered vehicle" means a vehicle registered in terms of any law which is not applicable in the Republic;

[Definition of "foreign registered vehicle" inserted **by** Proclamation No. **R.22** of **1996.1**

"*Gazette*", in so far as a provision of this Act is applied—

(a) with reference to a particular province, means the ***Provincial Gazette*** of the province concerned;

(b) with respect to transport across the borders of the provinces of the Republic, means the ***Government Gazette***; or

(c) with respect to transport within the borders of the Republic by a foreign registered vehicle the ***Government Gazette***;

[Definition of "*Gazette*" inserted by Proclamation No. **R.22** of **1996.1**

"goods" includes livestock;

"goods vehicle" means a motor vehicle designed or adapted for the conveyance of goods;

"hired motor vehicle" . . . . . .

[Definition of "hired motor vehicle" deleted by s. 1 (*c*) of Act No. 8 of **1983.)**

"holder", in relation to a permit, means the person in whose favour such permit was issued:

"inspector" means a road transportation inspector designated as such under section 11;

"local authority" means a local government body as defined in section 1(1) of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

[Definition of "local authority" amended by Proclamation No. 24 of 1990 and substituted by Proclamation No. R.22 of 1996.]

"Minister"—

(a) except in sections 3, 26, 26A, 43 and 44 in so far as a provision of this Act is applied in or with reference to a particular province, means the competent authority within the jurisdiction of the government of that province to whom the administration of such provision, in the province, has been assigned under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993); or

(b) in sections 3, 26, 26A, 43 and 44, or in so far as a provision of this Act is applied with respect to transport across the borders of the Republic and with respect to the powers and functions of the commission, means the Minister of Transport in the national government;

[Definition of "Minister" substituted by s. 1 (*b*) of Act No. 91 of 1980 and by Proclamation No. R.22 of 1996.]

*Minister of Finance"—

(a) in so far as a provision of this Act is applied in or with reference to a particular province, means the member of the Executive Council of that province who is responsible for financial matters in the province; and

(b) in so far as a provision of this Act is applied with respect to transport across the borders of the Republic and with respect to the functions and powers of the commission, means the Minister of Finance in the national government;

[Definition of "Minister of Finance" inserted by Proclamation No. R.22 of 1996.)

"motor-car'' means a motor vehicle designed or adapted for the conveyance of not more than nine persons (including the driver);

"motor vehicle" means any vehicle (other than a motor bicycle) designed or adapted for propulsion or haulage on a road by means of any power other than human or animal power and without the aid of rails, and includes any trailer, but does not include such vehicle also designed or adapted exclusively for towing another vehicle, and not used for the conveyance of goods;

"owner", in relation to a motor vehicle registered in any area under the law governing the registration of motor vehicles in force in that area, means the person who for the purposes of that law is its owner;

"permit" means a public permit, private permit or temporary permit;

"private permit" means a private road carrier permit granted under section 18;

"province" means a province referred to in section 124 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

[Definition of "province" deleted by Proclamation No. 24 of 1990 and inserted by Proclamation No. R.22 of 1996.]

"public permit'' means a public road carrier permit granted under section 13;

"public road" means any road declared or recognized as a public road under any law, and includes any road, street or thoroughfare or other place (whether a thoroughfare or not) to which the public or any section of the public has a right of access;

"railway service" means a transportation service operated over any line of railway constructed by or on behalf of the South African Transport Services or any private person or any juristic person, by virtue of an Act of Parliament;

"regulation" means a regulation made under section *30;*

"Republic" .....

[Definition of "Republic" deleted by Proclamation No. 24 of 1990.]

"road transportation" means, subject to the provisions of subsection (2)—

(a) the conveyance of persons or goods on a public road by means of a motor vehicle for reward;

(b) the conveyance of persons or goods on a public road by means of a motor vehicle in the course of any industry or trade or business;

(c) the conveyance of persons on a public road by means of a hired bus;

[Para. (c) substituted by s. 1 (d) of Act No. 8 of 1983.]

(d) the conveyance of goods on a public road by means of a hired motor vehicle;

"road transportation service" means a transportation service operated over a public road, by means of a motor vehicle and for reward, under a public permit;

"temporary permit" means a temporary road carrier permit granted under section **20;**

"Territory" .....

[Definition of "Territory" deleted by Proclamation No. 24 of 1990.]

"this Act" includes the regulations;

"trailer" means a vehicle designed or adapted for the conveyance of persons or goods;

"transportation area" means an area declared to be a local road transportation area under section 2 *(a);*

"transportation facilities" means a railway service or road transportation service;

"unauthorized road transportation" means road transportation not authorized by any permit and includes road transportation undertaken by the bolder of a permit otherwise than in accordance with the provisions of such permit.

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(2) For the purposes of this Act, the conveyance of persons or goods contemplated in the definition of "road transportation" in subsection (1) shall he deemed not to include the following. namely—

(a) the conveyance of farm products (excluding processed farm products of which the conveyance has been prohibited under section 2 (*e*)) by the producer thereof who **is** a farmer, by means of a motor vehicle of which he **is** the sole owner;

(b) the conveyance by an individual farmer (including a partnership or company carrying on farming operations) by means of a motor vehicle of which he **is** the sole owner, of such farmer's farming requisites to a place situated within the Republic where he carries on farming operations and where he intends using them, or his farm labourers—

(i) from any place where they have been recruited to any place where he may require them in his farming operations; or

(ii) from any place where they are or have been employed in his farming operations to any other place where he may require them in his farming operations or where another farmer may require them in his farming operations, or to the place where they have been recruited; or

(iii) between any place where they have been or are to be ***so*** employed and the railway station or bus stop most convenient for their Conveyance to any other place to which they are to be conveyed by rail or by bus or to the place where they are to be *so* employed: or

(iiiA) between the place where they are ***so*** employed and any other place within the Republic to do any shopping or to attend any church service or funeral or for purposes of any **sports** or recreational meeting: or
[Sub-para. (iiiA) inserted by s. 1 *(a)* of Act No. 93 of 1979.]

(iv) between any place where they have been recruited and the railway station or bus stop most convenient for their conveyance to any other place to which they are to be conveyed by rail or by bus,

and for the purposes of this paragraph labourers employed by a co-operative society, registered as such under the law relating to co-operative societies. of which such farmer **is** a member, or prisoners as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), who are or have been or are to be employed by a farmer in his farming operations, shall be deemed lo be such farmer's farm labourers;

(c) any conveyance (other than the conveyance of persons or goods for reward) by a local authority by means of a motor vehicle of which such local authority is the owner, within the area of its jurisdiction and between such area and any other area controlled by such local authority or in which it provides any public service or carries on any undertaking:

(d) the conveyance by a local authority, by means of a motor vehicle of which such local authority **is** the owner, of prisoners **as** defined in section 1 of the Prisons Act, 1959, who are or have been or are to be employed by such local authority;

(e) the conveyance, by means of a motor vehicle, of a patient to any place where he is to receive medical treatment from a person authorized to administer such treatment in terms of any law relating to the medical profession, or from any place where he has received such treatment:

(f) the conveyance (including the towing), by means of a motor vehicle, of another motor vehicle which has become defective, to a place for its repair or storage, or of persons or goods wlio or which were being conveyed by means of such

other motor vehicle at the time when it became defective, to that place or any other place, provided, if the conveyance of such persons or goods by means of such other motor vehicle at the time when it became defective constituted road transportation, such conveyance was authorized by a permit, and their conveyance by means of the first-mentioned motor vehicle is undertaken in accordance with the provisions of such permit and such permit is carried on such first-mentioned motor vehicle for production on demand to any authorized officer;

(*g*) the conveyance by any person, by means of a motor vehicle of which he is the owner, of goods belonging to any other person, as a consideration for a similar reciprocal conveyance performed or to be performed by such other person, where the conveyance, if done by either party by means of a motor vehicle of which he is the owner, and in respect of his own goods, would not constitute road transportation;

(*h*) the conveyance of persons as contemplated in the definition of "lift club" in section 1 (1) of the Compulsory Motor Vehicle Insurance Act, 1972 (Act No. 56 of 1972);

[Para. (*h*) substituted by s. 1 (*c*) of Act No. 91 of 1980.]

(*i*) .....

[Para. (*i*) deleted by s. 1 (*d*) of Act No. 91 of 1980.]

(*j*) the conveyance by an hotel of its own guests only and their personal effects between such hotel and the nearest or most convenient railway station, airways terminal, airport or port, by means of a motor vehicle identified in the manner prescribed by regulation and of which the hotel is the sole owner;

(*k*) the conveyance, in the course of any industry or trade or business, of persons and goods (excluding the conveyance of an employee between his place of residence and his place of work) by means of a motor-car if no reward is received for such conveyance;

(*k*A) the conveyance by any person who carries on any industry, trade or business, of his employees from any place where they perform any work in the course of that industry, trade or business to any other place where they are so to perform any work, by means of a motor vehicle of which he is the owner;

[Para. (*k*A) inserted by s. 1 (*e*) of Act No. 91 of 1980.]

(*l*) the conveyance of goods by means of a goods vehicle of which the carrying capacity does not exceed one thousand kilograms under authority of a public permit which was issued by the commission under this paragraph after the commencement of the Road Transportation Amendment Act, 1979 (Act No. 93 of 1979): Provided that such a public permit shall be carried by the holder thereof on the goods vehicle concerned and produced on demand to any authorized officer, that it may not be renewed, amended or transferred from one person to another person and that the validity thereof shall expire on 31 December 1983;

[Para. (*l*) substituted by s. 1 (*h*) of Act No. 93 of 1979 and by s. 1 (*p*) of Act No. 8 of 1983.]

([A) the conveyance by any person (except a carrier) who carries on any industry, trade or business, of his own goods in the course of such industry, trade or business or of goods which he has undertaken to maintain, clean, renovate, repair or alter for any other person in the course of such industry, trade or business by means of a goods vehicle (except a trailer) of which the gross vehicle mass does not exceed two thousand five hundred kilograms;

[Para. (*l*A) inserted by s. 1 (*c*) of Act No. 93 of 1979 and substituted by s. 1 (*f*) of Act No. 8 of 1983.]

(*lB*) the conveyance by means of a goods vehicle (except a trailer) of which the **gross** vehicle mass does not exceed two thousand five hundred kilograms by a carrier of his own spare parts and his own tools required for the repair of his own vehicles, and of his own defective spare parts to a workshop for the repair thereof;

[Para. (*lB*) **inserted by** s. I (*g*) **of Act** No. **8 of 1983.]**

(*m*) the conveyance, in connection with the performance of his duties, by an employee of the State or **a** State-aided body or a company of which the State **is** the sole member and shareholder or a local authority, by means of a motor vehicle of which such employee is the owner and which **is** used by him in the performance of those duties, of any person in respect of whose conveyance that employee is entitled to receive any reward from the State or such State-aided body or company or local authority;

[Para. (*m*) **substituted by** s. **78 of Act** No. **85 of 1991.]**

(*n*) the conveyance on school days of school children and teachers to or from the school which they attend, as well as the conveyance of school children and teachers for the purpose of sports or recreation or on holiday, sightseeing or educational tours by means of a bus of which such school is the sole owner or which, in terms of an agreement, **is** set apart for the use of that school;

[Para. (*n*) **substituted by** s. I (*h*) of **Act** No. **8** of **1983.]**

(*n*A) the conveyance by a university, technikon, technical college or teachers' training college (hereinafter referred to as an educational institution) of its own students and staff for educational, cultural or sport purposes by means of a motor-car or a bus of which that educational institution is the owner or by means of **a** bus which in terms of an agreement is set apart for the use of that educational institution: Provided that in the case of such conveyance by means of a bus employed in terms of an agreement, a document shall he carried in that **bus** in which an official of the educational institution concerned who has been authorized thereto, confirms that the passengers on such bus are enrolled students of, or staff attached to, that educational institution;

[Para. (*n*A) **inserted by** s. I (*i*) of **Act** No. **8** of **1983.1**

(*o*) the conveyance of any coffin or corpse, excluding the conveyance of coffins for the purpose of supplementing stock;

(*p*) to (*r*) inclusive .....

[Paras. (*p*) **to** (*r*) **inclusive repealed by** s. **36** *(6)* **of Act** No. **9 of 1989.1**

(s) the conveyance for reward, by a person who has been summoned to appear at any place **as** a witness in a criminal case, of any other person who has been summoned to appear **as** a witness in that case or in any other criminal case, whether at the same place and on the same day or at any other place or on any other day, to or from the place at which the person conveyed has been summoned ***so*** to appear, by means of a motor vehicle of which the first-mentioned person **is** the owner;

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(*t*) the conveyance for reward, by any person who has been summoned to appear at any place on any day to give evidence before any commission with reference to which the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), have been declared to be applicable, or before any body established under any law in terms of which that body is empowered to summon persons to appear before it to give evidence, to or from the place at which such person has been summoned to appear, of any other person who has been summoned to appear before such commission or body to give evidence on the same day and **at** the same place, by means of **a** motor vehicle of which the first-mentioned person **is** the owner;

(*u*) the conveyance for reward, by a person who is required to proceed to an appointed place for the purpose of undergoing any training or performing any service or duty in terms of the Defence Act, 1957 (Act No. 44 of 1957), or any regulation made thereunder, or who is returning from such a place after undergoing such training or performing such service or duty, of another person proceeding to that place for such **a** purpose or returning from that place after having proceeded lo that place for such a purpose, by means of a motor vehicle of which the first-mentioned person is the owner;

(*v*) the conveyance in the manner and on the conditions prescribed by regulation by a decentralized industry in the course of its business of its own goods by means of one goods vehicle only (except a trailer) the gross vehicle mass of which does not exceed twenty-six thousand kilograms or by means of one trailer only the gross vehicle mass of which does not exceed eighteen thousand one hundred kilograms and of which the decentralized industry **is** the owner, provided such goods vehicle or trailer, as the case may be, is registered and identified in the manner prescribed by regulation;

[Para (*v*) substituted by **s.** 1 *(b)* of Act No, 78 of 1982.]

(*w*) the conveyance in the manner and on the conditions prescribed by regulation of goods solely within the boundaries of an exempted area by means of a motor vehicle which is registered within such exempted area under the law governing the registration of motor vehicles in force in that area, provided such motor vehicle is identified in the manner prescribed by regulation;

[Para. (*w*) substituted by s. 1 *(d)* of Act No. 93 of 1979.1

(*x*) the conveyance for reward, by **a** carrier within an area with a radius of 40 kilometres from such carrier's business address from where business is actively undertaken, of goods offered within that area for conveyance, from any place within that area to any destination of those goods within that area or to any railway station within that area, by means of a motor vehicle which is identified in the manner prescribed by regulation and which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area, provided, in the case where the carrier concerned has more than one business address, the place from where the goods concerned are being conveyed and the said destination or railway station are not situated in any other such area;

[Para. (*x*) substituted **by** s. 1 (*e*) of Act No. 93 of 1979 and by s. 1 (*f*) of Act No. 91 of 1980.]

(*y*) the conveyance by a person who carries on any industry or trade or business, in the course of that industry or trade or business, within an area with a radius of 80 kilometres from any place where he actively carries on such industry, trade or business, of his own goods or of goods which he has undertaken to maintain, clean, renovate, repair or alter for any other person in

the course of such industry, trade or business from any place within that area to any destination of those goods within that area or to any railway station within that area, by means of a motor vehicle of which such person is the owner, which is registered within the area concerned under the law governing the registration of motor vehicles in force in that area and which is identified in the manner prescribed by regulation, provided that, in the case where the said person carries on his industry, trade or business at more than one place, the place from where the goods concerned are being conveyed and the said destination or railway station are not situated in any other such area;

[Para. (*y*) substituted by s. 1 (*f*) of Act No. 93 of 1979, by s. 1 (*g*) of Act No. 91 of 1980 and by s. 1 (*k*) of Act No. 8 of 1983.]

(i) the conveyance in the manner and on the conditions prescribed by regulation of exempted goods, by means of a motor vehicle—

(i) which is registered in the Republic under the law governing the registration of motor vehicles in force at that place;

(ii) whose owner is domiciled within the Republic; and

(iii) which is identified in the manner prescribed by regulation,

by any person who is domiciled in the Republic, or any company registered in the Republic, actively carrying on business from a place situated in the Republic;

[Para. substituted by s. 1 of Act No. **64** of 1981 and amended by s. 1 (c) of Act No. 78 of 1982.]

(*z*A) the conveyance in the manner and on the conditions prescribed by regulation of exempted goods, to and from the borders of any of the member countries of the Customs Union Agreement or of any of those countries or territories which have entered into an agreement with the Republic with regard to the conveyance of exempted goods by means of a motor vehicle—

(i) which is registered in one of those countries or territories under the law governing the registration of motor vehicles in force in that country;

(ii) whose owner is domiciled in that country or temtory;

(iii) which is identified in the manner prescribed by regulation,

by any person who is domiciled in that country or temtory, or any company registered in that country or temtory, and actively carrying on business from a place situated in that country or temtory;

[Para. (*z*A) inserted by s. 1 (*l*) of Act No. 8 of 1983.]

(aa) the conveyance of persons or goods by means of a motor vehicle from any place situated within the temtory of the Transkei over the temtory of the Republic to any place situated within the said temtory of the Transkei, provided no person or goods are loaded or unloaded while such motor vehicle operates over the territory of the Republic, and provided such conveyance is undertaken in accordance with an agreement which has been entered into between the respective governments of the Republic and the Transkei;

(bb) the conveyance of any person who must necessarily he conveyed in connection with any conveyance, whether of persons or of goods, which in terms of any preceding paragraph does not constitute road transportation.

2. General powers **of** the Minister.—The Minister, acting upon the recommendation of the commission, may by notice in the *Gazette*—

(a) declare any area defined in such notice to he a local road transportation area;

(b) declare any area defined in such notice to he an exempted area;

(c) dcclarc any area defined in such notice to he a decentralized industrial area;

(*d*) declare any goods defined in such notice to be exempted goods within the areas defined in such notice;

(e) for the purposes of section 1 (2) *(a)* prohibit the conveyance of a specific processed farm product or of a specified kind or category of processed farm products;

(f) declare any public road between any two places or areas or between an? place and any area, and described in such notice. to be a transportation route and, with effect from a date specified in such notice, not being a date earlier than

twenty-one days after the publication of the notice in the ***Gazette,*** prohibit the conveyance of goods between such places or areas or such place and such area, as the case may be, under any permit for the conveyance of goods issued under this Act, and notwithstanding anything to the contrary contained in any such permit, on any public road other than the road so declared to be a transportation route;

(*g*) prohibit the conveyance of any goods, or of any specified kind or category of goods, under any permit for the conveyance of goods issued under this Act, and notwithstanding anything to the contrary contained in any such permit, on any specified day, or between specified hours **of** any day, within any specified area or over any specified route: Provided that no prohibition under this paragraph shall come into operation earlier than twenty-one days after the publication of the relevant notice in the ***Gazette;***

(*g*A) prohibit the conveyance of goods which are loaded on a goods vehicle in a specified manner from a specified date, notwithstanding anything to the contrary contained in any permit which was issued in terms of this Act: Provided that no prohibition under this paragraph shall come into operation earlier than twenty-one days after the publication of the relevant notice in the ***Gazette;***

[Para. (*g*A) inserted by s. 2 of Act No. 8 *of* 1983.]

(h) for the purposes **of** section 27 appoint a committee in the manner and for the period and constituted as prescribed by regulation;

(i) amend or withdraw any notice published under any preceding paragraph *of this* section.

3. General powers of the commission.—(1) The commission may—

(*a*) investigate any matter relating to road transportation in the Republic and submit recommendations thereon to the Minister;

(*b*) at the request of the Minister, investigate and report upon any other matter falling within the scope ***of*** this Act;

(*c*) consider and give a decision on, or otherwise deal with, in accordance with the provisions **of** this Act—

(i) any application for the grant of a permit made to it under this Act in respect of transport across the borders of the Republic or transport within the borders **of** the Republic by a foreign registered vehicle;

[Sub-para. (i) substituted by Proclamation No. **R.22** of **1996.]**

(ii) any application under this Act for the renewal, amendment or transfer of a permit granted by it;

(iii) any application under this Act referred to it by a board in terms of section 7 (2);

(*d*) . . . . .

[Para. (*d*) deleted by Proclamation No. R.22 of **1996.]**

(*e*) issue, in accordance with **the** provisions of this Act, any permit granted, renewed, amended **or** transferred by it;

(*f*) perform the other functions assigned to it by this Act and, with the approval of the Minister, take such other steps **as** it may deem necessary for the proper administration of this Act;

(*g*) at any time cause an inquiry to be instituted into the financial circumstances and operating practices of the holder of a public permit which authorizes the conveyance of persons by means of a bus, by a person appointed by it for that purpose and, if the holder is a company, also into any other company in a group of companies to which the holder belongs or of which the holder is the controlling company.

[Para. (*g*) substituted by s. 2 of Act No. 91 of **1980.]**

(2) . . . . . .

[Sub-s. (2) deleted by Proclamation No. **R.22 of 1996.1**

4. Establishment and constitution **of** boards.—(1) For each transportation area there shall be established a local road transportation board.

(2) **A** board shall consist of **a** chairman and two other members who shall be appointed by the Minister and who shall be persons who possess wide experience of, and have shown ability in, transport, industrial, commercial or financial matters or in the conduct of public affairs.

(3) . . . . . .

[Sub-s. (3) amended by s. 3 (*a*) of Act No. **91** of **1980 and deleted by s. 3 (1)** *(a)* of Act No. **8** of **1983.1**

(4) *(a)* Any board shall at the request of the Minister co-opt during the Minister's pleasure one or more persons as a member or members of that board, and a member ***so*** co-opted may at the request of the chairman participate in any proceedings at any meeting of that board and cast a vote at such proceedings.

(*b*) Any such co-opted member shall hold office upon such conditions as to remuneration and otherwise, as the Minister may with the concurrence of the Minister of Finance determine when that member is co-opted.

(5) The chairman of any board may, subject to the provisions of subsection **(8)** (*b*), also be the chairman of any other board, and whenever the chairman of any board, or any person appointed under subsection (7) or (7A) **to** act in place of such chairman, is unable to attend any meeting of that board, such chairman or person may designate any other member of that board, including any member appointed under any of the said subsections, to act as chairman at that meeting.

[Sub-s. (5) substituted by s. 3 (*b*) of Act No. 91 of **1980.1**

(6) *(a)* **A** member of a board who is in the full-time employment of the State, shall hold office during the Minister's pleasure, and any other member of such a board shall be appointed for such period not exceeding two years, and shall, subject to the provisions of this Act, hold office upon such conditions as to remuneration and otherwise, as the Minister may, with the concurrence of the Minister of Finance, determine when such member is appointed.

(6) Different periods or conditions may be determined under paragraph *(a)* in respect of the members of different boards or in respect of different members of any board.

(7) Whenever a member of a board vacates his office or is removed therefrom or is temporarily unable to perform his fuhctions as such, the Minister may appoint any person whom he considers suitable, to act in place of such member for such period, not exceeding 12 months, as the Minister may deem necessary, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may determine with the concurrence of the Minister of Finance.

[Sub-s. (7) **substituted** by **s. 3** *(e)* of **Act** No. **91** of **1980.1**

(7A) Whenever a member of a board has recused himself in any particular matter, the Minister may appoint any person whom he considers suitable, to act with regard to that particular matter in place of such member, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may determine with the concurrence of the Minister of Finance.

[Sub-s. (7A) **inserted** by **s. 3 (*d*) of Act** No. **91** of **1980 and substituted by s. 3** (I) *(b)* of Act No. **8** of **1983.1**

(8) *(a)* **A** person appointed under subsection (7) to act in place of the holder of the office of chairman of one or more boards, shall be deemed to have been appointed to act as chairman of such of those boards as may be specified by the Minister when the appointment is made.

(*b*) A person appointed under subsection (7A) to act in place of any member of a board who is the holder of the office of chairman of two or more boards, shall be deemed to have been appointed to act, with regard to the particular matter referred to in that subsection, as chairman of the hoard charged with that matter.

[Para. (*b*) added by s. 3 (*e*) of Act No. 91 of 1980.]

(9) A person whose period of office as a member of a board has expired, shall be eligible for reappointment.

(10) The Minister shall, save in the case of an appointment under subsection (7) or (7A), consult the commission before making any appointment under this section.

[Sub-s. (10) substituted by s. 3 (*f*) of Act No. 91 of 1980.]

5. Disqualification for office as, and termination of office of, member of a board.—(1) No person shall be appointed or co-opted as a member of a board—

(*a*) if he is an unrehabilitated insolvent; or

(*b*) if he has been convicted of an offence and sentenced to imprisonment without the option of a fine; or

(*c*) .....

[Para. (*c*) repealed by s. *36 (6)* of Act No. 9 of 1989.]

(*d*) if he or any of his near relations is financially interested in any business of road transportation or is engaged in any activity connected with road transportation which, in the opinion of the Minister, is calculated to interfere with the impartial discharge by the member of the duties of his office.

(2) A member of a board (including a co-opted member) shall vacate his office—

(*a*) if he becomes subject to any of the disqualifications for appointment or co-optation mentioned in subsection (1);

(*b*) if he dies or is removed from office under subsection (3) or resigns by notice in writing addressed to the Minister.

(3) The Minister may remove from office any member of a board (including a co-opted member)—

(*a*) who has failed to comply with a condition of his appointment or co-optation; or

(*b*) who, in the opinion of the Minister, has been guilty of improper conduct or has regularly neglected his duties as a member or co-opted member of the board; or

(*c*) who, in the opinion of the Minister, is unable to perform efficiently his duties as a member or co-opted member of the board.

6. Meetings and decisions of a board.—(1) Two members of a board shall form a quorum for any meeting of such board.

(2) The decision of any two members of a board present at any meeting thereof, shall constitute a decision of such board: Provided that—

(*a*) if at any such meeting one or more members co-opted in terms of section 4 **(4)** participate under that section in any proceedings at that meeting, the decision of the majority of the members of the board present at that meeting, including that or those co-opted member or members, shall constitute the decision of the board in respect of those proceedings; and

(*b*) in the event of an equality of votes, whether co-opted members participate in the proceedings or not, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

[Sub-s. **(2)** substituted by **s. 4** of **Act** No. 8 **of** 1983.]

(3) No act, direction or decision of a board shall be held to be invalid by reason only of the fact that, when such act was performed or such direction or decision was given, a casual vacancy existed on the board **or** a person disqualified under section **5 (1)** from being **a** member or co-opted member of such board was such a member thereof, whether or not such person's concurrence was necessary to the performance of that act or the giving of that direction **or** decision.

7. General powers **of** a board.—(1) **A** board may—

(a) investigate, in the transportation area for which it was established, any matter falling within the scope of this Act, and submit recommendations thereon to the Mininster;

[Para. *(a)* amended by Proclamation No. R.22 of 1996.]

(b) at the request of the Minister, investigate any such matter in any other area indicated by the Minister, and report thereon;

[Para. *(b)* amended by Proclamation No. R22 of 1996.]

(c) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act, any application made to it thereunder—

(i) for the grant of a permit authorizing road transportation within the transportation area for which such board was established;

(ii) for the grant of a permit authorizing road transportation which commences in the said transportation area and terminates but does not commence at any place or in any area outside that transportation area;

(iii) subject to the provisions of subsection (3), for the grant of a permit authorizing road transportation which commences in the said transportation area and also in any other transportation area, irrespective of where such transportation terminates;

(iv) subject to the provisions of subsection (3), for the renewal, amendment or transfer of any permit granted by it;

(d) .....

para. *(d)* deleted by Proclamation No. R22 of 1996.]

(e) issue, in accordance with the provisions of this Act, any permit granted, renewed, amended or transferred by it.

(2) .....

[Sub-s. (2) deleted by Proclamation No. R22 of 1996.]

(3) A board shall not grant an application for a permit authorizing road transportation which commences also in a transportation area other than that for which such board was established, or for the renewal or transfer of such **a** permit, or for any amendment of such a permit affecting the conducting of such road transportation within such other transportation area, except with the concurrence of the board established for such other transportation area: Provided that where the board of such other transportation area does not concur, the board shall refuse the application.

[Sub-s. (3) amened by Proclamation No. R22 of 1996.1

(4) For the purposes of this section road transportation shall be deemed to commence at any place where goods are loaded on to or persons board any motor vehicle by means of which such road transportation is effected, for the purpose of being conveyed to any other place, and to terminate at such other place.

8. Appeal to the commission against act, direction or decision **of** a board.—(1) Save as otherwise provided in this Act, any person who—

(a) has applied to a board for the grant, renewal, amendment or transfer of any permit;

(b) is the holder of any permit issued by a board;

(*c*) in the manner and within the time prescribed by regulation, submitted representations to the board concerned objecting to or supporting any application published under section 14 (1) or any application for the grant, renewal or amendment of a private permit,

and is affected by any act, direction or decision of that board, may, in the manner and within the time prescribed by regulation, after the said act was performed or the said direction or decision was given by the board concerned, appeal against such act; direction or decision to the commission.

[Sub-s. (1) substituted by s. 4 of Act No. 91 of 1980 and by s. 5 (*a*) of Act No. 8 of 1983.]

(1A) Where the board notifies any person of a direction or decision contemplated in subsection (1) by means of a written document, the date of that document shall, for the purpose of subsections (I) and (3), be deemed to be the date on which that direction or decision was given.

[Sub-s. (1A) inserted by s. 5 (*b*) of Act No. 8 of 1983.]

(2) The commission shall receive and, subject to the provisions of subsection (3) and the regulations, consider any appeal lodged with it in terms of subsection (I) and may, in its discretion—

(*a*) reject the appeal and confirm the act, direction or decision appealed against; or

(*b*) uphold the appeal. set aside the act, direction or decision appealed against, and—

(i) substitute therefor any other act, direction or decision which the board concerned could have performed or given; or

(ii) remit the matter which gave rise to the appeal to the board concerned for consideration afresh; or

(c) uphold the appeal partially and vary the act, direction or decision appealed against.

(3) The chairman of the commission or a member thereof nominated by the chairman, may in his discretion and without giving prior notice to or hearing any interested party—

(*a*) grant an application for condonation of the late filing of a notice or appeal, provided such appeal is lodged in the manner prescribed by regulation within forty-two days after the board concerned performed the act or gave the direction or decision appealed against, or refuse it;

(*b*) grant or refuse an application to suspend the operation of an act, direction or decision of a board appealed against;

(c) set aside an act, direction or decision of a board appealed against and remit the matter to the board concerned for consideration afresh.

[Sub-s. (3) amended by s. 5 (*c*) of Act No. 8 of 1983.]

(4) Any act, direction or decision of the commission under subsection (2) (*b*) (i) or (c) shall, except for the purposes of subsection (I), be deemed to be an act, direction or decision of the board against whose act, direction or decision the appeal was brought.

8A. Coming into operation of certain tariff increases not to be suspended pending judgment in court proceedings in connection with such increases.—Whenever the commission or a board has, in the case of a public permit authorizing the conveyance of persons for reward, imposed a requirement or condition that such conveyance shall be undertaken at tariffs approved or laid down by the commission or that board, as the case may be, and the commission or the competent board thereafter on application in terms of section I? (2), or the commission thereafter in the exercise of any power conferred upon it by section

8 (2) *(b)* (i) or **(2) *(c)*,** amends that requirement or condition by increasing any of the tariffs so approved or laid down, the coming into operation of the tariffs so increased shall not be suspended pending final judgment in any proceedings in a court of law in connection with such amendment.

[S.8A inserted by s. 5 of Act No. 91 of 1980.]

9. Procedure.—(1) The commission or a board may, for the purpose of dealing with any matter before it in terms of this Act—

(*a*) in its discretion, but subject to the provisions of sections **25 (2) *(b)*** and **28,** allow any person affected by or interested in such matter, or the duly authorized representative of such a person, to appear before it and—

(i) to give evidence or make oral representations relevant to such matter; or

(ii) to call witnesses and lead evidence on any question relevant to such matter; or

(iii) to question any person who testified as a witness in such matter;

(*b*) by written notice prescribed by regulation and served in the manner so prescribed, require any person to appear before it to give evidence or to produce my book, plan or other document or article in his possession or under his control;

(*c*) call upon any person present in or at the place where such matter is dealt with by the commission or board, to appear before it to give evidence or to produce any book, plan or other document or article which such person has with him;

(*d*) question any person appearing before it as a witness;

(*e*) refuse to hear any person appearing before it as a witness who refuses to be sworn or to be affirmed.

(2) The person presiding at a meeting of the commission or a board at which any person appears as a witness as contemplated in subsection (1), may administer an oath or affirmation to the person so appearing.

(3) A member of the commission or a board exercising or performing under section **20 (5)** any power or duty of the commission or the board concerned, and a member of the commission who conducts an enquiry under section **28,** shall for the purpose of such power or **duty** or such enquiry have the powers conferred by this section on the commission or a board and the person presiding at a meeting of the commission or a board, respectively.

10. Staff of a board.—The Director-General of the provincial administration of the province concerned shall, subject to the laws governing the public service, provide the staff necessary to assist any board in the performance of its functions

[S. 10 amended by Proclamation No. **R.22** of 1996.]

11. Designation of inspectors.—(1) The Director-General: Transport may designate any officer or employee of the Department of Transport as an inspector with respect to transport within as well as across the borders of the Republic, and the powers and duties of any such inspector shall be prescribed by regulation.

(2) The Director-General of the provincial administration of the province concerned may designate any officer or employee of that provincial administration **as** a road transport inspector, whose powers and duties shall be prescribed by regulation.

[S. 11 substituted by Proclamation No. **R.22** of 1996.]

12. Application in respect of a public permit.—(1) Any person who desires to undertake any road transportation other than road transportation which may be authorized by the issue of a private permit or temporary permit, shall apply in the manner prescribed by regulation to the commission or a competent board for the grant of a public road carrier permit authorizing him to do so.

(2) Any holder of a public permit may apply to the commission or the competent board, as the case may be, for the renewal or amendment of such permit, and any such application shall be made in the manner prescribed by regulation.

(3) Any person who desires to take transfer of a public permit, shall apply in the manner prescribed by regulation and with the written consent of the holder of the permit in question, to the commission or the competent board, as the case may be, for the transfer of such permit to him.

[S. 12 substituted by s. 6 of Act No. 91 of 1980.]

12A. Increase of certain tariffs prior to application for amendment of relevant public permit.—Whenever the commission or a board has under any provision of this Act directed the holder of a public permit authorizing the conveyance of persons for reward, to comply with a requirement or condition, imposed by the commission or that board, as the case may be, that such conveyance shall be undertaken at tariffs approved or laid down by the commission or the said board, as the case may be, that holder may at any time after any increase in the price of petroleum fuel in the Republic, increase such tariffs by so much, but by not more than 10 % of such tariffs, as will enable him to recover his increased expenditure on petroleum fuel resulting directly from that increase in the price of petroleum fuel, provided the said holder applies, within 10 days after the coming into effect of any tariff so increased, in accordance with the provisions of section 12 (2) *to* the commission or the competent board, as the case may be, for an appropriate amendment of the relevant permit.

[S 12A inserted by s. 7 of Act No. 91 of 1980.]

13. Disposal of application in respect of a public permit.—(1) Subject to the provisions of this Act, the commission or a board shall receive and consider any application for the grant, renewal, amendment or transfer of a public road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—

(a) grant such application in full; or

(b) grant such application in part; or

(c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or

(d) refuse such application.

[Sub-s. (1) amended by s. 8 *(a)* of Act No. 91 of 1980.]

(2) *(a)* The commission or a board may refuse to consider any application for the grant, amendment or transfer of a public permit made by any person if a previous application by that person, which in the opinion of the commission or the board concerned had the same or substantially the same object as the first-mentioned application, was considered and refused by the commission or a competent board within the period of six months preceding the date on which such first-mentioned application is received in the office of the commission or the board concerned.

(b) For the purposes of paragraph *(a)* a refusal by any board to concur under section 7 (3) in the grant, renewal, amendment or transfer of a public permit by another board shall, in relation to any application made to the first-mentioned board, be deemed not to be a refusal of an application by it.

(*b*A) The commission or a board may refuse to consider any application for the grant, amendment or transfer of a public permit or any representations objecting to such application if the applicant or the person who submits those representations, as the case may be, has not paid the fee prescribed by regulation in connection with that application or the said representations, as the case may be.

[Para.(*b*A) inserted by s. 8 (*b*) of Act No. 91 of 1980.]

(*b*B) The commission or a board shall not consider an application for the renewal of a public permit granted for a fixed period unless the application, together with the fee prescribed by regulation in connection with that application, has been received by the commission or the board Concerned, as the case may be, before the date on which that permit expires.

[Para. (*b*B) insencd by s. 8 (*b*) of Act No. 91 of 1980.]

(*b*C) The commission or a board may refuse to consider an application for the grant, renewal, amendment or transfer of a public permit if the application form concerned is not completed in full in the manner prescribed by regulation.

[Para. (*b*C) inserted by s. 6 of Act No. 8 of 1983.1

(*b*D) The commission or a board shall not consider an application for the grant of a public permit in respect of a motor vehicle with regard to which a private permit or a public permit has already been issued to some person other than the applicant.

[Para. (*b*D) inserted by s. *6* of Act No. 8 of 1983.1

(c) No appeal shall lie to the commission against any act, direction or decision performed or given by a board under paragraph (*a*).

14. Publication of application in respect of a public permit.—(1) The commission or a board—

(a) shall, before considering any application for the grant, amendment (other than an amendment referred to in paragraph (6)) or transfer of a public permit;

(b) may, before considering any application for—

(i) the renewal of a public permit; or

(ii) the amendment as contemplated in section 12A of such a permit; or

(iii) the amendment of such a permit so as to authorize the permanent replacement of a motor vehicle specified in that permit, by a motor vehicle of which, in the case of a goods vehicle, the carrying capacity or gross vehicle mass, in the case of a bus, the passenger capacity, and in the case of a motor-car, the seating capacity is equal to or smaller than or exceeds that of the first-mentioned motor vehicle by not more than *20* per cent,

[Sub-pnra. (iii) substituted by s. *1* of Act No. 8 of 1983.]

publish in the *Gazette* such particulars of the application as may be prescribed by regulation.

[Sub-s. (1) substituted by s. *9 (a)* of Act No. 91 of 1980.]

(2) Any interested person who desires to submit representations to the cornmission or the board concerned, as the case may be, objecting to or supporting an application published under subsection (1), shall submit such representations in the manner and within the time prescribed by regulation to the commission or that board, as the case may be, and the commission or that board—

(a) shall allow any such person who, within the time so prescribed, submits representations objecting to an application, to inspect free of charge, and to make copies of, the completed application form of the applicant, together with any other document which the applicant has submitted with his application form, nt the office of the commission or that board, as the case may be, where that application form or such other document is being kept; and

(b) may, at the request of any such person who so submits such representations, provide him with copies of the application form in question and of any such other document, on payment of the fee prescribed by regulation.

[Sub-s. *(2)* substituted by s. 9 *(h)* of Act No. 91 **of** 1980.]

(2A) The commission or a board shall, in the case of an application published under subsection (I), allow the applicant to inspect free of charge, and to make copies of, any representations objecting to or supporting his application at the office of the commission or that hoard, as the case may be, where those representations are being kept, and may, at the request of that applicant, provide him with copies of the representations referred to, on payment of the fee prescribed by regulation.

[Sub-s. (2A) inserted by s. *9* (*c*) of Act No. **91 of 1980.1**

(3) The commission or a board shall, before granting a public permit authorizing the regular conveyance of persons for reward within the area of jurisdiction of a municipal council, city council or town council, or amending such a permit by altering the points between which or the route or routes upon which the motor vehicle to which the permit relates may be used in road transportation, afford the municipal council, city council or town council concerned an opportunity to submit representations, in the manner and within the time prescribed by regulation, in regard to the points between which and the route or routes upon which such motor vehicle may be so used and in regard to any other condition which may be applied to a permit

(4) The commission or a board shall, before it—

(a) grants a public permit which authorizes the regular conveyance of persons for reward; or

(b) amends a public permit which authorizes the regular conveyance of persons for reward, by altering the points between which or the route upon which the motor vehicle to which the *permit* relates, may be **used** in road transportation,

give the South African Transport Services the opportunity of furnishing in the manner and within the time prescribed by regulation, information regarding any new railway service, within the area to which the permit mentioned in paragraph (*a*) relates, or between the points or over the route mentioned in paragraph ***(b),*** which has been planned or is contemplated by the South African Transport Services.

15. Matters to be taken into consideration in disposing **of** an application in respect **of** a public permit.—(1) In deciding whether an application for the grant, renewal, amendment

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or transfer of a public permit shall be granted or refused, and in determining any conditions and requirements to which any such permit shall be made subject, the commission or a board shall take into consideration—

(a) the extent to which the transportation to **be** provided is necessary or desirable in the public interest;

(b) the requirements of the public for transportation within the area or along the route or between the points in or over or between which the applicant proposes to operate;

(c) the existing transportation facilities available to the public in that area or over that route or between those points, whether or not there will be a saving in the consumption of petroleum fuel resulting from the intended road transportation and, if there will be no such saving, whether or not justification exists, in all the circumstances of the case, **for** the consumption of petroleum fuel which the intended road transportation will occasion;

[Para. *(c)* substituted by s. 10 *(a)* of Act No. 91 of 1980.]

(d) any new railway service which has been planned or is contemplated for the conveyance of persons within that area or over that route or between those points;

(e) the co-ordination of all forms of transportation, including transportation by rail, on an economically sound basis and with due regard to the public interest;

(f) the ability of the applicant to provide in a manner satisfactory to the public the transportation for which such permit is sought;

(g) any previous conviction of the applicant for an offence in terms of this Act, and any other failure by the applicant as an operator of road transportation;

(h) the existence of any prohibition, limitation or restriction imposed by law on the use of motor vehicles in any area or on any street or road on the route on which the applicant proposes to operate;

(i) any representations duly submitted in connection with the application;

(j) the class of persons to which the applicant belongs and the class or classes of persons to be served by the transportation service for which such permit is sought;

(k) any recommendation made by the committee appointed under section 2 *(h)*.

(l) any report or document drawn up as a result of an inquiry contemplated in section 3 (1) *(g)*;

(m) any other factors which, in the opinion of the commission or the board concerned, may affect the question whether it **is** desirable to grant such application or to attach or vary any such condition or requirement.

(2) (a) When an applicant applies for a public permit to undertake road transportation within an area or over a route or between two or more points already served by existing transportation facilities, the onus shall be upon the applicant of proving that—

(i) such existing transportation facilities **are** not satisfactory and sufficient to meet the transportation requirements of the public in that area or along that route or between those points; and

[Sub-para. (i) substituted by s. 10 *(b)* of Act No. 91 of 1980.]

(iA) he has the ability to provide in a manner satisfactory to the public the transportation for which the permit is sought; and

[Sub-para. (iA) inserted by s. 10 *(e)* of Act No. 91 of 1980.]

(ii) the tariff at which payment for such existing transportation facilities is to be made is unreasonable: Provided that railway tariffs shall, for the purposes of this section, be deemed to be reasonable; or

(iii) having regard to the circumstances, it will be expedient in the public interest to grant him the permit; or

(iv) he belongs to the same class as the majority of the persons to be served by the transportation service for which the permit is sought, and that it is in the interests of such persons desirable to grant him the permit.

[Sub-para. (iv) substituted by s. 10 (*d*) of Act No. 91 of 1980.]

(v) .....

[Sub-para. (v) deleted by s. 10 (*e*) of Act No. 91 of 1980.]

(*b*) When an applicant applies for a public permit to undertake road transportation in circumstances not contemplated in paragraph *(a)*, the onus shall be upon the applicant of proving that—

(i) there is a need for such transportation within the area or along the route or between the points in or over or between which he proposes to undertake such transportation: and

(ii) he has the ability to provide in a manner satisfactory to the public the transportation for which such permit is sought.

(3) In granting any application for a public permit, the commission or a board may give preference to an applicant who belongs to the same class as the majority of the persons to he served by the transportation service for which a permit is sought.

(4) The commission or a board may at the request of the holder of a permit in respect of whom an inquiry contemplated in section 3 (1) (g) was instituted, refuse to disclose to any interested person any report or document prepared as a result of such inquiry, or any part thereof.

(5) For the purposes of this section—

(a) an association of persons or a body corporate or unincorporate, including any company registered under the law relating to companies, shall be deemed to be a person of the class determined by the commission or the board concerned, as the case may be, and the commission or such board may, in so determining a class, have regard to the classes of persons who are members of, or have an interest in, such association or body;

(b) transportation shall be deemed to be capable of being co-ordinated with existing transportation facilities if such transportation is to be provided to or from a place or area situated on or along a route, or included in an area, served by such existing transportation facilities.

16. Period of a public permit.—(I) The commission or a board may grant or renew a public permit for an indefinite period or, in its discretion, for such fixed period as it may determiue.

(2) If at the date on which a public permit granted for a fixed period expires, an application for its renewal is pending before the commission or competent board, such permit shall continue in force until the application has been disposed of.

17, Application in respect of a private permit.—(I) Any person who carries on any industry or trade or business and who—

(*a*) wishes to convey, in the course of such industry, trade or business, goods acquired or sold or otherwise disposed of by him, by means of a motor vehicle of which he is the owner, between any place where he carries on such industry, trade or business and any place situated outside any exempted area or outside any area mentioned in section 1 (2) (*y*);

(*b*) wishes to convey any goods which he has undertaken to maintain, clean, renovate, repair or alter for any other person in the course of such industry, trade or business, by means of a motor vehicle of which he is the owner, between any place where he carries on such industry, trade or business and any place where he collects those goods in order so to deal with them or delivers those goods having so dealt with them,

shall in the manner prescribed by regulation apply to the commission or the competent board for the grant of a private road carrier permit authorizing such conveyance by him on a public road.

(2) Any holder of a private permit may apply to the commission or the competent board for the renewal or amendment of such permit, and any such application shall be made in the manner prescribed by regulation.

[S. 17 substituted by s. 11 of Act No. 91 of 1980.]

18. Disposal **of** application in respect of a private permit.—(1) Subject to the provisions of this Act, the commission or a board shall receive and consider any application for the grant, renewal or amendment of a private road carrier permit made to it thereunder, and may thereafter, in its discretion but subject to the provisions of subsections (2), (3) and (4)—

(a) grant such application in full; or

(b) grant such application in part; or

(c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or

(a) refuse such application.

[Sub-a. (1) amended by s. 12 *(a)* of Act No. 91 of 1980 and by Proclamation No. R.22 of 1996.]

(2) Any interested person—

(a) who applies therefor within the period prescribed by regulation—

(i) shall be allowed by the commission or the board concerned, as the case may be, to inspect free of charge the completed application form of the applicant, together with any other document which the applicant has submitted with his application form, and to make copies thereof, at the office of the commission or that board, as the case may be, where that application form or such other document is being kept;

(ii) may be provided by the commission or that board with copies of the application form in question and of any such other document, on payment of the fee prescribed by regulation;

(b) who desires to submit representations to the commission or the board concerned, as the case may be, objecting to or supporting any application mentioned in subsection (1), shall submit such representations *to* the commission or the said board, as the case may be, in the manner and within the time similarly prescribed, and the commission or that board shall take any representations so submitted into account in disposing of such application.

[Sub-s. (2) substituted by s. 12 (*b*) of Act No. 91 of 1980.]

(3) The commission or a board shall not under this section grant any application unless it is satisfied (the **onus** of proving which being upon the applicant)—

(a) that the applicant carries on the industry, trade or business in relation to which the application is made, at the place or places specified in the application, as contemplated in section **17** (1);

(b) that it would be unreasonable under the circumstances to expect the applicant to make use of any available railway service for the conveyance of the goods to which the application relates, notwithstanding that the railway tariffs concerned shall be deemed to be reasonable.

[Para. (*b*) substituted by s. 12 (*c*) of Act No. 91 of 1980.]

(4) In deciding whether an application for the grant, renewal or amendment of a private permit shall be granted or refused, and in determining conditions and requirements to which any such permit shall be made subject, the commission or a board shall give consideration to the promotion of economy in the use of petroleum fuel.

[Sub-s. (4) substituted by s. 12 (*d*) of Act No. 91 of 1980.]

(5) The commission or a board shall not consider an application for the renewal of a private permit granted for a fixed period unless the application, together with the fee prescribed by regulation in connection with that application, has been received by the commission or the board concerned, as the case may be, before the date on which that permit expires.

[Sub-s. (5) added by s. 12 (*e*) of Act No. 91 of 1980.]

(6) The commission or a board shall not consider an application for the grant of a private permit in respect of a motor vehicle with regard to which a private permit or a public permit has already been issued to some person other than the applicant.

[Sub-s. (6) added by s. 8 of Act No. 8 of 1983.]

19. Period of a private permit.—(1) The commission or a board may grant or renew any private permit for an indefinite period or, in its discretion, for such fixed period as it may determine.

(2) If, at the date on which a private permit granted for a fixed period expires, an application for its renewal is pending before the commission or the competent board, such permit shall continue in force until the application has been disposed of.

20. Application for a temporary permit and disposal thereof.—(1) Any person who desires to undertake road transportation of a temporary nature, shall in the manner prescribed by regulation apply to the commission or a competent board for the grant of a temporary road carrier permit authorizing him to undertake such road transportation upon a particular date or in connection with a particular occurrence, and the onus of proving the necessity for the intended road transportation shall be upon the applicant.

[Sub-s. (1) substituted by s. 13 (*a*) of Act No. 91 of 1980.]

(2) Subject to the provisions of this Act, the commission or a competent board shall receive and consider any application for a temporary road carrier permit made or referred to it thereunder, and may thereafter, in its discretion—

(*a*) grant such application in full; or

(*b*) grant such application in part; or

(c) grant such application in full or in part subject to such conditions or requirements as it may deem necessary; or

(*d*) refuse such application.

(3) The commission or a board shall not grant any application for a temporary permit if, in its opinion, reasonable transportation facilities exist by means of which the persons or goods in respect of which such permit is sought can be conveyed and if no justification exists, in all the circumstances of the case, for the consumption of petroleum fuel which the intended road transportation will occasion.

[Sub-s. (3) substituted by s. 13 (*b*) of Act No. 91 of 1980.]

(4) The commission or a board may grant a temporary permit for such fixed period not exceeding fourteen days as it may determine.

(5) The powers and duties of the commission or a competent board in terms of this section may. notwithstanding anything to the contrary contained in this Act, in such circumstances. or in respect of such categories of applications for temporary permits, as may be prescribed by regulation, be exercised or performed on its behalf by its chairman or any of its members or officials nominated for that purpose by its chairman.

[Sub-s. (5) substituted by s. 9 of Act No. 8 of 1983.]

21. Issue of a permit, and provisions thereof.—(1) Subject to the provisions of subsection (2), the commission or a board shall issue, in such manner as may he prescribed by regulation, any permit granted, renewed, amended or transferred by it in terms of this Act.

(2) The commission or a board shall not issue any public permit granted, renewed, amended or transferred by it in terms of this Act, unless—

(a) it is satisfied that every motor vehicle in respect of which such permit was so granted, renewed, amended or transferred, is suitable for the class of road transportation for which it is to be used; and

(b) in respect of each such motor vehicle a certificate of fitness issued under the law relating to the licensing and registration of motor vehicles in the province in question, on or after a date determined in the manner prescribed by regulation, or a copy of such a certificate authenticated in the manner so prescribed. has been submitted to it.

(3) Any permit issued by the commission or a board shall specify the following, namely—

(a) the name of the holder and his address, including, in the case of a holder who carries on any road transportation business, his business address, and in the case of a private permit, the address at which or a description of the place or places where, the industry, trade or business in respect of which the private permit was granted, is carried on;

(b) the period for which it was granted, if granted for a fixed period;

(c) the nature or class or classes of road transportation in respect of which it was granted, and the class or classes of persons or the class or classes of goods which may he conveyed under such permit or the class or classes of persons whose goods may be so conveyed, as the commission or board may in each case in its discretion determine;

(d) the registration number, make, chassis number, year of manufacture, type, seating or passenger capacity, and carrying capacity or gross vehicle mass of the motor vehicle in respect whereof it is issued;

[**Para.** *(d)* substituted by s. 10 of **Act** No. 8 of 1983.]

(e) the points between and the route or routes upon which or the area or areas within which the motor vehicle to which it refers may be used in road transportation, and if any restriction is imposed in connection with any transportation upon any portion of such route or routes or in any area or areas or in any portion of such area or areas, the points between or the area within which such restriction shall be applied and the conditions thereof;

(f) the manner in which tariffs, if approved or laid down by the commission or board, and which may in the discretion of the commission or board differ in respect of different classes of persons, shall be published or exhibited.

(4) In any permit issued by the commission or **a** hoard it may direct the holder thereof—

(a). to operate any motor vehicle to which the permit relates, according to a specified time table as approved or laid down by the commission or such hoard upon the grant of the permit or **as** altered from time to time in the manner prescribed by regulation;

(b) to employ for the operation of any motor vehicle to which the permit relates, only a specified class or specified classes of persons:

(c) to furnish the commission or such board with the name and address of every person authorized to advertise on behalf of such holder;

(d) to comply with any requirement or condition imposed under any other provision of this Act.

(5) Notwithstanding the provisions of sections 24 (2) and 42, the commission or a board may, and a board shall, if the commission so directs, in any public permit issued by it for the conveyance of more than one class of person, specify the following, namely—

(*a*) the portion or portions of the motor vehicle to which such permit relates which shall he set aside for the conveyance of any such class or classes of persons; and

(*b*) the form and manner in which the holder of such permit shall display on such motor vehicle a notice specifying the portion or portions so set aside; and

(*c*) the conditions on which the holder of such permit or any of his employees acting on his authority may, if authorized thereto in terms of such permit, vary any portion so set aside:

Provided that no matter shall be specified in terms of paragraph *(a)* or *(c)* in a public permit issued in respect of **a** motor vehicle which has been or will be operated regularly within the area of **a** local authority in terms of that permit. unless that local authority has been given an opportunity to submit representations in regard thereto in the manner and within the time prescribed by regulation.

22. Records **of** permits.—The commission and each board shall keep at its place of business a copy of every permit issued by it in terms of this Act and of every amendment made to any such permit, and shall allow any person who is in any way affected by such a permit or amendment, to inspect it and make copies of it free of charge, and may, at the request of such a person, furnish him with a copy of the permit concerned and every amendment thereof upon payment of the fee prescribed by regulation.

[S. 22 substituted by s. 11 of **Act** No. 8 of 1983.]

23. Additional authority conferred **by** a permit.—Any permit shall, in addition to the transportation expressly authorized by it, authorize also the conveyance of any person necessary in connection with such expressly authorized transportation.

23A. Temporary replacement **of** motor **vehicle** to **which** permit relates.—The commission or a member thereof designated by the chairman of the commission for that purpose, or the board which has granted the public or private permit concerned or the chairman of that board, may at will grant written permission for any motor vehicle of which the carrying capacity or the gross vehicle mass, in the case of a goods vehicle, the passenger capacity, in the case of **a** bus, and the seating capacity, in the case of a motor-car, **is** equal to or smaller than or does not exceed by more than 20 per cent that of a motor vehicle to which any public or private permit relates to be used for such fixed period not exceeding 21 days **as** it or he may determine, by the holder of the permit in question for the road transportation authorized by that permit, in place ofthc last-mentioned motor vehicle which has become defective or, due to **an** accident, has been temporarily withdrawn from service, and the first-mentioned motor vehicle shall thereupon, during the period referred to, for purposes of this Act be deemed to be the motor vehicle to which the permit in question relates.

[S. 23A inserted by s. **14** of **Act** No. **91** of 1980 and substituted by s. 12 **of** Act No. 8 of 1983.]

24. Duties **of** the holder **of a** permit.—(I) The holder of a permit shall—

(*a*) except where the commission has directed otherwise, carry the written permission referred to in section 23A, if any, and the permit on the motor vehicle to which they relate, and produce them on demand to any authorized officer;

[**Para.** *(a)* substituted by s. 15 of Act No. **91 of** 1980.]

(*b*) keep the permit in such a condition that all letters and figures on it are clearly legible and, if the permit is damaged or ceases to be clearly legible, apply for **a** duplicate in the manner prescribed by regulation;

(*c*) in the case of a public permit or private permit (except such a permit issued in respect of such classes of road transportation as the cornmission or the

board concerned may in its discretion determine), cause the name, address and nature of the business of such holder, and, in the case of a public permit issued for the conveyance of only one class of persons, a notice specifying such class of persons, to be borne on the motor vehicle to which the permit relates, in a conspicuous place, in such manner as may be prescribed by regulation or in such other manner as the commission or the hoard concerned may in any particulai- case approve in writing;

(*d*) exhibit such other particulars as may be prescribed by the commission or the board concerned in its discretion;

(*e*) in the case of a public permit or a private permit, affix and keep affixed in the manner prescribed by regulation, a distinguishing mark on any motor vehicle used in road transportation in terms of such permit.

(2) A permit issued by the commission or a hoard under this Act—

(a) shall not authorize the holder thereof to undertake road transportation over any public road within the area ofjurisdiction of a municipal council, city council or town council, if it is unlawful under any ordinance, regulation or by-law in force in such area, or as a result of any action taken by such municipal council, city council or town council under any such ordinance, regulation or by-law, to use a motor vehicle on that road or to undertake on that road any transportation of the class to which such permit relates;

(*b*) shall not exempt the holder thereof from the obligation to comply with any requirement imposed upon him under any other law or under any licence or permit issued by any other authority.

25. Withdrawal, suspension **or variation of a** permit.—(1) Subject to the provisions ofsubscction (2), the commission or a competent hoard may at any time—

(*a*) withdraw, or suspend for such period as it may deem fit, any public permit or private permit granted by it—

(i) if the holder of such permit or any employee of such holder has been convicted of any offence under this Act or under any law relating to motor vehicles or the regulation oftraffic, or, in the case of such a holder who carries on a road transportation business, of a contravention or failure to comply with the provisions of any determination, agreement, award, licence or exemption which relates to remuneration for work or hours of work and which is in terms of any law binding upon such holder as an employer, and upon his employees in such business; or

(ii) if, in the opinion of the commission or the board concerned, the holder of such permit has not carried out faithfully the conditions or requirements of such permit; or

(*b*) in its discretion withdraw, or suspend for such period as it may deem fit, any permit, if the circumstances under which such permit **was** granted have materially changed; or

(*c*) if the commission or that board for any other reason (including the promotion of economy in the use of petroleum fuel), deems it necessary, of its own accord cancel or vary any condition or requirement of, or add any condition or requirement to, or define, redefine, curtail or otherwise amend, the authority contained in any public or private permit granted by it.

[Para. (*c*) substituted by **s.** 16 *(a)*of **Act** No. 91 of 1980 and by **s.** 13 **of Act** No. 8 of 1983.]

(2) The commission or a hoard shall not under subsection (1) withdraw or suspend any public permit or any private permit, or cancel or vary any condition or requirement of. or add any condition or requirement to, or amend, the authority contained in any such permit, unless—

(*a*) at least twenty-one days' written notice of its intention to do *so,* together with the reasons therefor, has been given to the holder of such permit by registered or certified post; and

(*b*) such holder has been given an opportunity, either personally or through his duly authorized representative, to appear before the commission or the board concerned and adduce evidence and submit representations in regard to the proposed action; and

(*c*) in the case of a public permit authorizing the daily conveyance of persons within or to or from the area of jurisdiction of a local authority, such local authority has been given an opportunity to submit representations, in the manner and within the time prescribed by regulation, to the commission or the hoard concerned in regard to the proposed action.

[Para. (*c*) substituted by s. 16 (*b*) of Act No. 91 *of* 1980.]

26. Withdrawal or amendment **of** a public permit on establishment **of** railway service.—(I) If a railway service is established between any two places or areas after the grant by the commission or a board of a public permit which authorizes the conveyance of persons between the places or areas in question, the commission, acting with the approval of the Minister but without being obliged to give prior notice to any other person, may by written notice to the holder of such permit—

(*a*) withdraw such permit; or

(*b*) amend such permit by withdrawing or curtailing the authority conferred by it for the said conveyance,

on the ground of the establishment of such railway service, and with effect from a date not earlier than **six** months after such railway service commences operations.

(2) **A** notice under subsection (1) shall be sent to the holder concerned by registered or certified post, and shall require him to submit his claim for compensation under subsection (4), setting out in detail bow the amount claimed is made up and substantiated by three separate sworn appraisements, to the commission not later than ninety days after the date on which the withdrawal or amendment of his permit becomes effective or within such further period **as** the commission may allow.

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(3) If a public permit has been withdrawn or amended under subsection (1), no public permit which will have the effect of replacing or substantially replacing the transportation which was authorized under such permit before its withdrawal or amendment, shall be granted under this Act unless the commission is of the opinion that it is in the public interest to grant such a permit.

(4) Any person who was or is the holder of a public permit withdrawn or amended under subsection (I), shall be entitled to compensation in terms of this section for the loss he has suffered or is likely to suffer as a result of the withdrawal or amendment.

(5) The amount of such compensation shall, subject to the provisions of subsection (6). be determined by the Minister with the concurrence of the Minister of Finance, but shall not include any amount for the loss of possible profits in respect of any period more than twelve months subsequent to the date with effect from which the permit was withdrawn or amended.

(6) If any person entitled lo claim compensation under subsection (4) is not prepared to accept the amount determined under subsection (5) and offered to such person in settlement of his claim, the amount of such compensation shall be determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), by an arbitrator or arbitrators appointed in the manner prescribed by regulation.

(7) Interest at such rate as may, on the date upon which the permit concerned was withdrawn or amended, be applicable to loans in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall with effect from such date be payahle on the amount of compensation determined in terms of subsection (5) or (6), as the case may be.

26A. Compensation where railway service is established in competition **with bus service.**—(1) A holder of a public permit which authorizes the conveyance of persons between two places or areas may, after the establishment of a railway service between the places or areas concerned and if that permit has not been withdrawn or amended under section 26, submit a claim for compensation to the commission for the loss he has suffered or is likely to suffer as a result of the establishment of the railway service.

(2) Such a claim for compensation shall be submitted to the commission not later than 180 days after the establishment of the railway service concerned and shall set out in detail how the amount claimed is made tip and shall be substantiated by three separate sworn appraisements.

(3) If the Minister deems it necessary that compensation be paid, he shall, with the concurrence of the Minister of Finance and subject to the provisions of subsection (4), determine that cornpensation, which shall not include any amount for the loss of possible profits in respect of any period more than twelve months subsequent to the date with effect from which the railway service concerned has been established.

(4) The provisions of subsections (6) and (7) of section 26 shall *mutatis mutandis* apply with respect to the amount of compensation determined under subsection (3).

[S. 26A inserted by s. 14 of Act No. 8 of 1983.]

27. Functions of certain committee.—Before any railway service is established as contemplated in section 26 (1) and whenever the contemplated transportation service concerned has been approved by the competent authority, the committee appointed under section 2 (*h*) may, irrespective of whether a notice bas been sent in terms of section 26 (2), consult with the holder concerned and any other interested person and exercise or perform any of the powers or duties prescribed by regulation in relation to the change-over, contemplated in section 26, from road transport to transport by rail.

28. Withdrawal or substitution of a public permit after inquiry.—(I) Whenever the Minister has reason to believe that, in order to bring about improvements in transportation facilities within any area or over any route, or for any other reason, it may be expedient in the public interest that any public permit be withdrawn or that any such permit be withdrawn and in lieu thereof one or more such permits be issued to a person other than the

holder of such permit, the Minister may cause a public inquiry in regard to the position to be instituted by the commission or by a member of the commission.

(2) Notice of such an inquiry shall be given in the manner prescribed by regulation, and all interested persons shall be afforded an opportunity to attend and to be heard at the inquiry.

(3) The commission or the member thereof concerned shall in connection with the institution of the inquiry have due regard to the provisions of section **15** (1).

(4) After consideration of the report submitted to him in pursuance of any such inquiry and, in the case of an inquiry instituted by a member of the commission, of **a** recommendation by the commission, the Minister may, subject to the provisions of subsection (5), direct—

(a) that the permit which was the subject of the, inquiry be withdrawn; or

(*b*) that such permit be withdrawn and that in lieu thereof one or more public permits be issued to a person or persons other than the holder of such permit,

and any such direction shall take effect upon a date to he determined by the Minister and notified in writing to the persons concerned, not being less than one month or more than twelve months after the date of the notification.

(5) The Minister shall not give any direction under subsection (4) unless—

(a) if any such permit is to be withdrawn and no public'permit is to be issued in lieu thereof to any other person, the person or persons (to be designated by the Minister) providing transportation within the area or over the route in or over which transportation is being provided by the person whose permit is to be withdrawn; or

(b) if any such permit is to be withdrawn and one or more public permits are to be issued in lieu thereof to any other person or persons, that other person or those other persons,

have given an undertaking to the satisfaction of the Minister to compensate the person whose permit is to be withdrawn for the **loss** he is likely to suffer as a result of the withdrawal ***of*** that permit.

(6) The amount, of the compensation payable in terms of subsection ***(5)*** shall, in the absence of agreement between the. parties concerned, be determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), hy an arbitrator or arbitrators appointed, in the manner 'prescribed by regulation, but shall not include any amount for the loss ***of*** possible profits in respect of any period **more** than twelve months subsequent to the date of withdrawal of the permit in question.

29. Lapsing **of certain** permits.—(I) If the commission or the competent board has by written notice sent by registered or certified post to the holder of a public permit or **a** private permit required him, at any time after the issue of the permit, to commence the road transportation in respect of which the permit in question was granted, before a date specified in such notice or such later date as the commission or the board concerned may allow in writing, the permit in question shall lapse on the date so specified or, as the case may be, on such later date, unless the commission or that board has in writing declared itself satisfied that such holder has commenced such road transportation before the date in question.

(2) ***(a)*** A private permit shall lapse upon the holder ceasing to carry on the industry, trade or business in respect of which the permit was granted, at the place or places specified in such permit in accordance with the provisions of section 21 (3) (*a*).

(b) If two or more places are specified in such permit as aforesaid and the holder ceases to carry on such industry, trade or business at any of those places while conlinuing

it at the other or others, the authority conferred by such permit with reference to the place or places where the industry, trade or business is no longer carried on, shall lapse,

(3) *(a)* If any person acquires, without the prior approval, obtained in the manner prescribed by regulation, of the commission or the competent board, a controlling interest in a company after a public permit has been granted or issued to such company, such granting of such permit shall, notwithstanding the provisions of section **21,** lapse, or such permit which has been issued shall lapse with effect from the date of such acquisition of a controlling interest, as the case may be.

(6) Any permit which has lapsed in terms of paragraph *(a),* together with the distinguishing mark required in respect of any motor vehicle to which that permit relates, shall within seven days after the permit has so lapsed, be returned by the company to which it was issued by registered or certified post to the commission or competent board, **as** the 'case may be.

(c) In considering an application for the approval of the acquisition of a controlling interest in **3** company to which a public permit has been granted or issued, the commission or the competent board shall take into account—

(i) whether such acquisition is likely to create any monopolistic situation which will not be expedient in the public interest;

(ii) any other permit held by the applicant;

(iii) the interests which the applicant has in any other transportation undertaking;

(iv) the interests which the applicant has in any other company, partnership, industry, trade or business;

(v) the provisions of section 15(1);

(vi) any other factor which in the opinion of the commission or board may affect the question whether it is desirable to grant such application.

(d) Any company which contravenes any of the provisions of paragraph *(b),* shall be guilty of an offence and on conviction liable to a fine not exceeding fifty rand.

(e) For the purposes of paragraph *(a)* the expression "controlling interest", in relation to a company, means any interest held in that company by any other company by virtue of which such other company is, in relation to the first-mentioned company, a controlling company as defined in the Companies Act, 1973 (Act No. 61 of 1973), and includes any like interest held in that company by any natural person.

30. Regulations.—(I) The Minister may make regulations—

(a) with reference to—

(i) the information to be submitted with any application to the commission or a board for the grant, renewal, amendment or transfer of any permit;

(ii) the procedure to be followed by the commission or a board in dealing with any such application;

(iii) the information to be submitted with any appeal to the commission against an act, direction or decision of a board;

(iv) the information to be supplied by a board to the commission or the appellant in connection with any such appeal, and the manner in which and time within which such information shall be supplied;

(v) the procedure to be followed by the commission in dealing with any such appeal;

(6) requiring the payment of fees in connection with—

(i) any application to the commission or a board for the grant, renewal, amendment or transfer of a permit; or

(ii) any appeal lo the commission against an act, a direction or a decision of a board; or

(iii) the issue by the commission or **a** board of any permit, distinguishing mark or other document or any duplicate thereof,

and prescribing the amount of any such fee, the circumstances in which any amount paid by way of such fee shall be forfeited or refunded in whole or in part, the amount of any such partial refund and the circumstances in which any amount *so* paid may in the discretion of the commission or **a** board be forfeited in whole or be refunded in whole or in part;

(*c*) requiring the payment of an annual fee in respect of any permit granted or renewed for an indefinite period or for **a** period in excess of twelve months, and prescribing the amount of any such fee and the times at which and manner in which it is to be paid

(*c*A) empowering the commission or a board in any case in which it deems it necessary or expedient, lo require that in addition to the fees contemplated in paragraphs (*b*) and (*c*) an amount, not exceeding an amount prescribed by regulation, be paid by a person who has applied for a permit or submitted representations objecting to or supporting such an application, before the commission or the board considers such application or representations, and prescribing the circumstances in which an amount *so* paid shall be forfeited or refunded in whole or in part, the amount of such partial refund, and the circumstances in which any amount so paid may in the discretion of the commission or the board be forfeited in whole or be refunded in whole or in part;

[Para. (*c*A) inserted by s. 15 (*a*) of Act No. 8 of 1983.]

(*d*) prescribing the powers of the commission or **a** board upon the failure by any person to pay any fee prescribed under paragraph (*b*) or (*c*), including the power to refuse to consider the application (except an application referred to in section **13** (2) (*b*A) or (*b*B) of 18 ***(5))*** or appeal in question or issue the document in question, or to suspend or withdraw the permission in question:

[Para. *(d)* substituted by s. 17 of Act No. 91 of 1980.]

(*e*) prescribing the circumstances in which the commission or a board may issue without charge any permit or distinguishing mark or a duplicate thereof;

(*f*) prescribing specifications and requirements to which any motor vehicle used in road transportation for-the conveyance of persons or specified goods shall conform, and prohibiting the use in road transportation for such purpose of any motor vehicle which does not conform to such specifications or requirements;

(g) prescribing the manner in which any distinguishing mark, identification, permit, notice or other document or writing which is required to be displayed or carried on or in any motor vehicle in terms of this Act or any condition or requirement imposed thereunder, shall be so displayed or carried, and the position thereof on or in such motor vehicle;

(*h*) for the surrender **or** production to the commission or a board, under specified circumstances or at the request of the commission or a board, of **a** permit that has expired or lapsed or has been withdrawn or suspended in terms of this Act or of which the provisions do not correspond with the authority as contained in the decision of the commission or the board concerned, or in respect of which the authority has been amended;

[Para. (*h*) substituted by s. 15 (*b*) of Act No. 8 of 1983.]

(*i*) empowering authorized officers to seize by order of the commission or a board. any permit that has expired or has been withdrawn or suspended in terms of this Act:

(*j*) prescribing records to be kept by any person engaged in road transportation, as well as by any person or categories of persons contemplated in section 1 (2). and returns and information to be submitted by any such person to the commission or any board or any other person or department of State, and providing for the registration of such a person with the commission, a board or any other person or department of State;

[Para. (*j*) substituted by s. 18 (*c*) of Act No. 8 of 1983.]

(*k*) prescribing the powers and duties of authorized officers, including the manner in which and the conditions upon which motor vehicles that are locked or sealed, may be forced open by authorized officers in order to inspect the load;

(*l*) empowering any inspector or any member of the South African Police to seize any motor vehicle suspected on reasonable grounds to have been used in unauthorized road transportation, and any goods upon such motor vehicle, and providing *for* the manner in which a motor vehicle and goods so seized shall be dealt with pending the disposal of criminal proceedings in respect of such unauthorized road transportation;

(*m*) pi-escribing the nature and form of any distinguishing mark, identification, permit, notice or other document or writing issued or required in terms *of* this Act, including the form, shape, sire and colour of, and the information to be contained in, any such distinguishing mark, identification, permit, notice or other document or writing, or empowering the commission to prescribe the form thereof;

(*n*) prescribing fees or allowances payable to any person who has been required under section 9 (1) *(h)* to appear before the commission or a board to give evidence or to produce any book, plan or other document or article;

(*o*) prescribing or otherwise dealing with any matter which in terms of any other provision of this Act is required to be or may be prescribed or otherwise dealt with by regulation;

(*p*) generally for the better carrying out of the provisions and objects of this Act.

(2) The Minister shall not under subsection (1) *(h). (c)* or *(n)* prescribe any fee or allowance or any circumstance in which any fee shall or may be refunded or the amount of an) refund. except with the concurrence of the Minister of Finance.

(3) Regulations made under subsection (1) may prescribe for any contravention thereof or any failure to comply therewith, penalties not exceeding those prescribed by section 35.

(4) Different regulations may be made under subsection (1) in respect of different permits, areas, places, classes of motor vehicles, forms, classes of road transportation, circumstances in which, times during which or purposes for which any motor vehicle is used in road transpoi-tation.

31. Offences and prohibitions ***relating to*** road transportation. — (I) Any person who—

(*u*) undertakes road transportation except under the authority of a permit authorizing such road transportation: or

(*11*) being the holder of a permit, undertakes road transportation otherwise than in accordance with the provisions of such permit, or. subject to the provisions of section 12A, contravenes or fails to comply with any condition or requirement of a permit or any provision of section 24: or

[Para. (*h*) substituted by s. 18 (*a*) of Act No. 91 of 1980.]

(*c*) being the holder of **a** public permit authorizing the conveyance of persons or goods for reward—

(i) refuses without sufficient reason (the onus of proofwhereof shall bc upon him) to convey any person or goods which such permit authorizes him to convey; or

(ii) subject to the provisions of section 12A, makes any charge for such conveyance which is not in accordance with any tariff set forth in such permit or which he may have been required to publish in terms of such permit; or

[Sub-para. (ii) substituted by s. 18 (*b*) of **Act** No. 91 of 1980.]

(iii) claims or accepts for such conveyance any remuneration other than money; or

(*d*) being the holder of a permit authorizing the conveyance ofgoods, contravenes any prohibition contained in a notice published in the *Gazette* under section 2 (*f*), (*g*) or (*gA*); or

[Para. (*d*) substituted by s. I6 *(a)* of Act No. 8 of 1983.]

(*e*) being the holder of a permit or undertaking conveyance which is excluded in terms of section I (2) from the definition of "road transportation", contravenes any prohibition contained in **a** proclamation contemplated in section **43** (1) (*d*) or (*e*); or

[**Para.** (*c*) inserted by s. 16 (*b*) of **Act** No. 8 of 1983.]

(*f*) being the holder of a permit, makes that permit available to any other person to undertake road transportation not authorized under this Act,

[Para. (*f*) inserted by s. 16 (*b*) of Act No. 8 of 1983.]

shall be guilty of an offence.

(2) The holder of a permit—

(*a*) shall not be convicted under paragraph (*b*) of subsection (1) in respect of any contravention of or failure to comply with **a** provision, condition or requirement of his permit ifadherenceto or compliance with the provision, condition or requirement in question would have constituted the offence 'contemplated in paragraph (*d*) or (*e*) of that subsection;

[Para. (*a*) substituted by s. 16 (*c*) of Act No. 8 of 1983.]

(*b*) shall not be convicted under paragraph (*c*) (i) of that subsection in respect of any refusal to convey if, at the time of such refusal, he had discontinued the road transportation authorized by his permit or any part of such road transportation after having given such notice as may be prescribed by regulation. and, where part only of such road transportation has been so discontinued, the refusal related to the part so discontinued.

(3) Whenever the holder of a permit is charged with having conveyed, by means of the motor vehiclc to which that permit relates; any person whom he is not in terms of that permit authorized lo convey or by virtue of any law obliged to convey. or with having conveyed in any portion of the motor vehicle to which that permit relates, any person who is not a member of a class of persons for the conveyance of whom that portion has in terms of that permit been required to be set aside, it shall be **a** defence to the charge to prove that—

(*a*) the person so conveyed entered that vehicle or that portion of such vehiclc, as the case may be, without the knowledge of or in spite of objection by the conductor or other person in charge of such vehicle, and refused or failed on heing requested thereto by that conductor or othcr person to leave that vehicle or that portion of such vehicle, as the case may be. and that such conductor or othcr person reported the circumstances together with the name and address of tlie person so conveyed, to a police officer or, if that person refused

on demand to furnish his name or address, made **a** statement to that effect to a police officer, at the first reasonable opportunity; or

(*b*) the said conductor or other person could not reasonably have known that the persoii ***so*** conveyed was not a member of a class of person whose conveyance in that vehicle or in that portion of such vehicle, as the case may he, was authorized in terms of that permit.

(4) No person shall, without authority in writing granted by the commission or a board. make known whether by means of a notice published in **a** newspaper or in any othcr manner—

(*a*) that he is willing to undcrtake road transportation, unless he is the holder of **a** permit which authorizes such conveyance; or

(*b*) that any other person is willing to undertake road transportation, unless such other person is the holder of a permit which authorizes such conveyance and the first-mentioned pcrson has been authorized by such other person to advertise his willingness to undertake such conveyance, and the advertisement in question discloses the name of such other person.

(5) Any person who contravenes any provision of subsection (4), shall be guilty of an offence.

32. Offences by persons **not** authorized **to** he conveyed **by** the holder **of a public permit.**—(1) Any person (except a person whom the holder of a public permit is in terms of that permit authorized to convey or by virtue of any law obliged to convey) who enters the motor vehicle to which that permit relates in spite of objection by the conductor or othcr person in charge of that vehicle or who, having entered any such vehicle, refuses or fails to leave it on being requested to do so by that conductor or other person, may he forcibly removed therefrom by a police officer, and shall in addition be guilty of an offence and on conviction liable to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months.

(2) Any person (except a person who is a member of a class of persons for whose conveyance any portion of **a** motor vehicle has been set aside in accordance with the conditions specified in any public permit issued in respect of that vehicle) who enters that portion in spite of objection by the conductor or other pcrson in charge of that vehicle, except for the purpose ***of*** gaining access to a portion of such vehicle which has not been so set aside for the conveyance of persons other than persons of the class to which hc belongs. or for the purpose of alighting from such vehicle, or who, having so entered any such portion, refuses or fails to leave it on being requested to do ***so*** by that conductor or oihcr person, may be forcibly removed therefrom by a police officer, and shall in addition be guilty ***of*** an offence and on conviction liable to a fine not exceeding fifty rand or in default of payment to imprisonment for **a** period not exceeding three months.

33. Offences generally.—Any person who—

(a) with intent to deceive, makes any writing falsely purporting to he a permit or othcr documcnt issued under this Act, or alters or defaces or mutilates or adds anything to a permit or other document issued under this Act; or

(*b*) knowing that any such writing is not **a** permit or document issued under this Act, or that any pcrmit or othcr document issued under this Act has been altered, defaced, mutilated or added to in contravention of the provisions of paragraph *(a),* utters such writing, permit or other document or uses it for the purposes of this Act; or

(c) cxcept as specially provided in this Act, transfers any permit or distinguishing mark, without the consent in writing of the commission or the competent

board, to any motor vehicle or person other than a motor vehicle or person referred to or named in such permit or distinguishing mark or

(d) not being an inspector, by words, conduct or demeanour pretends that he is an inspector; or

(*e*) wilfully obstructs or hinders or interferes with an inspector in the exercise of his powers or the performance of his duties; or

(*f*) without sufficient reason (the onus of proof whereof shall be upon him) fails or refuses to appear before the commission or a board or a member thereof after having been required under section 9 (I) (*b*) or (*c*) to *so* do, or, having **so** appeared, fails or refuses to answer to the best of his knowledge any question lawfully put to him or to produce any book, plan or other document or article which he bas been so required to produce; or

(*g*) in connection with any application, appeal, inquiry or investigation under this Act makes any false statement, whether orally or in writing, knowing it to be false; or

(h) with intent to deceive, prepares any document for use in connection with road transportation containing an incorrect description of the goods concerned, knowing that description to be incorrect; or

[Para. (*h*) inserted by s. 17 of ***Act*** No. 8 of 1983.]

(*i*) obtains a public permit or a private permit from the commission or a board knowing that a public permit or private permit has already been issued to some other person in respect of the vehicle concerned,

[Para. (*i*) inserted by s. 17 of ***Act*** No. 8 of 1983.]

shall be guilty of an offence.

34. Act or omission *of* a manager, agent or employee *of* the holder **of** a permit.—(I) Whenever any manager, agent or employee of the holder of a permit does or omits to do any act which it would be an offence under this Act for such holder to do or omit to do, then, unless such holder proves that—

(a) he did not connive at or permit such act or omission; and

(b) he took all reasonable measures to prevent an act or omission of the nature in question; or

(c) an act or omission, whether legal or illegal, of the character of the act or omission charged did not under any conditions or in any circumstances fall within the scope of the authority or the course of the employment of such manager, agent or employee,

such holder shall be deemed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and for the purposes of paragraph (*b*) the fact that he forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he took all reasonable measures to prevent such act or omission.

(2) Whenever any manager, agent or employee of any such holder does or omits to do any act which it would be an offence under this Act for such holder to do or omit to do, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he were such holder.

35. Penalties.—Any person convicted of an offence under this Act for which no other penalty is expressly provided, shall be liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[S. 35 substituted by s. 18 of **Act** No. 8 of 1983.]

36. Forfeiture.—(1) The court convicting any person of an offence under this Act involving the undertaking of unauthorized road transportation or of an offence under section 31 (I) (*e*) may, and shall on a third and each subsequent conviction of such an offence, declare the motor vehicle used in such transportation and any goods conveyed thereon without authority, or the convicted person's rights in such motor vehicle or goods, in the case where proceedings were instituted by an inspector designated in terms of section 11 (I), to be forfeited to the State, and in any other case to be forfeited to the province concerned, or if two or more provinces are involved, to be forfeited in equal share of the value thereof to each of the provinces concerned: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the motor vehicle or goods in question, if it is proved that such other person did not know that the said motor vehicle was being or would be used in unauthorized road transportation or that he could not prevent such use, or that such other person did not know that the transportation of the said goods constituted or would constitute unauthorized road transportation or that he could not prevent the undertaking of such transportation.

[Sub-s. (I) **amended by s.** 19 (*a*) of **Act** No. **8** of **1983 and by** Proclamation No. **R.22** of 1996.]

(2) Section 35 (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall *mutatis mutandis* apply with reference to any forfeiture under subsection (1) of this section.

[Sub-s. (2) substituted by s. 19 (*b*) of **Act** No. **8** of **1983.1**

37. Effect **of third or** subsequent conviction **of** certain **offences.**—(1) On a second **or** subsequent conviction of **a** person of an offence involving the undertaking of unauthorized road transportation (whether under section 31 (1) or under the corresponding provisions of a law repealed by section 47) the commission or a board may, and **a** hoard, if so directed by the commission, shall —

(*a*) by notice in writing sent by registered or certified post, summarily withdraw any permit held by that person and issued by the commission or the board concerned; and

(*b*) during such period as the commission or the board concerned may deem fit, **or** where such hoard is acting under a direction given by the commission, during such period as the commission may indicate or until the commission directs otherwise, and irrespective of whether or not any permit held by that person has been withdrawn under paragraph (*a*), refuse to consider any application for the grant or transfer of a permit to him or to a company of which he is a director, or for the renewal of a permit held by him or such a company.

[Sub-s. (1) amended by s. 20 of Act No. **8** of **1983.]**

(2) For the purposes of subsection (1) any conviction of a company of an offence mentioned in that subsection shall be deemed to he **a** conviction also of every person who was a director of that company at the time of the commission of the offence in question.

38. Presumptions, and proof **of** certain **facts.**—(1) In any prosecution under this Act —

(*a*) any person who has conveyed any person or any goods by means of a motor vehicle, or who has permitted the conveyance by such means of any person in addition to the driver of the motor vehicle, or of any goods, shall be presumed thereby to have undertaken road transportation, unless the contrary is proved;

(*b*) if it is proved that any person was or any goods were conveyed in contravention of the provisions of section 31 (1) (*a*) by means of a particular motor vehicle, the owner of that motor vehicle shall be presumed to have so conveyed such person or goods, unless it is proved that he was not the driver of the motor vehicle at the time of the conveyance in question and did not authorize or permit the use of the motor vehicle for such conveyance;

(*c*) if it is proved that any goods were conveyed in contravention of the provisions of section 31 (1) (*a*), the consignor and the owner of such goods, and any person who acted on behalf of such consignor or owner, shall be presumed *so* to have conveyed such goods, unless it is proved that such consignor, owner or person did not know that such goods, were being so conveyed or could not prevent such goods from being so conveyed;

(*d*) any person in whose possession any writing falsely purporting to be a permit issued under this Act is found, or in whose possession any permit which has been altered, defaced, mutilated or added to in contravention of the provisions of section 33 (a) is found, shall be presumed to have made such writing or to have altered, defaced, mutilated or added to such permit, unless the contrary is proved;

(*e*) if it is proved that any person undertook road transportation in contravention of the provisions of section 31(1) in that he conveyed goods of which the conveyance was not authorized hy a permit, or otherwise than in accordance with the provisions of a permit, it shall be presumed that such person knew what the goods concerned were, unless it is proved that in spite of proper care taken by him he could not have known.

[Para. (*e*) added by s. 21 of Act No. *8* of *1983.1*

(2) Any document which purports to be a permit issued under this Act, or a copy of such a permit certified as a true copy by a person who purports to be an officer of the commission or board which issued the original permit, shall on its production by any person in any prosecution under this Act, be admissible in evidence and be *prima* facie proof that it is such a permit which has been validly issued under this Act, or that it is a hue copy of such a permit, as the case may be, and that every statement contained therein is correct.

(3) Any document which states that a motor vehicle described therein is, under the relevant law relating to the registration of motor vehicles, registered in the name of a person named therein, and which purports to have been issued by the authority charged with the registration of motor vehicles under the said law at the place where such motor vehicle is registered thereunder, shall on its production by any person in any prosecution under this Act, be admissible in evidence and be prima facie proof of the correctness of the statements contained therein

39. Jurisdiction. — A magistrate's court shall have jurisdiction to impose any penalty provided for in this Act.

40. Limitation **of liability.**—(1) Any authorized officer or the employer of any authorized officer shall not be liable by reason of any act done in good faith by any authorized officer or the employer of any authorized officer in terms of this Act.

(2) The holder of a public permit or any employee of such holder who is in charge of the motor vehicle to which such permit relates, shall not be liable by reason of any act done in good faith by such holder or employee in accordance with any condition or requirement, contained in that permit, relating to the conveyance in such vehicle or any portion thereof of a particular class of persons.

[S. 40 substituted by s. *16* of Act No. *88* of 1996.]

41. Finance.—(1) All moneys received by the commission or a board under this Act shall, in the case of a board, be paid into the Provincial Revenue Fund concerned, and in the case of the commission, be paid into the State Revenue Fund, and all expenditure incurred in the administration of this Act shall be defrayed from moneys appropriated out of **the** fund Concerned by the provincial legislature or by Parliament, as the case may be: Provided that any expenditure incurred in connection with the performance of the functions of an authorized officer, shall be defrayed by the employer **of** such authorized officer.

[Sub-s. (1) amended by Proclamation No. R. 22 of 1996.]

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(2) The provisions of the proviso to subsection (1) shall apply *mutatis mutandis* in respect of any expenditure incurred in connection with the performance of the functions of an authorized officer in terms of any law repealed by section 47.

42. Relation **of** Act to other laws.—The provisions of this Act shall be additional to and not in substitution of any other law relating to motor vehicles.

43. Application of Act by notice in respect **of** conveyance **to** or from **a** country or territory bordering on the Republic.—(I) The Minister may by notice in the *Gazette*—

(a) declare that the provisions of sections 17 and 18 shall apply with such additions, exceptions, amendments and adjustments and subject to such conditions or requirements as may be set out in the notice, to any application made to the commission or a competent board by a person who carries on any industry, trade or business, or an industry, trade or business of a class or category specified in the notice, in a country or temtory bordering on the Republic and specified in the notice; or

[Para. *(a)* amended by s. 47 of Act No. 97 of 1986.]

(*b*) direct the commission and any competent board to grant, notwithstanding anything to the contrary contained in this Act but subject to such conditions or requirements **as** may be set out in the notice or as the commission or the board concerned may deem fit to impose, any application made to it for a public permit or temporary permit for the conveyance, over a route specified in the notice, between a railway station **so** specified which is situated in the Republic and any place so specified which is situated at or near the border between the Republic and any other country or temtory and which is a port of entry as defined in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972), of persons proceeding to or from, or of goods destined for or emanating from, such other country or territory;

[Para. (b) amended by s. 47 of Act No. 97 of 1986.]

(*c*) notwithstanding anything to the contrary contained in this Act, prohibit the cornmission and any competent board from considering any application for a permit for the conveyance of persons, goods or a category of goods to or from a specified place or area or between specified places or areas **as** specified in the notice;

[Para. (*c*) added by s. 22 of Act No. 8 of 1983 and amended by s. 47 of Act No. 97 of 1986.]

(*d*) notwithstanding anything to the contrary contained in this Act or the permit concerned, prohibit any holder of a permit to convey persons, goods or a category of goods to or from a specified place or area or between specified places or areas **as** specified in the notice;

[Para. (*d*) added by s. 22 of Act No. 8 of 1983 and amended by s. 47 of Act No. 97 of 1986.]

(*e*) notwithstanding anything to the contrary contained in this Act, prohibit the conveyance to or from a specified place or area or between specified places or areas of goods which or persons who are in terms of section 1 (2) excluded from the definition of "road transportation".

[Sub-s. (1) amended by ss. 46 and 47 of Act No. 97 of 1986. Para. (*e*) added by s. 22 of **Act** No. 8 of 1983.]

(2) The Minister may by notice in the *Gazette* at any time amend or repeal a notice issued under subsection (1).

[Sub-s. (2) amended by ss. 46 and 47 of Act No. 97 of 1986.]

(3) Any reference in this Act to a private permit shall be construed **as** including a reference to a private permit granted under section 18 as applied under subsection (1) of this section.

44. Agreement with government of country or territory bordering on the Republic.—(1) The Minister may enter into an agreement with the government of any country or territory with reference to—

(a) the manner in which and conditions upon which inhabitants of such a country or territory shall apply to the commission or a board for the grant, renewal, amendment or transfer of permits;

(*b*) the procedure to be followed by the commission or a board upon the receipt of an application referred to in paragraph *(a)* and the factors to be taken into account in deciding whether such application shall be granted or refused and also in determining the conditions and requirements to which such permit shall be made subject;

(*c*) the circumstances in which and the conditions on which permits may or shall be granted to inhabitants of such a country or territory for the conveyance of persons or goods from one such country or temtory to another such country or temtory over the temtory of the Republic,

and when an agreement has been so entered into with the government of such a country or temtory, any application in respect of a permit received by the commission or a board from an inhabitant of a country or temtory concerned in terms of such agreement shall, notwithstanding anything to the contrary contained in this Act, be disposed of in terms of such agreement.

[Sub-s. (1) amended by s. 23 of Act No. 8 of 1983.]

45. . . . . . .

[S. 45 repealed by s. 36 (6) of Act No. 9 of 1989.]

46. . . . . . .

[S. 46 repealed by Proclamation No. 24 of 1990.]

47. Repeal of laws.—Subject to the provisions of section **48,** the laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

48. Transitional provisions.—(I) *(a)* Subject to the provisions of subsections **(2)** and (3), any local transportation area or local road transportation board proclaimed or established, and any appointment, designation, regulation, notice or document made, published or issued, or any other thing done, under any provisions of a law repealed by section *41,* shall be deemed to have been declared, established, made, published, issued or done under the corresponding provisions of this Act.

(*b*) For the purposes of paragraph (*a*)—

(i) any motor carrier certificate or exemption from the obligation to take out a motor carrier certificate, which was issued under a law repealed by section 47, and which, according to the nature of the road transportation authorized by it, could be granted and issued under this Act, as a public permit or a private permit or a temporary permit, shall be deemed to be a public permit or a private permit or a temporary permit, as the case may be, granted and issued under the relevant provisions of this Act; and

(ii) any application for the issue or grant of such a certificate or exemption which has not been disposed of at the commencement of this Act, shall be deemed to be an application under this Act for the grant of the appropriate permit.

(2) The Minister, acting upon the recommendation of the commission, may at any time by notice in the Gazetteand with effect from a date specified in such notice, terminate the validity of every certificate or exemption mentioned in subsection (1) *(b)* which was issued or granted for an indefinite period and which belongs to a class or category of such certificates or exemptions specified in such notice.

(3) The commission or a board may, and a board, if *so* directed by the commission, shall, by notice in writing sent by registered or certified post to the holder *of* a certificate or exemption mentioned in subsection (1) *(b)* (irrespective of whether it was issued or granted for a fixed period or for an indefinite period), withdraw such certificate or exemption with effect from a date specified in such notice.

(4) The commission or a board may, if it deems it expedient to do so—

(a) in the case of a certificate or exemption mentioned in subsection (1) *(h)* of which the validity has been terminated by a notice under subsection **(2)** or which has been withdrawn by a notice under subsection (3), at the request in writing of the holder of such certificate or exemption made before the date specified in the relevant notice as the date of the termination or withdrawal, or within such period after that date **as** the commission or the board may allow; or

(b) at the request in writing of the holder of a certificate or an exemption so mentioned, made at any time; or

(*c*) after having duly considered, in accordance with the provisions of this Act, any application for the renewal, amendment or transfer of a certificate or an exemption so referred to,

issue, in substitution for the certificate or exemption in question, an appropriate permit subject to such conditions or requirements as the commission or the board concerned may deem fit, as if such request or application, **as** the case may be, were an application for the grant of such permit duly made. published and considered under the relevant provisions of this Act.

(5) The provisions of subsections (2), **(3)** and (4) shall not be construed as limiting any power conferred on the Minister or the commission or a board in respect of any permit or any application for or in respect of any permit by any other provision of this Act, or **as** requiring the giving of prior notice, or an opportunity to be heard, to any person affected by their application, and the fact that the validity of a certificate or an exemption has been terminated under subsection (2), or any certificate or exemption has been withdrawn under subsection (3), shall not prejudice any application for the grant of a permit made by the person who was the holder of the certificate or exemption in question.

49. Short title **and** commencement.—This Act shall be called the Road Transportation Act. 1977, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette.*

Schedule

LAWS REPEALED

No. **and** year Of law	Short title	Extent of repeal
Act No. 39 of 1930	hlotor Carricr Transportation Act. 1930	The whole
Act No. 31 of 1932	Motor Carrier Transportation Amendment Act, 1932 .	The whole
Act NO. 20 of 1934	Motor Carrier Transportation Amendment Act. 1934	The whole
Act No. 29 of 1935	Motor Carrier Transportation Amendment Act, 1935 .	The whole
Act No. **14** of 1936	Motor Carrier Transportation Amendment Act. 1936	The whole
Act No. 15 of 1937	Motor Carrier Transportation Amendment Act, 1937	The wholc
Act No. 15 of 1941	hlotor Carricr Transportation Amendment Act. 1941 .	The wholc
Act No. 50 of 1949	Motor Carricr Transportation Amendment Act. 1949	The whole
Act No. **44** of 1955	Motor Carrier Transportation Amendment Act, 1955	The whole
Act No. 52 of 1957	hlotor Carrier Transportation Amendment Act. 1957	The wholc
Act No. 42 of 1959	Motor Carrier Transportation Amendment Act, 1959 .	The wholc
Act No. 15 of 1966	Motor Carrier Transportation Amendment Act. 1966 .	The whole
Act No. 22 of 1967	Motor Carricr Transportation Amendment Act, 1967 .	The wholc
Act No. 80 of 1971	General **Law** Amendment Act. 1971	Section 11
Act No. 82 of 1972	Motor Carrier Transportation Amendment Act, 1972	The whole
Art No. 23 of 1974	hlotor Carrier Transportation Amendment Act, 1974 .	The whole
Act No. 88 of 1976	hlotor Carrier Transportation Amcodmcnt **Act.** 1976	Thr whole