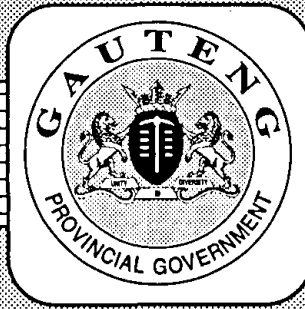


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GENERAL NOTICES

NOTICE 2187 OF 1997

ROAD TRANSPORTATION ACT, 1977
(ACT NO. 74 OF 1997)

In terms of section 7B(1) of the Road Transportation Act, 1977 (Act No. 74 of 1977) (as inserted by section 3 of the Gauteng Road Transportation Amendment Act, 1997), I hereby announce the following areas to which the provisions of the said section 7B shall apply:

Area of Hammanskraal Local Area Committee in Gauteng Province and;
Northern Pretoria Metropolitan Substructure (Tswaing) Area.

This announcement will be of effect until the commencement of the Gauteng Interim Bill to Regulate Minibus Taxi-Type Services or until 31 December 1997, whichever is the sooner.

Given under my hand at Johannesburg this Seventh Day of July, in the year One thousand Nine hundred and Ninety-seven (1997).

S. P. MASHATILE

Member of the Executive Council for Transport and Public Works

NOTICE 2188 OF 1997**DEPARTMENT OF TRANSPORT AND PUBLIC WORKS****ROAD TRANSPORTATION ACT 74 OF 1977****REGULATIONS: DISTINGUISHING MARKS FOR MINIBUS TAXIS AND REQUIREMENTS
FOR MINIBUS TAXI ASSOCIATIONS TO REGISTER**

The Member of the Executive Council for Transport and Public Works (MEC) of Gauteng Province has made the regulations in the Schedule to this notice in terms of sections 7A and 30 of the Road Transportation Act, 1977 (Act No. 74 of 1977), (the Act).

SCHEDULE**Definitions**

1. In these regulations, unless the context indicates otherwise, any word or expression used will have the same meaning as that ascribed to it by the Act, and-

- (a) "declared area" means the areas announced by the MEC by notice in this same *Provincial Gazette* in terms of section 7B of the Act;
- (b) "Department" means the Department of Transport and Public Works of the Gauteng Provincial Government;
- (c) "NaTIS" means the National Traffic Information System managed by the National Department of Transport;
- (d) "operator" means a person who holds a valid public permit authorising minibus taxi services or who has been conditionally registered in terms of the Act;
- (e) "PAS" means the Permit Administration System managed by the National Department of Transport;
- (f) "Province" means the province of Gauteng;
- (g) "RAS" means the Registration Administration System managed by the Department.

Interim stickers for minibus taxis

2. (1) From the date of publication of this Notice all operators of motor vehicles used for minibus taxi services within the declared area to whom interim stickers have been issued in terms of these regulations, must clearly display them on the vehicle concerned in a position indicated by the Department.

(2) Such stickers shall display the particulars or information required by the Department.

3. (1) Holders of valid public permits authorising minibus taxi services in the declared area will be issued with an "A-type" sticker.

(2) Where such a sticker is issued without route particulars, it will have a limited period of validity, which period shall not exceed two months.

4. (1) Members of conditionally registered associations who are undertaking minibus taxi services in the declared area and have obtained conditional registration in terms of section 7A(10) of the Act, who do not hold public permits to operate in the declared area will be issued with a "B-type" sticker in terms of section 7A(14) of the Act for vehicles used for such services within the declared area.

(2) Such stickers shall have a limited period of validity-

- (a) until the member obtains the necessary public permit and the sticker is replaced by an "A-type" sticker; or
- (b) until the association's conditional registration lapses; or
- (c) for four months from the date of issue thereof,

whichever period is the shorter.

5. (1) Stickers issued in terms of these regulations must be designed so that, once placed on a vehicle, they cannot be removed without the sticker being destroyed.

(2) Such stickers may not be placed on any vehicle other than a vehicle to which the sticker relates in terms of these regulations.

6. (1) The Department must design and produce the stickers referred to in these regulations and provide them to operators concerned free of charge.

(2) The stickers will not constitute a permit issued by the Local Road Transportation Board, will be interim in nature and will remain the property of the Department.

(3) A sticker must be removed from the vehicle concerned immediately after it has expired, or within twenty-four hours of demand being made for its removal by the Department.

7. Any person who contravenes these regulations or operates a vehicle for minibus taxi services in contravention of the provisions of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding R1500,00.

Requirements for associations to register

8. (1) The minimum number of members which a minibus taxi association must have before it may be conditionally registered in terms of section 7A(8) of the Act, shall be thirty members that are registrable in terms of regulation 14, each of whom operates at least one vehicle.

(2) Any association which ceases to have the required applicable membership shall automatically cease to be registered.

9. In order to be conditionally registered in terms of section 7A(8) of the Act, a minibus taxi association must have been in existence for at least two years before the date of coming into operation of these regulations.

10. Conditional registration granted in terms of section 7A(8) of the Act shall lapse if the association concerned-

- (a) does not have the relevant road transportation undertaken by at least sixty percent of the vehicles operated by its members authorised by valid public permits within three months of registration; and
- (b) does not have the relevant road transportation undertaken by at least eighty percent of the vehicles operated by its members authorised by valid public permits within six months of registration; and
- (c) has not been fully registered within one year of conditional registration.

Applications for registration

11.(1) Applications for conditional or full registration shall be made by the association concerned on the application form designed by, and containing the information required by, the Department, subject to Regulations 12 and 13.

(2) No fee shall be payable on application.

12. An association applying for conditional registration shall supply at least the following information, provision for which must be made on the relevant application form:

- (a) the name of the association;
- (b) postal address;
- (c) street address;
- (d) telephone number and facsimile number (if any);
- (e) the date the association was established;
- (f) number of operating members;
- (g) annual membership fee per member;
- (h) names of other associations to which the association is affiliated (if applicable);
- (i) position, identity number and name of each office bearer;
- (j) for each route operated, the points between and the routes along which the transportation is conducted;
- (k) particulars of each member, namely identity number or business registration number, name, postal address and street address;

- (l) particulars of public permits (if any) held by each member, namely permit number and vehicle or vehicles to which such permit relates, as well as a copy of each such permit;
- (m) particulars of the vehicle or vehicles operated by each member, namely vehicle registration number, chassis number, certificate of fitness or roadworthiness certificate number, date of expiry of certificate of fitness or of roadworthiness certificate;
- (n) the departure point(s) (ranks) from which transportation is conducted by the vehicle.

13. Application forms for full registration shall contain the particulars specified in regulation 12, as well as the following:

- (a) the date of conditional registration of the association;
- (b) a copy of the constitution and code of conduct of the association;
- (c) an affidavit made by an authorised office bearer of the association stating that all members of the association in respect of whom application for registration is made holds a valid public permit for each vehicle that he or she operates and that such operations are legally within the authority of such permit.

14. (1) For the purposes of section 7A(10) of the Act, to qualify for conditional registration, the member concerned must have given the prescribed information to the Registrar that is substantially correct and has been verified as follows:

- (a) the registration number and other vehicle particulars provided on the application form must have been checked against NaTIS records to see that the vehicle exists and that a valid certificate of fitness or roadworthy certificate, as required by the Road Traffic Act, 1989 (Act No. 29 of 1989) or succeeding legislation has been issued in respect of the vehicle;
- (b) the particulars of the operator provided on the application form for registration have been checked against PAS records to establish whether a valid permit is held for the route concerned;
- (c) where no valid permit is held for the route or area in question, but some or all of the operator's particulars are recorded on PAS records, a cross-check of the particulars has been made to check for inconsistencies, and no inconsistencies have been found;
- (d) any other verifiable information has been verified to the satisfaction of the Registrar.

(2) Where the verification process mentioned in subregulation (1) reveals inconsistencies, the member concerned shall not be registered in respect of the relevant service until the matter has been cleared up to the satisfaction of the Registrar.

(3) Once verified, the information must be recorded on the RAS system.

15. (1) A non-member of an association applying for registration in terms of section 7A(13) of the Act shall supply at least the following information, provision for which must be made on the relevant application form:

- (a) name and identity number or business registration number;
- (b) postal address;

- (c) street address;
 - (d) particulars of public permit or permits held by the applicant, namely permit number and vehicle or vehicles to which such permit relates, as well as a copy of each such permit;
 - (e) particulars of the vehicle or vehicles operated by the applicant, namely vehicle registration number, chassis number, certificate of fitness or roadworthiness certificate number, date of expiry of certificate of fitness or of roadworthiness certificate, and
- (2) in addition the applicant must supply -
- (a) a statement that no primary association has been established in respect of the route or routes operated; or
 - (b) if there is such a primary association, a statement that the applicant alleges that the conditions set by such association for membership are unfair, and the reasons for such allegation; and
 - (c) a statement that he or she is prepared to sign and agree to abide by the prescribed Code of Conduct for Non-Members, and
 - (d) telephone number and facsimile number (if any).

Procedure for appeals

16. (1) An appeal in terms of section 7A(31) of the Act must-
- (a) clearly and fully set out the act, direction or decision forming the subject of the appeal and the date on which it took place;
 - (b) clearly set out the grounds of appeal and elaborate on such grounds;
 - (c) be in writing and be delivered by hand or by registered post within 21 days after the act, direction or decision appealed against took place, to the Office of the MEC for Transport and Public Works, Sage Life Towers, 30 Simmonds Street, Johannesburg.

(2) The MEC must deliver a copy of the appeal to the Registrar within seven days of receipt thereof.

(3) The Registrar must, not later than 21 days after being requested by the MEC, forward to the MEC any relevant documents and written reasons for the act, direction or decision appealed against. The MEC may extend this period on request being made by the Registrar.

(4) The MEC may request the Registrar to collect information on any matter arising from the appeal and submit it to the MEC, or to specify reasons for the decision against which the appeal has been brought in greater detail.

(5) The MEC must convey his or her decision in writing to the appellant and to any other party who, in the view of the MEC, is affected by the decision.

General

17. (1) Any other regulations made in terms of the Act, whether before or after these regulations, shall continue to apply to minibus taxi services and their operators, except insofar as replaced or supplemented by these regulations, and these regulations shall take precedence in the case of a conflict.

(2) An "A-type" sticker issued under regulation 2 shall be deemed to be a distinguishing mark issued under the Act, except that Regulation 13(b) of the Road Transportation Regulations, 1977, relating to the method of displaying distinguishing marks, shall not apply to stickers issued in terms of these regulations.

(3) When applied to stickers issued in terms of these regulations, a duty to return a distinguishing mark to the board that issued it under the Act or the Road Transportation Regulations, 1977, shall be deemed to be a duty to remove and destroy the sticker concerned.

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