GOVERNMENT NOTICE

OFFICE OF THE PRESIDENT

No. 990

5 July 1995

NO. 15 OF 1995: SOUTH AFRICAN ROADS BOARD AMENDMENT ACT, 1995.

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

GENERAL EXPLANATORY NOTE:

** ** Words between two asterisks indicate omissions from existing enactments.

<< >> Words between two pointed brackets indicate insertions in existing enactments.

ACT

To amend the South African Roads Board Act, 1988, so as to increase the number of members of the South African Roads Board; and to abolish the Toll Roads Committee; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 28 June 1995.)

Amendment of section 1 of Act 74 of 1988

1. Section 1 of the South African Roads Board Act, 1988 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the substitution for the definition of "committee" of the following definition:

" 'committee' means a committee established under section 9 **and includes the Toll Roads Committee**;";

(b) by the substitution for the definition of "employee" of the following definition:

" 'employee' means an employee as defined in section 1(1) of the Public Service Act, **1984 (Act No. 111 of 1984)** <<1994>>;";

(c) by the substitution for the definition of "officer" of the following definition:

" 'officer' means an officer as defined in section 1(1) of the Public Service Act, **1984** <<1994>>;"; and

(d) by the deletion of the definition of "Toll Roads Committee".

Amendment of section 3 of Act 74 of 1988

2. Section 3 of the principal Act is hereby amended-

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"The Board shall consist of **eight** <<12>> members, appointed

by the Minister, of whom-";

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

(c) **one** <<two>> shall be **a person** persons nominated by the **Administrators of the four provinces** <<Premiers of the provinces>> and who, in the opinion of the said **Administrators has** <<Premiers have>> adequate knowledge of the planning, construction and maintenance of roads;";

(c) by the deletion in subsection (1) at the end of paragraph (d) of the

"<<(dA) one shall be a person associated with an academic or research institution and who has expert knowledge of the plan construction and maintenance of roads; and>>";

(e) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

(e) **three**<<five>> shall be persons (one from each of the categories **of persons nominated in terms of** <<referred to in>> subparagraphs (i), (ii), **and** (iii), <<(iv) and (v)>> **respectively** of subsection (2)(b)) <<nominated in terms of subsection (2)(b)>>, who are not in the service of the State and who shall be persons who have wide experience of, and have shown ability in relation to, matters connected with the planning, construction and maintenance of roads or with transport, commerce, finance, mining or agriculture.";

by the substitution for paragraph (a) of subsection (2) of the following paragraph:

(a) make the appointment contemplated in subsection (1)(d), the Minister shall by notice in writing invite as many nominations as he may deem necessary from bodies which the Minister, after consultation with the Minister **of Constitutional Development and Planning** <<for Provincial Affairs and Constitutional Development>>, deems to be representative of local authorities;";

(g) by the substitution in subsection (2) for subparagraph (ii) of paragraph (b) of the following subparagraph:

"(ii) **road users** <<motorists>>;"; and

(h) by the addition in paragraph (b) of subsection (2) of the following subparagraphs:

"<<(iv) persons involved in the freight transport industry;

(v) persons involved in the transport of passengers, including the passengers themselves.>>".

Repeal of sections 6, 7 and 8 of Act 74 of 1988, as amended, in the case of section 8, by section 2 of Act 27 of 1994

3. Sections 6, 7 and 8 of the principal Act are hereby repealed.

Amendment of section 9 of Act 74 of 1988

4. Section 9 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

" (3) The Board may delegate or assign, subject to such conditions as it may deem fit, to any committee established under subsection (1) **or to the Toll Roads Committee**, any of its powers, functions or duties, but shall not be divested of any power, function or duty so delegated or assigned and may amend or withdraw any decision made by such committee in the exercise of a power or the performance of a function or duty so delegated or assigned.

Amendment of section 13 of Act 74 of 1988

5. Section 13 of the principal Act is hereby amended-

(a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"The quorum for a meeting of the Board shall be **five** <<seven>> of the members thereof: Provided at least-";

(b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

"(b) **two** <<three>> of the members appointed in terms of the provisions of section 3(1)(e),";

(c) by the deletion of subsection (4); and

(d) by the substitution for subsection (5) of the following subsection:

"(5) The quorum for a meeting of a committee **other than the Toll Roads Committee** shall be the majority of its members.".

Short title

6. This Act shall be called the South African Roads Board Amendment Act, 1995.