

REPUBLIC OF SOUTH AFRICA

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# NATIONAL LAND TRANSPORT BILL

[B 51—2008]

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*(As agreed to by the Portfolio Committee on Transport (National Assembly))*

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[B 51A—2008]

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**AMENDMENTS AGREED TO**  
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**NATIONAL LAND TRANSPORT BILL**  
**[B 51—2008]**

1. On page 2, from line 3, up to and including line 27 on page 5, to omit “Contents of the Act” and to substitute:

**CONTENTS OF ACT**

*Sections*

**CHAPTER 1**

**GENERAL PROVISIONS**

1. Definitions
2. Purpose and scope of Act
3. Application of Act in provinces
4. Principles for national land transport policy
5. Functions of Minister
6. Information systems
7. Delegations by Minister
8. Regulations by Minister
9. Functions of MECs
10. Regulations by MECs

**CHAPTER 2**

**INSTITUTIONAL ARRANGEMENTS FOR LAND TRANSPORT**

*Institutional arrangements: general matters*

11. Responsibilities of spheres of government
12. Intergovernmental relations
13. Impartiality

*Institutional arrangements: planning authorities*

14. Planning authorities
15. Intermodal planning committees
16. Land transport advisory boards

*Institutional arrangements: Special division in municipalities*

17. Establishment of special division for and arrangement of administration of certain municipalities
18. Regulatory functions of municipalities and staffing
19. Adjacent municipalities

*National Public Transport Regulator*

20. Establishment of National Public Transport Regulator
21. Functions of National Public Transport Regulator
22. Powers of National Public Transport Regulator

*Provincial regulatory entities*

23. Establishment of provincial regulatory entities

- 24. Functions of provincial regulatory entities
- 25. Powers of provincial regulatory entities

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- 28. Public transport user charges
- 29. Minister may provide funds for land transport
- 30. MEC may provide funds for land transport

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- 32. Types of plans required by this Act
- 33. General provisions on transport planning
- 34. National Land Transport Strategic Framework
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- 39. Cancellation of operating licences in rationalisation of public transport services

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#### **CONTRACTING FOR PUBLIC TRANSPORT SERVICES**

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- 45. Involvement of municipalities and transport authorities in public transport services
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##### *Transitional provisions*

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62. Issue and contents of operating licences
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64. Persons who may hold operating licences
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72. Transporting of scholars, students, teachers and lecturers
73. Amendment of operating licence to replace specified vehicle
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78. Cancellation of operating licences not in use
79. Withdrawal, suspension or amendment of operating licence or permit

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## LONG TITLE

1. On page 2, to omit the long title and substitute with the following:

**“To provide further the process of transformation and restructuring the national land transport system initiated by the National Land Transport Transition Act, 2000 (Act No. 22 of 2000); and to provide for matters connected therewith.”**

## CLAUSE 1

1. On page 6, from line 25, to omit the definition of **“contracting authority”**, and to substitute the following:

**“‘contracting authority’ means—**  
 (a) the Department;  
 (b) a province, subject to section 11(6); and  
 (c) a municipality, subject to section 11(2) and (5);”.

2. On page 6, in line 36, to omit “a contract” and to substitute “an agreement”.
3. On page 6, from line 43, to omit the definition of **“designated planning authority”**.
4. On page 8, in line 5, to omit the definition of **“municipal public transport”**, and to substitute the following:

**“‘municipal public transport’ means public transport contemplated in section 11(1)(c) and any other function assigned to the municipality under section 11(2) or (3);”.**

5. On page 8, from line 8, to omit the definition of **“National Land Transport Fund”**.
6. On page 8, from line 16, to omit the definition of **“negotiated contract”**, and to substitute the following:

**“‘negotiated contract’ means a contract contemplated in section 41(1);”.**

7. On page 8, from line 27, to omit the definition of **“participating municipality”**.
8. On page 8, from line 37, to omit the definition of **“planning authority”**, and to substitute the following:

**“‘planning authority’ means a municipality in relation to its planning functions;”.**

9. On page 8, from line 47, to omit the definition of **“Provincial Land Transport Fund”**.
10. On page 8, after line 56, to insert the following:

**“‘public transport’—**  
 (i) in relation to the national sphere of government, means the functions mentioned in section 11(1)(a);  
 (ii) in relation to the provincial sphere of government, means the functions mentioned in section 11(1)(b), and any other function assigned to the province under section 11(2);”.

11. On page 9, after line 4, to insert the following:
 

“ **‘regulatory entity’** means the National Public Transport Regulator, a Provincial Regulatory Entity, or a municipality to which the operating licence function has been assigned;”.
12. On page 9, from line 11, to omit the definition of “**South African Rail Passenger Corporation**”, and to substitute the following:
 

“ **‘South African Rail Commuter Corporation’** means the South African Rail Commuter Corporation established in terms of section 23 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989).”.
13. On page 9, from line 14, to omit “**special categories of passengers**”, and to substitute the following:
 

“ **‘special categories of passengers’** means persons with disabilities, the aged, pregnant women and those who are limited in their movements by children;”.
14. On page 9, after line 22, to insert the following:
 

“ **‘Structures Act’** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);”.
15. On page 9, in line 29, after “contract”, to insert “or where services are subsidised for other reasons, for example to encourage public transport usage, relieve traffic congestion, or to support land use and transport integration;”.
16. On page 9, from line 45, to omit the definition of “**transport area**”.
17. On page 9, from line 49, to omit the definition of “**transport authority**”.

#### CLAUSE 2

1. On page 10, in line 3, to omit “to provide for final land transport legislation” and to substitute, “to further the process of transformation and restructuring the national land transport system”.
2. On page 10, in line 9, after “provinces”, to insert “and other matters contemplated in section 146 (2) of the Constitution”.
3. On page 10, after line 9, to add the following:
 

“(d) to consolidate land transport functions and locate them in the appropriate sphere of government.”.

#### CLAUSE 6

1. On page 11, from line 33, to omit sub clause “(5)”.

#### CLAUSE 7

1. On page 11, in line 54, to omit “transport authority or”.
2. On page 11, in line 57, to omit “transport authority or”.
3. On page 12, in line 1, to omit “transport authority or”.

## CLAUSE 8

1. On page 12, in line 13, to omit “48”, and to substitute “39”.
2. On page 12, in line 18, to omit “64”, and to substitute “55”.
3. On page 12, in line 24, to omit “or transport authorities”.
4. On page 12, from line 26, to omit paragraph “(l)”.
5. On page 12, in line 37, to omit the words “designated planning authorities”, and to substitute “municipalities to which the operating licensing function contemplated in section 11(1)(a)(viii) has been assigned”.
6. On page 12, in line 40, to omit the words “designate planning authorities”, and to substitute “municipalities”.
7. On page 12, in line 52, to omit “91”, and to substitute “82”.
8. On page 12, in line 58, to omit “55”, and to substitute “46”.

## CLAUSE 9

1. On page 13, in line 28, to omit “planning authorities”, and to substitute “municipalities”.
2. On page 13, in line 40, after “intermodal”, to insert “and intramodal”.

## CLAUSE 11

Clause rejected.

## NEW CLAUSE

1. That the following be the new clause:

**“The responsibilities of the three spheres of government**

**11.** (1) The responsibilities of the three spheres of government are as follows:

- (a) The national sphere of government is responsible for—
  - (i) the formulation of national transport policy and strategy;
  - (ii) national strategic transport planning and co-ordination, and preparing a National Land Transport Strategic Framework in terms of section 34;
  - (iii) co-ordination between provinces and to address arrangements between the three spheres of government and public entities with a view to ensuring the effective and efficient execution of the land transport function;
  - (iv) assigning functions to the most appropriate sphere of government;
  - (v) liaising with other government departments in the national sphere with responsibilities that impact on transport issues with a view to co-ordinating land transport;
  - (vi) capacitating and monitoring provinces and municipalities that lack capacity or resources to perform their land transport functions;

- (vii) co-ordinating transport relations between the Republic and other countries and implementing international agreements;
  - (viii) performing the functions contemplated in this Act in relation to applications for operating licences;
  - (ix) regulation of tourism transport;
  - (x) regulation of interprovincial road transport;
  - (xi) acting as contracting authority for subsidised service contracts, interim contracts, current tendered contracts and negotiated contracts concluded in terms of the Transition Act; and
  - (xii) performing the other functions assigned to the Minister in terms of this Act.
- (b) The provincial sphere of government is responsible for—
- (i) the formulation of provincial transport policy and strategy, within the framework of national policy and strategy;
  - (ii) planning, co-ordination and facilitation of land transport functions in the province, and preparing the Provincial Land Transport Framework in terms of section 35;
  - (iii) co-ordination between municipalities with a view to ensuring the effective and efficient execution of land transport in the province and promoting provincial legislation with a view to promoting the object of this Act;
  - (iv) liaising with other government departments in the national and provincial spheres with responsibilities that impact on transport and land use planning issues, and bringing together key players;
  - (v) ensuring that municipalities that lack capacity and resources are capacitated to perform their land transport functions;
  - (vi) building capacity in municipalities to monitor the implementation of this Act;
  - (vii) ensuring implementation of the provincial integrated development strategy and public transport strategy, with due attention to rural areas, with the focus on less capacitated municipalities or those that do not fulfil their responsibilities in respect of transport service delivery, either by direct implementation or assistance under paragraph (v); and
  - (viii) performing the other provincial functions assigned to the MEC in terms of this Act.
- (c) The municipal sphere of government is responsible for—
- (i) developing land transport policy and strategy within its area based on national and provincial guidelines, which includes its vision for the area and incorporates spatial development policies on matters such as densification and infilling as well as development corridors;
  - (ii) promulgating municipal by-laws and concluding agreements, as appropriate, in the municipal sphere;
  - (iii) ensuring co-ordination between departments and agencies in the municipal sphere with responsibilities that impact on transport and land use planning issues, and bringing together the relevant officials;
  - (iv) in its capacity as planning authority, preparing transport plans for its area, ensuring the implementation thereof and monitoring its performance in achieving its goals and objectives;
  - (v) financial planning with regard to land transport within or affecting its area, with particular reference to transport planning, infrastructure, operations, services, maintenance, monitoring and administration, with due focus on rehabilitation and maintenance of infrastructure;
  - (vi) managing the movement of persons and goods on land within its area by co-ordinating such movement;

- (vii) encouraging and promoting the optimal use of the available travel modes so as to enhance the effectiveness of the transport system and reduce travelling time and costs;
- (viii) developing, implementing and monitoring a strategy to prevent, minimise or reduce any adverse impacts of the land transport system on the environment in its area;
- (ix) developing, operating and maintaining a land transport information system for its area;
- (x) encouraging, promoting and facilitating public consultation and participation in the planning, regulation and implementation of public transport, and applying the requirements of the Systems Act in that regard;
- (xi) marketing and promoting public transport and promoting publicity associated with the public transport system;
- (xii) providing information to users or potential users of public transport;
- (xiii) promoting safety and security in public transport;
- (xiv) ensuring the provision for the needs of special categories of passengers in planning and providing public transport infrastructure, facilities and services to meet their needs, in so far as possible by the system provided for mainstream public transport;
- (xv) liaising on a continuous basis with the South African Police Service, Road Traffic Management Corporation, the relevant provincial and municipal law enforcement authorities or agencies, and the inspectors appointed under the Cross-Border Act, with a view to ensuring co-ordinated transport law enforcement within its area;
- (xvi) applying traffic management techniques aimed at improving road traffic movement;
- (xvii) undertaking functions relating to municipal roads, as well as measures to limit damage to the road system;
- (xviii) the planning, implementation and management of modally integrated public transport networks and travel corridors for transport within the municipal area and liaising in that regard with neighbouring municipalities;
- (xix) in relation to the planning functions contemplated in paragraph (iv) include service level planning for passenger rail on a corridor network basis in consultation with the South African Rail Commuter Corporation;
- (xx) introducing, establishing or assisting in or encouraging and facilitating the establishment of integrated ticketing systems, the managing thereof including through determining measures for the regulation and control of revenue-sharing among operators involved in those systems;
- (xxi) subject to standards set by the Minister under section 5(5), if any, set standards for interoperability between fare collection and ticketing systems in its area;
- (xxii) formulating and apply travel demand management measures for its area;
- (xxiii) in the case of gross cost contracts for subsidised services, determining fare structures and fare levels and periodically adjusting fares after publishing the proposed adjustment for public comment;
- (xxiv) determining concessionary fares for special categories of passengers;
- (xxv) exercising control over service delivery through—
  - (i) the setting of operational and technical standards and monitoring compliance therewith; and
  - (ii) the monitoring of contracts and concessions;

- (xxvi) concluding subsidised service contracts, commercial service contracts, and negotiated contracts contemplated in section 41(1) with operators for services within their areas;
- (xxvii) developing and managing intelligent transport systems for their areas in the prescribed manner; and
- (xxviii) performing the other functions of municipalities in terms of this Act.

(2) The Minister may assign any function contemplated subsection (1) (a) to a province or municipality, subject to sections 99 and 156(4) of the Constitution and sections 9 and 10 of the Systems Act, to achieve the objectives of the Constitution and this Act.

(3) The MEC may assign any function contemplated in subsection 1(b) to a municipality, subject to section 156(4) of the Constitution and sections 9 and 10 of the Systems Act to achieve the objectives of the Constitution and this Act.

(4) Any municipality may request the Minister or MEC to assign a function contemplated in subsection (1)(a) or (b) to it, subject to section 156(4) of the Constitution and sections 9 and 10 of the Systems Act, where such municipality has an acceptable integrated transport plan.

(5) Where a municipality is performing a function contemplated in subsection (1) (a) on the date of commencement of this Act, such function is deemed to have been assigned to that municipality under subsection (2).

(6) Subject to section 21, where a province is performing a function contemplated in subsection (1)(a) on the date of commencement of this Act, it must continue performing that function, unless that function is assigned to a municipality by the Minister in terms of this Act.

(7) The Minister may make regulations or issue guidelines providing for transitional arrangements where a function is assigned under subsection (2), which may differentiate between—

- (a) different categories of municipalities, budgetary size or in any other determinable manner; or
- (b) functional areas.”

#### NEW CLAUSE

1. That the following be a new clause:

#### “**Intergovernmental relations**

**12.** (1) A province may enter into an agreement with one or more municipalities in the province to provide for the joint exercise or performance of their respective powers and functions contemplated in this Act and may establish a provincial entity or similar body in this regard, subject to the Constitution and this section.

(2) One or more adjacent municipalities may agree on the joint exercise or performance of their respective powers and functions contemplated in this Act, or may establish municipal entities in terms of the Systems Act for this purpose.

(3) If the spheres of government cannot agree, subject to this Act, on the division of land transport functions between them, they must act in a manner and spirit consistent with the principles of co-operative government prescribed by section 41 of the Constitution and apply the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).”

CLAUSE 12

1. On page 15, in line 26, to omit “designated planning authorities”, and to substitute “municipalities”.

CLAUSE 13

1. On page 15, in line 46, to omit “45”, and to substitute “36”.
2. On page 15, in line 49, to omit “where they are not designated planning authorities”.

CLAUSE 14

1. On page 16, in line 2, to omit “designated planning authority”, and to substitute “municipality that is establishing an integrated public transport network or has significant passenger rail services in its area”.

CLAUSES 16

Clause rejected.

CLAUSES 17

Clause rejected.

CLAUSES 18

Clause rejected.

CLAUSES 19

Clause rejected.

CLAUSES 20

Clause rejected.

CLAUSES 21

Clause rejected.

CLAUSES 22

Clause rejected.

CLAUSES 23

Clause rejected.

## NEW CLAUSE

1. That the following be new clauses:

**“Establishment of division for the operating licence function and arrangement of administration of certain municipalities**

**17.** (1) Every municipality to which the operating licence function has been assigned under section 11(2) must—

- (a) establish a division within its administration to perform that function in terms of this Act;
- (b) ensure such division consist of dedicated officials of the municipality, appointed either on a full-time or part-time basis by virtue of their specialised knowledge, training or experience in public transport or related matters.

(2) The Minister may prescribe minimum qualifications or experience for officials of such division or of officials undertaking specific land transport functions.

(3) No person contemplated in section 13 may be an official of such division.

(4) Every such municipality must arrange or, if necessary, reorganise its administration so that the function of managing and funding transport matters, and land use planning, as well as the other related functions contemplated by this Act, are integrated.

**Regulatory functions of municipalities**

**18.** (1) A municipality to which the operating licensing function has been assigned under section 11(2) must receive and decide on applications relating to operating licences for services wholly in their areas of jurisdiction, excluding applications that must be made to the National Public Transport Regulator or a Provincial Regulatory Entity.

(2) In considering applications regarding operating licences, such municipalities must, in the case of services provided in terms of their integrated transport plan, apply that plan and give due regard to the relevant Provincial Land Transport Framework.

(3) Such a municipality may give notice in the prescribed manner that it will no longer receive applications for operating licences for new services except in accordance with invitations given by it for specified services on specified routes or in specified areas in accordance with its integrated transport plan, either for the purpose of concluding a contract or because those routes or areas are already adequately served.

(4) Such a municipality may, in appropriate cases, make inquiries or hold hearings to enable it to perform its functions contemplated in this section, and also has the prescribed powers.

(5) Every municipality that establishes an integrated public transport network must in the prescribed manner establish a call centre where passengers and other interested persons may lodge complaints or inquiries regarding public transport services in its area, and must follow up such complaints and, where appropriate, take the necessary action to remedy the situation.

**Adjacent municipalities**

**19.** (1) Where there are significant transport movements between two or more adjacent municipalities, they may establish an inter-municipality forum in terms of section 28 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) to co-ordinate their functions in terms of this Act and to ensure that their integrated transport plans take account of such movements.

(2) As an alternative to such an inter-municipality forum, such

municipalities may establish a multi-jurisdictional service utility for the purpose in terms of Part 4 of Chapter 8A of the Systems Act.”

CLAUSE 24

1. On page 19, in line 43, to omit “not more than five”.
2. On page 19, in line 48, to omit “and”.
3. On page 19, after line 49, to insert “(e) tourism transport; and (f) vehicle standards and specifications”.
4. On page 19, in line 50, to omit “12”, and to substitute “13”.

CLAUSE 25

1. On page 20, in line 8, after “interprovincial transport”, to insert”, excluding daily commuter transport to and from the area of a municipality to which the operating licensing function has been assigned under section 11(2), which must be dealt with by that municipality”.
2. On page 20, after line 31, to insert the following:

“(6) As soon as possible after its appointment, the National Public Transport Regulator must formulate an implementation plan for establishing the entities required by this Act and for capacitating them, and for implementing the other provisions of this Act.”.

CLAUSE 26

1. On page 20, in line 34, to omit “25”, and to substitute “21”.

CLAUSE 28

1. On page 20, from line 53, to omit paragraph (b), and to substitute the following:

“(b) receive and decide on applications relating to operating licences for intra-provincial transport where no municipality exists to which the operating licence function has been assigned, but excluding applications that must be made to the National Public Transport Regulator in terms of section 21;”

CLAUSE 29

1. On page 21, in line 16, to omit “28”, and to substitute “24”.

CLAUSE 30

Clause rejected.

CLAUSE 31

Clause rejected.

CLAUSE 32

Clause rejected.

CLAUSE 33

Clause rejected.

CLAUSE 34

Clause rejected

NEW CLAUSE

1. That the following be a new clause:

**“Agreements on regulatory matters**

**26.** (1) The National Public Transport Regulator, a Provincial Regulatory Entity or a municipality may agree that one of them will undertake the functions of another relating to receiving and considering applications concerning operating licences, either temporarily or permanently, where—

- (a) there is a significant travelling of commuters on a daily basis between the areas for which they are responsible;
- (b) the nature of transport movements between them would make such an agreement advisable from a transport or land use planning viewpoint; or
- (c) for other prescribed reasons.

(2) The Minister may prescribe regulations on the circumstances in which and the conditions on which such agreement may be concluded, and procedures or requirements for its implementation.”.

CLAUSE 35

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

**“Municipal land transport funds**

**27.** (1) Subject to subsection (2), every municipality that is establishing an integrated public transport network must establish a fund for its area known as a Municipal Land Transport Fund, into which shall be paid—

- (a) money appropriated by the Minister for that Fund;
- (b) money appropriated by the MEC for that Fund;
- (c) user charges collected in terms of section 28;
- (d) interest on invested cash balances belonging to that Fund; and
- (e) donations and contributions to that fund from any other source, including foreign aid agencies.

(2) Such a municipality must administer that fund and use it to defray the cost of the functions of that authority in terms of this Act or its integrated transport plan, and to cover any other expenditure that will promote the objects of this Act in its area.

(3) Such a municipality may invest money in that fund that is not immediately required by it subject to the Municipal Finance Management Act and any other applicable legislation.

(4) Such a municipality must keep proper accounts of all money accruing to or paid out of that fund, which must be audited by the Auditor-General.

(5) The municipal manager or chief executive officer of such a municipality must submit, annually to its council, for approval estimates of expenditure to be defrayed from that fund, and may make no payment from that fund except in accordance with such estimates or with the prior approval of that council.

(6) The provisions of the Municipal Finance Management Act apply to such funds, and the Minister of Finance may make regulations clarifying the application of that Act to those funds.”.

#### CLAUSE 36

1. On page 24, in line 25, to omit “designated planning authority”, and to substitute “municipality, which has established a municipal land transport fund under section 27”.
2. On page 24, in line 29, to omit “traffic”, and to substitute “the management of passengers”.
3. On page 24, in line 32, after “area”, to insert “and”.
4. On page 24, in line 34, to omit “; and”, and to substitute “.”
5. On page 24, in line 35, to omit paragraph “(e)”.
6. On page 24, from line 37, to omit “the municipal fund of the relevant designated planning authority”, and to substitute “such fund”.

#### CLAUSE 37

1. On page 42, from line 45, to omit subsection 2.
2. On page 24, in line 51, to omit “provincial transport funds and”.
3. On page 24, in line 52, to omit “the national and provincial”.

#### CLAUSE 38

1. On page 25, from line 7, to omit “either directly or via the Provincial Land Transport Fund,”.
2. On page 25, in line 10, to omit “transport authorities or”.

#### CLAUSE 39

1. Clause rejected.

CLAUSE 40

1. On page 25, in line 28, to omit “(1)”.
2. On page 25, from line 33, to omit:  
    “for this purpose—  
    (a) where the relevant planning authority is a municipality,”.
3. On page 25, in line 35, omit “plan”, and to substitute “plans”.
4. On page 25, in line 37, to omit paragraph (b).

CLAUSE 42

1. On page 26, from line 7, to omit, sub-clauses (2), (3) and (4).

CLAUSE 43

1. On page 26, in line 33, to omit “two”, and to substitute “five”.

CLAUSE 44

1. On page 27, in line 3, to omit “or municipalities”.

CLAUSE 46

1. On page 28, in line 2, to omit “45(2)”, and to substitute “36(2)”.
2. On page 28, in line 5, to omit “rail or ship, including movements to and from airports” and to substitute, the following:  
    “taking into account—  
    (a) the movement of goods to, from, and through the area by rail or pipeline; and  
    (b) the movement of goods to and from ports or airports.”.

CLAUSE 48

1. On page 29, in line 39, to omit “services”, and to substitute “legally operated services by operators”.
2. On page 29, from line 45, to omit sub-clause (2).
3. On page 29, in line 52, to omit “and (2)”.

CLAUSE 50

1. On page 30, in line 12, to omit “should”, and to substitute “must”.
2. On page 30, from line 22, to omit “51”, and to substitute “42”.

CLAUSE 51

1. On page 30, in line 29, to omit “50”, and to substitute “41”.

2. On page 30, in line 33, to omit “must”, and to substitute “may”.
3. On page 30, in line 33, to omit “and”.
4. On page 30, in line 57, to omit “previous”, and to substitute “Transition”.

#### CLAUSE 54

1. On page 31, in line 17, to omit “**and transport authorities**”.
2. On page 31, from line 19, to omit sub-clauses (1) and (2).
3. On page 31, in line 31, to omit “it complies with requirements prescribed by the Minister” and to substitute “it is financially ring-fenced in the prescribed manner and it complies with the other requirements prescribed by the Minister”.
4. On page 31, from line 33, to omit “designated planning authority”, and to substitute “municipality”.
5. On page 31, from line 34, to omit “designated planning authority”, and to substitute “municipality”.
6. On page 31, from line 36, to omit “designated planning authority”, and to substitute “municipality”.

#### CLAUSE 55

Clause rejected.

#### NEW CLAUSE

1. That the following be a new clause:

##### **“Existing contracting arrangements**

**46.** (1) Where there is an existing interim contract, current tendered contract or negotiated contract as defined in the Transition Act in the area of the relevant contracting authority, that authority may—

- (a) allow the contract to run its course; or
- (b) negotiate with the operator to amend the contract to provide for inclusion of the operator in an integrated public transport network; or
- (c) make a reasonable offer to the operator of alternative services, or of a monetary settlement, which offer must bear relation to the value of the unexpired portion of the contract, if any.

(2) If the parties cannot agree on amendment of the contract or on inclusion of the operator in such a network, or the operator fails or refuses to accept such an offer, the matter must be referred to mediation or arbitration in the prescribed manner to resolve the issue.

(3) The Minister may make regulations providing for the transition of existing contracting arrangements and the transfer of the contracting function in terms of this section, including the transfer or amendment of existing permits or operating licences to give effect to its provisions in the case of an assignment under section 11(2).

(4) In applying this section, the contracting authority must give due regard to the rights of the workers employed by the operators in terms of the contract contemplated in subsection (1)".

CLAUSE 56

1. On page 32, from line 9, to omit "57 and 58", and to substitute "48 and 49".
2. On page 32, in line 15, to omit "87", and to substitute "78".
3. On page 32, in line 20, to omit "57 and 58", and to substitute "48 and 49".

CLAUSE 57

1. On page 32, in line 24, to omit "if a designated planning authority".
2. On page 32, from line 27, to omit paragraph (b).
2. On page 32, in line 31, to omit "in either case".

CLAUSE 58

1. On page 33, from line 1, to omit "pay to that holder a scraping allowance determined by the Department, scrap the vehicle and cancel that permit or operating licence" and to substitute "cancel the permit or operating licence".
2. On page 33, from line 4, to omit paragraph (b), and substitute the following:

“(b)acquire a new compliant vehicle that has the same passenger capacity as the vehicle specified in that permit or operating licence, or not more than 20% more, in which case the operator shall be entitled to an operating licence for the new vehicle authorising the same services on submission of a valid tax clearance, and such operating licence must specify in detail the route or routes to be operated, which must be those operated by the operator for the period of 180 days prior to the date of application.”.
3. On page 33, in line 15, after "submit the", to insert "existing".

CLAUSE 59

1. On page 33, in line 26, after "licence", to insert "or a permit, subject to sections 46, 47 and 48,".

CLAUSE 60

1. On page 33, in line 36, to omit "designated planning authority", and to substitute "municipality to which the operating licence function has been assigned".

CLAUSE 61

1. On page 33, in line 40, to omit "50", and to substitute "41".

2. On page 33, in line 42, to omit “65”, and to substitute “56”.
3. On page 33, in line 45, to omit “64”, and to substitute “55”.

CLAUSE 62

1. On page 34, in line 4, to omit “set out in the regulations promulgated in terms of this Act”.
2. On page 34, in line 5, to omit “78”, and to substitute “69”.
3. On page 34, in line 28, to omit “designated planning authority” and to substitute “municipality to which the operating licence function has been assigned”.

CLAUSE 63

1. On page 34, in line 40, to omit “designated planning authority” and to substitute “municipality to which the operating licence function has been assigned”.
2. On page 34, in line 41, to omit paragraph “designated planning authority”, and to substitute “municipality”.
3. On page 34, in line 42, to omit “planning authority”, and to substitute “municipality”.
4. On page 34, in line 43, to omit “a designated planning authority” and to substitute “the municipality referred to in paragraph (a)”.
5. On page 34, in line 43, to omit “subject to section 31”.
6. On page 34, in line 50, to omit “a designated planning authority” and to substitute “the municipality to which the operating licence has been assigned”.
7. On page 35, in line 7, to omit “90”, and to substitute “81”.
8. On page 35, in line 8, to omit “93”, and to substitute “84”.

CLAUSE 64

1. On page 35, in line 14, to omit “65”, and to substitute “56”.
2. On page 35, in line 46, to omit “66”, and to substitute “57”.

CLAUSE 65

1. On page 35, from line 49, to omit “designated planning authority or, outside of designated planning authority areas, the Provincial Regulatory Entity”, and to substitute “regulatory entity”.
2. On page 36, from line 2, to omit “designated planning authority”, and to substitute “municipality to which the operating licence function has been assigned”.

CLAUSE 66

1. On page 36, in line 9, after “non-contracted service”, to insert “other than a tourist transport service”.
2. On page 36, in line 11, to omit “64”, and to substitute “55”.
3. On page 36, in line 23, to omit “64(6)”, and to substitute “55(6)”.
4. On page 36, from line 23, to omit “designated planning authority”, and to substitute “municipality to which the operating licence function has been assigned”.

CLAUSE 67

1. On page 37, from line 2, to omit “the National Public Transport Regulator or a Provincial Regulatory Entity, or a designated planning authority,” and to substitute “a regulatory entity”.
2. On page 37, in line 9, to omit “63”, and to substitute “54”.
3. On page 37, in line 12, to omit “82”, and to substitute “73”.

CLAUSE 68

1. On page 37, from line 17, to omit, “The National Public Transport Regulator, a Provincial Regulatory Entity or a designated planning authority”, and to substitute “Regulatory entities”.
2. On page 37, in line 20, to omit “82”, and to substitute “73”.

CLAUSE 69

1. On page 37, in line 30, to omit “ 70”, and to substitute “61”.

CLAUSE 82

1. On page 41, in line 30, to omit “56, 57 and 58”, and to substitute “47, 48 and 49”.

CLAUSE 90

1. On page 44, after line 12, to insert the following:

“(4) Such accreditation may specify classes or maximum number of vehicles operated.”

CLAUSE 91

1. On page 44, from line 33, to omit “or provincial”.

## CLAUSE 92

1. On page 44, in line 47, to omit “91(2)”, and to substitute “82(2)”.
2. On page 45, in line 10, after “90(6)” to insert “and such an operator must submit to the National Public Transport Regulator for cancellation his or her certificate of accreditation and all operating licences, tokens, tags, or other equipment issued by that Regulator to that operator within 14 days of cancellation of that operator’s accreditation.”.

## CLAUSE 93

1. On page 45, from line 10, to omit “90(6)”, and to substitute “81(6)”.

## CLAUSE 94

1. On page 45, in line 38, to omit “transport authorities”.
2. On page 45, in line 43, to omit “(b) transport authority; or”.

## CLAUSE 95

1. On page 46, in line 4, to omit “(b) a transport authority, as appointed by that authority; or”.
2. On page 46, in line 5, to omit “designated planning authority”, and to substitute “municipality to which the operating licence function has been assigned”.
3. On page 46, in line 11, to omit “designated planning authority”, and to substitute “municipality”.

## CLAUSE 96

1. On page 46, in line 25, to omit “99”, and to substitute “90”.
2. On page 46, in line 36, to omit “, transport authority”.
3. On page 46, in line 38, to omit “, transport authority”.
4. On page 46, in line 40, to omit “, transport authority”.

## CLAUSE 97

1. On page 46, in line 45, to omit “99(1)”, and to substitute “90(1)”.

## CLAUSE 99

1. On page 47, from line 60, to omit “59”, and to substitute “50”.
2. On page 48, in line 39, to omit “84(2)”, and to substitute “75(2)”.
3. On page 48, in line 46, to omit “93”, and to substitute “84”.

CLAUSE 102

1. On page 50, in line 36, to omit “designated planning authority”, and to substitute “municipality”.