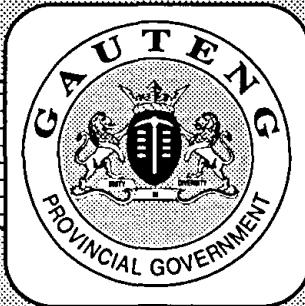


THE PROVINCE OF
GAUTENG



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No. 449

GENERAL NOTICE

NOTICE 273 OF 1998

GAUTENG DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

GAUTENG INTERIM ROAD TRANSPORT BILL

The Gauteng Provincial Legislature proposes to introduce the above-mentioned Bill in the Gauteng Provincial Legislature on or about 4 March 1998.

The purpose of the Bill is to provide for the interim regulation of public passenger road transport other than minibus taxi-type services, and for matters connected therewith.

Persons who wish to comment on the Bill may send their comments before 20 February 1998 to:

The Legislature Secretary
Gauteng Provincial Legislature
Private Bag X52
MARSHALLTOWN
2107.

Master copies supplied by Gauteng Provincial Government.

Tikmeesters voorsien deur Gautengse Regering.

GAUTENG INTERIM ROAD TRANSPORT BILL

To provide for the interim regulation of public passenger road transport other than minibus taxi-type services, and for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng as follows:-

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1. Definitions

In this Act, unless the context indicates otherwise-

"authorized official" means an inspector, a member of the South African Police Services, or a person in the service of the Province or a municipality whose duty it is to inspect motor vehicles or licences for motor vehicles or to control traffic;

"Board" means the Gauteng Transport Permit Board referred to in section 2;

'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 for reward;

"Commission" means the Provincial Transport Commission established in terms of section 27 of the Gauteng Interim Act to Regulate Minibus Taxi-Type Services, 1997 (Act No. ... of 1997);

'Department' means the Gauteng Department of Transport and Public Works;

'distinguishing mark' means a distinguishing mark contemplated in section 19(1)(e);

'Head of Department' means the head of the Department responsible for transport in Gauteng;

'holder', in relation to a permit, means the person in whose favour the permit was issued;

'inspector' means a road transport inspector designated under section 28;

"international service" means a service in respect of which transport takes place partly within the Republic and partly within another country or in transit through the Republic or another country;

"inter-provincial service" means a transport service partly within the area of Gauteng Province and partly within the area of another province or provinces, or in transit through Gauteng or another province, and excludes an international service;

"MEC" means the Member of the Executive Council responsible for transport in Gauteng;

"metropolitan authority" means

- the Greater Johannesburg Metropolitan Council;
- the Greater Pretoria Metropolitan Council;
- the Lekoa-Vaal Metropolitan Council;
- the Khayalami Metropolitan Council,
- the West Gauteng Services Council;
- the East Gauteng Services Council;

or their successors in title as metropolitan authorities or other similar authorities established within Gauteng;

"metropolitan area" means the area of jurisdiction of a metropolitan authority;

"municipality" means a local government body as defined in the Local Government Transition Act, 1993 (Act 209 of 1993) and includes a metropolitan authority, a services council and substructures of those authorities;

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

"motor vehicle" means a motor vehicle as defined in the Road Traffic Act, 1989 (Act 29 of 1989);

'owner', in relation to a motor vehicle registered in an area under the law governing the registration of motor vehicles in force in that area, means the person who qualifies as owner under that law;

'PAS' means a computerised Permit Administration System operated by the national Department of Transport or by the Province;

'permit' means a public permit or temporary permit;

'prescribed' means prescribed by regulation by notice in the *Provincial Gazette*;

'public permit' means a public road carrier permit granted under section 10;

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

'railway service' means a transport service operated over a line of railway, whether constructed by or on behalf of a State-owned body or a private person;

'RAS' means the Registration Administration System administered by the Department;

'regulation' means a regulation made under section 27;

'road transport' means, subject to the provisions of section 7-

- (a) the conveyance of persons by means of a motor vehicle for reward on a public road;
- (b) the conveyance of persons by means of a motor vehicle on a public road in the course of an industry or trade or business;
- (c) the conveyance of persons by means of a hired bus on a public road;

'road transport service' means a transport service operated on 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 13;

'this Act' includes the regulations;

'TPAB' means a transport permit administrative body;

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

'transport facilities' means a railway service or road transport service;

'transport permit administrative body' means a transport permit administrative body defined in and established by the Gauteng Interim Act to Regulate Minibus Taxi-Type Services 1997 (Act No. ... of 1997);

'Tribunal' means the Road Transport Appeal Tribunal established by the national Transport Appeal Tribunal Act, 1998;

'unauthorized road transport' means road transport not authorized by a permit and includes road transport undertaken by the holder of a permit otherwise than in accordance with the conditions of the permit.

"vehicle" means a motor vehicle.

2. Establishment and constitution of Gauteng Transport Permit Board

(1) There is hereby established a Gauteng Transport Permit Board.

(2) The Board must consist of a chairperson and between three and five other members prescribed by the MEC who shall be persons who possess wide experience of, and have shown ability in, public transport, industrial, commercial, financial or legal matters or in the conduct of public affairs.

(3) Other members of the Board must be appointed for a period not exceeding two years, and, subject to the provisions of this Act, hold office on conditions as to remuneration and otherwise, as the MEC may determine when the member is appointed.

(4) Whenever a member of the Board vacates his or her office or is removed therefrom or is temporarily unable to perform his or her functions, the MEC may appoint a person he or she considers suitable, to act in place of the member for the period the MEC determines.

(5) A person whose period of office as a member of the Board has expired, shall be eligible for re-appointment.

(6) The Advisory Panel established by section 14 of the Gauteng Interim Act to Regulate Minibus Taxi-Type Services, 1997 (Act ... of 1997), and the Transport Permit Administrative Bodies established by section 15 of that Act, must perform their functions in relation to the Board in terms of this Act and that Act will apply with the necessary changes to the functions of the Board under this Act.

(7) The Head of Department must, subject to the laws governing the public service, provide the staff necessary to assist the Board in the performance of its functions.

3. Powers of the Board

Apart from the other powers conferred by this Act, the Board may-

- (a) investigate a matter falling within the scope of this Act, and submit recommendations thereon to the MEC;
- (b) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act, an application made to it thereunder
 - (i) for the grant of a permit authorizing road transport within Gauteng;
 - (ii) for the grant of a permit authorizing road transport which commences in Gauteng and also takes place in another province in agreement with the board of the other province;
 - (iii) subject to the provisions of section 9, for the renewal, amendment or transfer of a permit granted by it;

- (c) issue, in accordance with the provisions of this Act, a permit granted, renewed, amended or transferred by it;
- (d) amend a permit that was issued by the National Transport Commission in respect of transport that takes place in Gauteng, notwithstanding the other provisions of this Act, if application for the amendment is made under this Act, except in the case of a permit authorizing an international service.

4. Disqualification for office as, and termination of office of, member of the board

- (1) No person may be appointed as a member of the board-
 - (a) if he or she is an unrehabilitated insolvent; or
 - (b) if he or she has been convicted of an offence involving dishonesty; or
 - (c) if he or she or his or her near relation holds a financial interest in a business of road transport or is engaged in an activity connected with road transport which, in the opinion of the MEC, may interfere with the impartial discharge by the member of the duties of his or her office.
- (2) A member of the Board must vacate his or her office if he or she becomes subject to a disqualification for appointment mentioned in subsection (1).
- (3) The MEC may remove from office a member of the Board-
 - (a) who has failed to comply with a condition of his or her appointment; or
 - (b) who, in the opinion of the MEC, has been guilty of improper conduct or has neglected his or her duties as a member of the Board; or
 - (c) who, in the opinion of the MEC, is unable to perform efficiently his or her duties as a member of the Board.

5. Meetings and decisions of the Board

(1) Three members of the Board form a quorum for meetings of the Board.

(2) The decision of any three members of the Board present at a meeting of the Board, constitutes a decision of the Board: provided that in the event of an equal number of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative or normal vote.

(3) If the chairperson of the Board, or a person appointed to act in place of the chairperson, is unable to attend a meeting of the Board, the chairperson or that person may designate another member of the Board to act as chairperson at that meeting.

(4) No act, direction or decision of the Board may be held to be invalid by reason only of the fact that, when the act was performed or the direction or decision was given, a vacancy existed on the Board or a person was a member of the Board who was disqualified under section 4 from being a member, whether or not that person's concurrence was necessary to the performance of that act or the giving of that direction or decision.

6. Application in respect of a public permit

(1) A person who desires to undertake road transport within Gauteng or which commences in Gauteng and also takes place in another province, other than road transport in respect of a temporary permit contemplated in section 14, must apply in the manner prescribed to the Board for a public permit to do so.

(2) A holder of a public permit may apply to the Board for the renewal or amendment of the permit in the manner prescribed.

(3) A person who desires to take transfer of a public permit, must apply in the manner prescribed and with the written consent of the holder of the permit in question.

to the Board for the transfer of that permit.

7. Exemptions

For the purposes of this Act, the conveyance of persons contemplated in the definition of 'road transport' in section 1 shall be deemed not to include the following, namely-

- (a) an individual farmer (including a partnership or company carrying on farming operations) who uses a suitable motor vehicle owned solely by him, her or it, to convey the farm's labourers--
 - (i) from a place where they have been recruited to where the farmer requires them for farming operations;
 - (ii) from a place where the farmer is or has been employing them in farming operations to another place where they may be required in the farming operations or where another farmer may require them in farming operations, or to the place where they have been recruited;
 - (iii) between a place where they have been or are to be so employed and the railway station or bus stop most convenient for their conveyance to another 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
 - (iv) between the place where they are so employed and another place within the Republic to do shopping or to attend a church service or funeral or for purposes of a sports or recreational meeting; or
 - (v) between a place where the farmer has recruited them and the railway station or bus stop most convenient for their conveyance to another 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 under the law relating to co-operative societies, of which the farmer is a member, or prisoners as defined in section 1 of the Correctional Services Act, 1959 (Act 8 of 1959), who are or have been or are to be employed by a farmer in his, her or its farming operations, shall be deemed to be the farmer's farm labourers;
- (b) a municipality conveying (other than the conveyance of persons for reward) by means of a motor vehicle which it owns, within its area of jurisdiction and between that area and another area which the municipality controls or in which it provides a public service or carries on an undertaking;
- (c) a municipality conveying prisoners as defined in section 1 of the Correctional Services Act, 1959 (Act 8 of 1959), whom it employs or has employed or will employ in a motor vehicle which it owns;
- (d) the conveyance, by means of a motor vehicle, of a patient to a place where he or she is to receive medical treatment from a person authorized to administer the treatment in terms of a law relating to the medical profession, or from a place where he or she has received treatment;
- (e) the conveyance (including the towing), by means of a motor vehicle, of another motor vehicle that has become defective, to a place for its repair or storage, or of persons who were being conveyed by means of the other motor vehicle at the time when it became defective, to that place or another place, provided, if the conveyance of the persons by means of the other motor vehicle at the time when it became defective constituted road transport, the 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 the permit and the permit is carried on the first-mentioned motor vehicle for production on demand to an authorized

- (f) official;
- (g) the conveyance of persons as contemplated in the definition of "lift club" in section 1 of the Road Accident Fund Act, 1996 (Act 56 of 1996);
- (h) an hotel conveying its own guests only and their personal effects between the hotel and the nearest or most convenient railway station, airways terminal airport or port, in a motor vehicle identified in the manner prescribed by regulation which the hotel owns solely;
- (i) the conveyance, in the course of a industry or trade or business, of persons (excluding the conveyance of an employee between his or her place of residence and place of work) by means of a motor vehicle if no reward is received for the conveyance;
- (j) a person who carries on an industry, trade or business conveying his or her employees from a place where they perform work in the course of that industry, trade or business, to another place where they will perform work, in a motor vehicle which the person owns;
- (k) an employee of the State or Gauteng or a State aided body or a company of which the State or Gauteng is the sole member and shareholder or a municipality conveying, in connection with the performance of his or her duties, in a motor vehicle which the employee owns in the performance of those duties, of a person in respect of whose conveyance that employee is entitled to receive a reward from the State or Gauteng or the State aided body or company or municipality;
- (l) 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 sport or recreation or on holiday, sightseeing or educational tours by means of a motor vehicle of which the school is the sole owner. Where a vehicle is set apart for the use of a school in terms of an agreement, the school shall require a special permit as prescribed by regulation;
- (m) 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 sports purposes by means of a motor vehicle of which that educational institution is the owner. Where a vehicle is set apart for the use of an educational institution in terms of an agreement, it shall require a special permit as prescribed by regulation;
- (n) the conveyance for reward by a person who has been summoned to appear at a place as a witness in a criminal case, of another person who has been summoned to appear as a witness in that case or in another criminal case, whether at the same place and on the same day or at another place or on another day, to or from the place at which the person conveyed has been summoned to appear, by means of a motor vehicle of which the first-mentioned person is the owner;
- (o) the conveyance for reward, by a person who has been summoned to appear to give evidence before a commission with reference to which the provisions of the Commissions Act, 1947 (Act 8 of 1947), have been declared to be applicable, or before a body established under a 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 the person has been summoned to appear, of another person who has been summoned to appear before the 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;
- (p) the conveyance of a person who must necessarily be conveyed in connection with the conveyance of persons, which in terms of paragraphs (a) to (n) does not constitute minibus taxi-type services.

8. Inter-provincial transport

(1) Applicants for public permits concerning inter-provincial transport must apply to the Board only if the transport in question commences in Gauteng, or in Gauteng as well as in another province.

(2) For the purposes of this section road transport shall be deemed to commence at a place where persons board a motor vehicle by means of which the road transport is effected, for the purpose of being conveyed to another place, and to terminate at that other place.

(3) In the case of doubt as to where the transport commences, the application must be made in the province where the vehicle in question is registered.

(4) The Board may not grant an application for a permit authorizing road transport which commences in another province, or for the renewal or transfer of that permit, or for an amendment of that permit affecting the conducting of road transport within another province, except with the agreement of the board established for the other province.

(5) Appeals concerning inter-provincial services must be made to the National Transport Commission in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977), or to the Tribunal in terms of national legislation, whichever is applicable.

(6) Where the Board is unable to obtain the necessary responses from the board of another province in a referral contemplated in subsection (4), or the agreement of the other board within the prescribed period, the matter must be submitted to the National Transport Commission or Tribunal referred to in subsection (5), whichever is applicable, as an appeal.

9. International transport

(1) Applicants for public permits concerning international transport must apply to the National Transport Commission in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977) or the Regulatory Committee in terms of the national Cross-Border Road Transport Act, 1998, whichever is applicable.

(2) Persons noting appeals concerning international transport must do so to the National Transport Commission in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977) or the Tribunal in terms of national legislation, whichever is applicable.

10. Disposal of application in respect of a public permit

(1) Subject to the provisions of this Act, the Board through the relevant TPAB must receive and consider an application for the grant, renewal, amendment or transfer of a public permit made to it thereunder, and may thereafter, in its discretion grant the application in full or in part subject to the conditions it may deem necessary, or refuse the application.

- (2) (a) The Board may refuse to consider an application for the grant, renewal, amendment or transfer of a permit if it has considered and refused a previous application, which in its opinion had the same or substantially the same object as the first-mentioned application, within six months preceding the date on which the first-mentioned application was received.
- (b) The Board may refuse to consider an application for the grant, amendment or transfer of a public permit or representations objecting to the application if the applicant or the person who submits those representations, as the case may be, has not paid the fee prescribed for that application or those representations, as the case may be.

- (c) The Board may not consider an application for the renewal of a public permit granted for a fixed period unless the Board has received the application, together with the fee prescribed before the date on which that permit expires.
- (d) The 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.
- (e) The Board may not consider an application for the grant of a public permit for a motor vehicle with regard to which a public permit has already been issued to some person other than the applicant.
- (f) No person may appeal to the Commission against an act, direction or decision performed or given by the Board under paragraph (a).

11. Publication of application in respect of a public permit

(1) The Board-

- (a) must, before considering an application for the grant, amendment (other than an amendment referred to in paragraph (b)) or transfer of a public permit;
- (b) may, before considering an application for-
 - (i) the renewal of a public permit; or
 - (ii) the amendment as contemplated in section 23 of that permit; or
 - (iii) the amendment of that permit to authorize the permanent replacement of a motor vehicle specified in that permit, by a motor vehicle of which, 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,

publish in the *Provincial Gazette* those particulars of the application as may be prescribed and place a notice of the application on the notice board at the offices of the Board and the relevant TPAB, also in the manner prescribed.

(2) An interested person who desires to submit representations to the Board objecting to or supporting an application published under subsection (1), must do so in the manner and within the time prescribed to the Board, and the Board-

- (a) must allow a person who, within the time 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 other documentation which the applicant has submitted with his, her or its application form, at the office of the Board; and
- (b) may, at the request of a person who so submits representations, provide him or her with copies of the application form in question and of other documentation, on payment of the fee prescribed.

(3) In the case of an application published under subsection (1), the Board must allow the applicant to inspect free of charge representations objecting to or supporting the application at the office of the Board, and may, at the request of that applicant, provide him, her or it with copies of the representations referred to, on payment of the fee prescribed.

(4) Before granting a public permit authorizing the regular conveyance of persons for reward within the area of jurisdiction of a municipality, or amending the permit by altering the points between which or the route or routes upon which the motor vehicle for which the permit was issued may be used in road transport, the Board must afford the municipality concerned an opportunity to submit representations, in the manner and within the time prescribed, regarding the points between and the route or routes upon which the holder may use the motor vehicle and another condition which may be applied to a permit.

12. Matters which the Board must take into consideration in disposing of an application in respect of a public permit

(1) Subject to the other provisions of this Act, the Board must take into consideration the following in deciding whether an application for the grant, renewal, amendment or transfer of a public permit should be granted or refused and in determining conditions to which a public permit shall be made subject:

- (a) the extent to which the transport is necessary or desirable in the public interest;
- (b) the requirements of the public for transport within the area or along the route or between the points in or on or between which the applicant proposes to operate;
- (c) the existing transport facilities available to the public in that area or over that route or between those points;
- (d) a new railway service which has been planned or is contemplated for the conveyance of persons within that area or on that route or between those points;
- (e) the co-ordination of all forms of transport, including transport 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 transport for which the permit is sought;
- (g) a relevant previous conviction of the applicant for an offence in terms of this Act or as prescribed, and other failures by the applicant as an operator of road transport;
- (h) the existence of a prohibition, limitation or restriction imposed by law on the use of motor vehicles in an area or on a street or road on the route on which the applicant proposes to operate;
- (i) representations duly submitted in connection with the application;
- (j) other factors which, in the opinion of the Board may affect the question whether it is desirable to grant the application or to attach or vary a condition.

(2) (a) When an applicant applies for a public permit to undertake road transport within an area or over a route or between two or more points already served by existing transport facilities, the onus shall rest upon the applicant to prove that-

- (i) the existing transport facilities are not satisfactory and sufficient to meet the transport requirements of the public in that area or along that route or between those points; and
 - (ii) he or she or it has the ability to provide in a manner satisfactory to the public the transport for which he, she or it requires the permit; and
 - (iii) having regard to the circumstances, it will be expedient in the public interest to grant the permit.
- (b) When an applicant applies for a public permit to undertake road transport in circumstances not contemplated in paragraph (a), the onus shall rest upon the applicant to prove that-
- (i) there is a need for transport within the area or along the route or between the points in or over or between which he, she or it proposes to undertake the transport; and
 - (ii) he or she has the ability to provide in a manner satisfactory to the public the transport for which he, she or it requires the permit.
- (3) For the purposes of this section transport shall be deemed to be capable of being co-ordinated with existing transport facilities if the transport is to be provided to or from a place or area situated on or along a route, or included in an area, served by the existing transport facilities.

13. Period of a public permit

(1) The Board may grant or renew a public permit in its discretion for the period it determines.

(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 Board, the permit shall continue in force until the Board has disposed of the application.

14. Application for a temporary permit and disposal thereof

(1) A person who desires to undertake road transport of a temporary nature, must in the manner prescribed apply to the Board through the relevant TPAB for the grant of a temporary permit authorizing the road transport upon a particular date or in connection with a particular occurrence, and the onus of proving the necessity for the intended road transport rests on the applicant.

(2) Subject to the provisions of this Act, the Board must receive and consider an application for the grant, renewal, amendment or transfer of a permit made to it thereunder, and may thereafter, in its discretion grant the application in full or in part subject to the conditions it may deem necessary, or refuse the application.

(3) The Board may not grant an application for a temporary permit if, in its opinion, reasonable transport facilities exist by means of which the persons in respect of which the permit is sought can be conveyed.

(4) The Board may grant a temporary permit for the fixed period not exceeding fourteen days as it may determine.

(5) Notwithstanding anything to the contrary contained in this Act, the powers and duties of the Board in terms of this section may, in those circumstances, or in respect of the categories of applications for temporary permits as may be prescribed, be exercised or performed on its behalf by its chairperson or a member or official nominated for that purpose by its chairperson.

15. Issue of a permit, and provisions thereof

(1) Subject to the provisions of subsection (2), the Board through the relevant TPAB must issue, in the manner prescribed, a permit granted, renewed, amended or transferred in terms of this Act.

(2) The Board may not issue a 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 the permit was so granted, renewed, amended or transferred, is suitable for the type of road transport for which it is to be used; and
- (b) the applicant submits a valid certificate of fitness or roadworthy certificate, issued on or after a date specified by regulation, or a copy of the certificate authenticated in the manner prescribed.

(3) Permits issued by the Board must specify the following:

- (a) the name and address of the holder;
- (b) the period for which it was granted;
- (c) the number of passengers allowed to be carried in terms of the relevant certificate of fitness or roadworthy certificate, provided that the maximum number of passengers approved by the Board shall not be exceeded;
- (d) the registration number, make, chassis number, year of manufacture, type, seating or passenger capacity of the motor vehicle for which the Board granted the permit;
- (e) the certificate of fitness or roadworthy certificate number and date of expiry;

- (f) the detailed route(s) or network(s) on which or the area or areas within which the relevant transport may be undertaken, as well as the points of origin and destination, all points where passengers may be picked up or set down and ranks and other facilities that may be used;
 - (g) the manner in which tariffs, if approved or laid down by the Board must be published or exhibited;
 - (h) other conditions which the Board in its discretion may impose.
- (4) The Board may direct the holder in a permit-
- (a) to operate a motor vehicle for which the permit was issued, according to a specified time table as approved or laid down by the Board upon the grant of the permit or as altered from time to time in the manner prescribed by regulation;
 - (b) to furnish the Board with the name and address of every person authorized to advertise on behalf of the holder;
 - (c) to comply with a requirement or condition imposed under another provision of this Act.

16. Records of permits

(1) The Board must keep at its place of business a copy of every permit issued in terms of this Act and of every amendment made to permits, and must allow a person who is in any way affected by a permit or amendment, to inspect it and make copies of it free of charge, and may, on request furnish the person with a copy of the permit concerned and every amendment thereof upon payment of the prescribed fee.

(2) The records kept in terms of subsection (1) must be capable of accessing the PAS, the National Traffic Information System (NaTIS) and the RAS.

17. Additional authority conferred by a permit

In addition to the transport expressly authorized by it, a permit also authorizes the conveyance of persons necessary in connection with the expressly authorized transport.

18. Temporary replacement of motor vehicle to which permit relates

(1) Where a motor vehicle used under a permit has become defective or is not being used temporarily because of an accident, the Board or a member thereof designated by the chairperson, may grant written permission for another motor vehicle to be used in its place, subject to subsections (2) and (3).

(2) The passenger capacity of the replacing vehicle must be equal to or smaller than or not exceed by more than 20 percent that of the vehicle to which the permit relates.

(3) The replacing vehicle may be used for a fixed period not exceeding 42 days as the Board or member determines which period may be extended at the Board's discretion on further application.

(4) The replacing vehicle shall, during the period of replacement, be deemed to be the vehicle for which the permit was issued.

19. Duties of the holder of a permit

- (1) The holder of a permit must-
- (a) carry the written permission referred to in section 18, if any, and the permit in the motor vehicle for which they were issued, and produce them on demand to an authorized official;

- (b) protect and 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 (except a permit issued for types of road transport as the Board may in its discretion determine), display the name, address and nature of the business of the holder, to be borne on the motor vehicle for which the permit was issued, in a conspicuous place, in the manner prescribed or in the other manner the Board may in a particular case approve in writing;
 - (d) exhibit other particulars prescribed by the Board in its discretion;
 - (e) in a case where the Board has issued a distinguishing mark, affix it and keep it affixed in the manner prescribed, on the relevant motor vehicle or vehicles.
- (2) A permit issued by the Board under this Act may not-
- (a) authorize the holder thereof to undertake road transport on a public road within the area of jurisdiction of a municipality, if it is unlawful under an ordinance, regulation or by-law in force in the area, or as a result of action taken by the municipality under the ordinance, regulation or by-law, to use a motor vehicle on that road or to undertake on that road transport of the type to which the permit relates;
 - (b) exempt the holder thereof from the obligation to comply with a requirement imposed under another law or under a licence or permit issued by another authority.

20. Appeal to the Commission against an act, direction or decision of the Board

- (1) Save as otherwise provided in this Act, a person who-
- (a) has applied to the Board for the grant, renewal, amendment or transfer of a permit;
 - (b) is the holder of a permit issued by the Board;
 - (c) in the manner and within the time prescribed by regulation, submitted representations to the Board objecting to or supporting an application published under section 11,

and is affected by an act, direction or decision of the Board, may, in the manner and within the time prescribed, after the Board has performed the act or given the direction or decision, appeal against that act, direction or decision to the Commission.

(2) Where the Board notifies a 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 (1) and (3), be deemed to be the date on which the Board gave that direction or decision.

(3) The Commission must receive and, subject to the provisions of subsection (4) and the regulations, consider an appeal lodged with it in terms of subsection (1) 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 another act, direction or decision which the Board could have performed or given; or
 - (ii) remit the matter which gave rise to the appeal to the Board for consideration afresh; or
- (c) uphold the appeal partially and vary the act, direction or decision appealed against.

(4) The chairperson of the Commission or a Commission member nominated by the chairperson, may in his or her discretion and without giving prior notice to or hearing an interested party-

- (a) grant an application for condonation of the late filing of a notice or appeal, provided the appeal is lodged in the manner prescribed within forty-two days after the Board 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 the Board appealed against;

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

(5) An act, direction or decision of the Commission under subsection (3)(b)(i) or (c) shall, except for the purposes of subsection (1), be deemed to be an act, direction or decision of the Board.

21. Procedure

(1) The Commission or Board may, for the purpose of dealing with a matter before it in terms of this Act-

- (a) in its discretion, but subject to the provisions of sections 24(2(b)), allow a person affected by or interested in the matter, or the duly authorized representative of that person, to appear before it and
 - (i) to give evidence or make oral representations relevant to the matter; or
 - (ii) to call witnesses and lead evidence on a question relevant to the matter; or
 - (iii) to question a person who testified as a witness in the matter;
- (b) by written notice prescribed by regulation and served in the manner prescribed, require a person to appear before it to give evidence or to hand over a book, plan or other document or article in his or her possession or under his or her control;
- (c) call upon a person present in or at the place where the Commission or Board deals with the matter, to appear before it to give evidence or to hand over a book, plan or other document or article which the person has in their possession;
- (d) question a person appearing before it as a witness;
- (e) refuse to hear a person appearing before it as a witness who refuses to be sworn in or to be affirmed.

(2) The person presiding at a meeting of the Commission or Board at which a 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 Board exercising or performing under section 20(4) a power or duty of the Commission or Board, shall for the purpose of the power or duty have the powers conferred by this section on the Commission or Board and the person presiding at a meeting of the Commission or Board, respectively.

(4) The Board must provide interested parties on request with written reasons for a decision it has taken.

22. Coming into operation of certain tariff increases not to be suspended pending judgment in court proceedings in connection with the increases

Whenever a permit authorizing the conveyance of persons for reward stipulates that the conveyance must be undertaken subject to tariffs set out in the permit or approved or laid down by the Board or the National Transport Commission, and the Board thereafter on application amends that requirement or condition by increasing the tariffs approved or laid down, the coming into operation of the tariffs so increased shall not be suspended pending final judgment in proceedings in a court of law in connection with that amendment.

23. Increase of certain tariffs prior to application for amendment of relevant permit

Whenever a public permit authorizing the conveyance of persons for reward stipulates that the holder must comply with a condition that the conveyance must be undertaken at tariffs approved or laid down by the Board or the National Transport Commission, that

holder may at any time after an increase in the price of petroleum fuel in the Republic, increase the tariffs by so much, but by not more than 10%, as will allow recovery of the increased expenditure on petroleum fuel resulting directly from that increase in the price of petroleum fuel, provided that within 10 days after the coming into effect of a tariff so increased, the holder applies to the Board for an appropriate amendment of the relevant permit under this Act.

24. Withdrawal, suspension or variation of a permit

- (1) Subject to the provisions of subsection (2), the Board may at any time-
- (a) withdraw or suspend for the period it may deem fit, a public permit granted by it-
 - (i) if the holder of the permit or an employee of the holder has been convicted of an offence under this Act or under a law relating to motor vehicles or the regulation of traffic, or, in the case of a holder who carries on a road transport business, of a contravention or failure to comply with the provisions of a determination, agreement, award, licence or exemption which relates to remuneration for work or hours of work and which is in terms of law binding on the holder as an employer, and upon the holder's employees in the business; or
 - (ii) if, in the opinion of the Board, the holder of the permit has not carried out faithfully the conditions of the permit; or
 - (b) in its discretion withdraw, or suspend for the period it may deem fit, a permit, if the circumstances under which the permit was granted have materially changed; or
 - (c) if the Board deems it necessary, of its own accord cancel or vary a condition of, or add any condition to, or define, redefine, curtail or otherwise amend, the authority contained in a public permit granted by it.
- (2) The Board may not under subsection (1) withdraw or suspend a public permit, or cancel or vary a condition or requirement of, or add a condition to, or amend, the authority contained in the permit, unless-
- (a) the Board has given at least twenty-one days' written notice of its intention to do so, together with the reasons therefor, to the holder of the permit by registered or certified post; and
 - (b) the Board has given the holder an opportunity, either personally or through a duly authorized representative, to appear before the Board 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 municipality, the Board gives the municipality an opportunity to submit representations, in the manner and within the time prescribed, to the Board regarding the proposed action.

25. Withdrawal or substitution of a public permit after inquiry

(1) Whenever the MEC has reason to believe that, in order to bring about improvements in transport facilities within an area or over a route, or for another reason, it may be expedient in the public interest that a public permit be withdrawn or that a permit be withdrawn and in lieu thereof one or more permits be issued to a person other than the holder of the permit, the MEC may cause a public inquiry in regard to the position to be instituted by the Board.

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

(3) The Board must in connection with the institution of the inquiry have due regard to the provisions of section 12(1).

(4) After consideration of the report submitted to him or her in pursuance of the

inquiry the MEC may, subject to the provisions of subsection (5), direct that the permit which was the subject of the inquiry-

- (a) be withdrawn; or
- (b) that it be withdrawn and that in lieu thereof one or more public permits be issued to a person or persons other than the holder of the permit.

and this direction shall take effect on a date to be determined by the MEC 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) If a permit is to be withdrawn, the MEC may not give a direction under subsection (4) unless-

- (a) if no public permit is to be issued in lieu thereof to another person, the person or persons (to be designated by the MEC) providing transport within the area or over the route in or on which transport is being provided by the person whose permit is to be withdrawn; or
- (b) if one or more public permits are to be issued in lieu thereof to another person or persons, that other person or those other persons,

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

(6) An arbitrator or arbitrators appointed in the manner prescribed must determine the amount of the compensation payable in terms of subsection (5), in the absence of agreement between the parties concerned, by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), but may not include an amount for the loss of possible profits in respect of a period longer than twelve months subsequent to the date of withdrawal of the permit in question.

26. Lapsing of certain permits

(1) If the Board requires, by written notice sent by registered or certified post, the holder of a public permit, at any time after the issue of the permit, to commence the road transport in respect of which it granted the permit in question, before a date specified in the notice or a later date the Board 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 Board has in writing declared itself satisfied that the holder has commenced the road transport before the date in question.

- (2) (a) If a person acquires a controlling interest in a company after a public permit has been granted or issued to the company, without the prior approval of the Board, obtained in the manner prescribed, the granting of the permit shall lapse notwithstanding the provisions of section 15, or the permit which has been issued shall lapse with effect from the date of acquisition of a controlling interest, as the case may be.
- (b) A permit which has lapsed in terms of paragraph (a), together with the distinguishing mark required in respect of a motor vehicle for which that permit was issued, 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 Board.
- (c) In considering an application for the approval of the acquisition of a controlling interest in a company to which a public permit has been granted or issued, the Board must take into account:
 - (i) whether the acquisition is likely to create a monopoly which will not serve the public interest;
 - (ii) other permits held by the applicant;
 - (iii) the interests which the applicant holds in other transport undertakings;

- (iv) the interests which the applicant holds in another company, partnership, industry, trade or business;
 - (v) the provisions of section 12(1);
 - (vi) other factors which in the opinion of the Board may affect the question whether it is desirable to grant the application.
- (d) A company which contravenes the provisions of paragraph (b) shall be guilty of an offence and liable on conviction to a fine not exceeding R1000.
- (e) For the purposes of paragraph (a) the expression 'controlling interest', in relation to a company, means an interest held in that company by another company by virtue of which the 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 a like interest held in that company by a natural person.

27. Regulations

- (1) The MEC may make regulations-
 - (a) with reference to-
 - (i) the information which applicants must submit with an application to the Board for the grant, renewal, amendment or transfer of a permit;
 - (ii) the procedure which the Board must follow in dealing with an application;
 - (iii) the information which an appellant must submit with an appeal to the Commission against an act, direction or decision of the Board;
 - (iv) the information which the Board must supply to the Commission or the appellant in connection with an appeal, and the manner in which and time within which the information must be supplied;
 - (v) the procedure to be followed by the Commission in dealing with an appeal;
 - (b) requiring the payment of fees in connection with-
 - (i) an application to the Board for the grant, renewal, amendment or transfer of a permit; or
 - (ii) an appeal to the Commission against an act, direction or a decision of the Board; or
 - (iii) the issue by a TPAB of a permit, distinguishing mark or other document or any duplicate thereof,and prescribing the amount of the fee, the circumstances in which an amount paid by way of the fee shall be forfeited or refunded in whole or in part, the amount of a partial refund and the circumstances in which an amount so paid may in the discretion of the Board be forfeited in whole or be refunded in whole or in part;
 - (c) requiring the payment of an annual fee in respect of a permit granted or renewed for an indefinite period or for a period longer than twelve months, and prescribing the amount of the fee and the times at which and manner in which it is to be paid;
 - (d) prescribing specifications and requirements to which a motor vehicle used in road transport for the conveyance of persons must conform, and prohibiting the use in road transport for that purpose of a motor vehicle which does not conform to the specifications or requirements;
 - (e) prescribing the manner in which a distinguishing mark, identification, permit, notice or other document or writing which is required to be displayed or carried on or in a motor vehicle in terms of this Act or a condition imposed thereunder, must be displayed or carried, and the position thereof on or in the motor vehicle;
 - (f) for the surrender or handing over to the Board, under specified circumstances or at the request of the 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 Board, or in respect of which the

authority has been amended;

- (g) prescribing records to be kept by a person engaged in road transport and returns and information to be submitted by that person to the Board or an official of Gauteng;
- (h) prescribing the nature and form of a distinguishing mark, identification, permit, notice or other document or writing issued or required in terms of this Act, including the form, shape, size and colour of, and the information to be contained in, that distinguishing mark, identification, permit, notice or other document or writing, or empowering the Board to prescribe the form thereof;
- (i) prescribing fees or allowances payable to a person who has been required under section 18 to appear before the Commission or Board to give evidence or to produce a book, plan or other document or article;
- (j) prescribing or otherwise dealing with a matter which in terms of a provision of this Act is required to be or may be prescribed or otherwise dealt with by regulation.

(2) The MEC may not under subsection (1)(b), (c) or (i) prescribe a fee or allowance or circumstances in which fees must or may be refunded or the amount of a refund, except with the concurrence of the MEC responsible for finance.

(3) Regulations made under subsection (1) may prescribe for a contravention thereof or a 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, types of motor vehicles, forms, modes of road transport, circumstances in which, times during which or purposes for which a motor vehicle is used in road transport.

28. Designation of inspectors

The Head of Department may designate an officer or employee of the Department as an inspector of transport.

29. Powers of authorized officials

(1) An authorized official may seize by order of the Board, a permit that has expired or has been withdrawn or suspended in terms of this Act.

(2) An inspector or a member of the South African Police Services may seize a motor vehicle suspected on reasonable grounds to have been used in unauthorized road transport, and the MEC may make regulations providing for the manner in which a motor vehicle so seized must be dealt with pending the disposal of criminal proceedings in respect of the unauthorized road transport.

(3) Apart from the duties and powers referred to in this Act, an authorized official may in relation to road transport-

- (a) cause a motor vehicle to be stopped by means of:
 - (i) a stop sign of the prescribed design;
 - (ii) a klaxon which is mounted on the authorized official's vehicle; or
 - (iii) a lamp emitting an intermittently flashing blue light in any direction and which is mounted on the authorized official's vehicle,and enter the vehicle and examine it as well as the documentation authorising the transport in order to establish whether that vehicle is being used for road transport or in order to exercise a power or perform a duty or authorized act;
- (b) require the driver of a motor vehicle to furnish his or her name and address and documentary evidence in support thereof and the name and address of the owner of the vehicle, as well as the particulars of the business in connection with which the vehicle is being used;
- (c) require that the driver or other person in charge of a motor vehicle forthwith produce

- for inspection documents or other records in or on the vehicle or in his or her possession that in any way relate to the persons being conveyed by means of that vehicle;
- (d) require that a person on a motor vehicle believed to be used for road transport, or a person believed to have been on the vehicle recently, furnish their full name and address and documentary evidence in support thereof and that they state whether they have paid or have to pay a consideration for the conveyance on the vehicle, and that they furnish the name and address of the person to whom they had or have to make the payment;
 - (e) require that the records to be kept in terms of this Act be produced by the driver of a motor vehicle or by the conductor, if any, for inspection;
 - (f) enter premises at a reasonable time to conduct an investigation within the ambit of his or her duties as authorized official, and may, while he or she is on or in the premises or at another reasonable time, question a person who, in his or her opinion, may be able to furnish information required by him or her; and he or she may require that a person forthwith, or at the time and place he or she may determine, hand over to him or her all books and documents which, in his or her opinion, may serve as proof of the commission of an offence or an alleged offence in terms of the Act, and he or she may examine the book or document and make extracts therefrom or copies thereof, and demand an explanation of entries therein: provided that a person thus questioned or required to furnish an explanation is entitled to all the privileges to which a person testifying before a court of law would be entitled;
 - (g) require that the driver or other person in charge of a motor vehicle used for road transport produce documents which have been issued by the Board in respect of that vehicle or the transport for which it is being used and which are required by law to be kept on that vehicle;
 - (h) require that the driver or other person in charge of a motor vehicle which is used for road transport and which is so defective as to be a possible danger to persons and property, forthwith hand over the current permit, as well as the distinguishing mark relating to the vehicle, and that he or she ceases his or her activities until the defect has been remedied;
 - (i) upon the order of the Board impound every permit specified in the order and hand it over to the Board.

(4) Apart from the duties and powers specified in this Act an inspector, and a member of the South African Police Services may impound a motor vehicle reasonably suspected of having been used in connection with the conduct of unauthorized road transport.

(5) Upon the impoundment of a motor vehicle in terms of subsection (3), the person who impounded it must forthwith cause the vehicle to be taken to a police station whereupon the matter must be dealt with in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

30. Offences and prohibitions relating to road transport

- (1) A person who-
- (a) undertakes road transport except under the authority of a permit authorizing it; or
 - (b) being the holder of a permit, undertakes road transport otherwise than in accordance with the provisions of the permit, or, subject to the provisions of section 23, contravenes or fails to comply with a condition a permit or a provision of section 19; or
 - (c) being the holder of a public permit authorizing the conveyance of persons for reward-
 - (i) refuses without sufficient reason (the onus of proof whereof rests upon him or her) to convey a person which the permit authorizes him or her to convey; or

- (ii) subject to the provisions of section 23, makes a charge for the conveyance which is not in accordance with a tariff set forth in the permit or which the person may have been required to publish in terms of the permit; or
 - (iii) claims or accepts for the conveyance remuneration other than money; or
- (d) being the holder of a permit, makes it available to another person to undertake road transport not authorized under this Act,
- shall be guilty of an offence.

(2) The holder of a permit may not be convicted under subsection (1)(c)(i) in respect of a refusal to convey if, at the time of refusal, he, she or it had discontinued the road transport authorized by the permit or a part of the road transport after having given the prescribed notice.

(3) No person shall, without authority in writing granted by the Board, make known whether by means of a notice published in a newspaper or in another manner-

- (a) that he or she is willing to undertake road transport, unless he or she is the holder of a permit which authorizes the conveyance; or
- (b) that another person is willing to undertake road transport, unless the other person is the holder of a permit which authorizes the conveyance and the first-mentioned person has been authorized by the other person to advertise his or her willingness to undertake the conveyance, and the advertisement in question discloses the name of the other person.

(4) A person who contravenes a provision of subsection (3), shall be guilty of an offence.

31. Offences generally

A person shall be guilty of an offence who-

- (a) with intent to deceive, makes a writing falsely purporting to be a permit or other document 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 a writing is not a permit or document issued under this Act, or that a permit or other document issued under this Act has been altered, defaced, mutilated or added to in contravention of the provisions of paragraph (a), utters the writing, permit or other document or uses it for the purposes of this Act; or
- (c) except as specially provided in this Act, transfers a permit or distinguishing mark, without the consent in writing of the Board, to a motor vehicle or person other than a motor vehicle or person referred to or named in the permit or distinguishing mark; or
- (d) not being an inspector, by words, conduct or demeanour attempts to exercise the powers of an inspector; or
- (e) wilfully obstructs or hinders or interferes with an inspector in the exercise of his or her powers or the performance of his or her duties in terms of this Act; or
- (f) without sufficient reason (the onus of proof whereof rests upon him or her) fails or refuses to appear before the Commission or Board after having been required under section 21(1)(b) or (c) to do so, or, having so appeared, fails or refuses to answer to the best of his or her knowledge a question lawfully put to him or her or to produce a book, plan or other document or article which he or she has been required to produce; or
- (g) in connection with an application, appeal, inquiry or investigation under this Act makes a false statement, whether orally or in writing, knowing it to be false; or
- (h) obtains a public permit from the Board knowing that a public permit has already been issued to some other person in respect of the vehicle concerned.

32. Act or omission of a manager, agent or employee of the holder of a permit

(1) Whenever a manager, agent or employee of the holder of a permit does or omits to do an act which it would be an offence under this Act for the holder to do or omit to do, then, unless the holder proves that-

- (a) he or she did not connive at or permit the act or omission; and
- (b) he or she 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 the manager, agent or employee, the holder shall him- or herself be guilty of an offence in relation to that act or omission and be liable to be convicted and sentenced in respect thereof, and for the purposes of paragraph (b) the fact that he or she forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he or she took all reasonable measures to prevent the act or omission.

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

33. Penalties

A person convicted of an offence under this Act for which no other penalty is expressly provided, shall be liable to a fine not exceeding R20000 or to imprisonment for a period not exceeding two years or to both a fine and imprisonment.

34. Forfeiture

(1) The court convicting a person of an offence under this Act involving the undertaking of unauthorized road transport may declare the motor vehicle used in the transport or the convicted person's rights in the motor vehicle, to be forfeited to Gauteng Province: provided that the declaration shall not affect any rights which a person other than the convicted person may have to the motor vehicle in question, if it is proved that the other person did not know that the motor vehicle was being or would be used in unauthorized road transport or that he or she could not prevent its use.

(2) Section 35 (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall apply with the necessary changes with reference to a forfeiture under subsection (1).

35. Effect of second 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 transport the Board may-

- (a) by notice in writing sent by registered or certified post, summarily withdraw a permit held by that person and issued by the Board; and
- (b) during the period the Board may deem fit, and irrespective of whether or not a permit held by that person has been withdrawn under paragraph (a), refuse to consider an application for the grant or transfer of a permit to him or her or to a company of which he or she is a director, or for the renewal of a permit held by him or her or such a company.

(2) For the purposes of subsection (1) a conviction of a company of an offence mentioned in that subsection shall be deemed to be a conviction also of every person who

was a director of that company at the time if the commission of the offence in question.

36. Presumptions, and proof of certain facts

(1) In a prosecution under this Act-

- (a) a person who has conveyed a person by means of a motor vehicle or who has permitted the conveyance by that means of a person in addition to the driver of the motor vehicle, shall be presumed thereby to have undertaken road transport, unless the contrary is proved;
- (b) if it is proved that a person was conveyed in contravention of the provisions of section 30(1)(a) by means of a particular motor vehicle, the owner of that motor vehicle shall be presumed to have conveyed that person, unless it is proved that he or she 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 the conveyance;
- (c) a person in whose possession a document falsely purporting to be a permit issued under this Act is found, or in whose possession a permit which has been altered, defaced, mutilated or added to in contravention of the provisions of this Act is found, shall be presumed to have made the document or to have altered, defaced, mutilated or added to the permit, unless the contrary is proved.

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

(3) A 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 that law at the place where the motor vehicle is registered thereunder, shall on its production by a person in a prosecution under this Act, be admissible in evidence and be *prima facie* proof of the correctness of the statements contained therein.

37. Jurisdiction

A magistrate's court shall have jurisdiction to impose a penalty provided for in this Act.

38. Limitation of liability

No civil or criminal proceedings shall be instituted or continued in a court of law against an authorized official or the employer of an authorized official by reason of an act done in good faith by an authorized official or the employer of an authorized official in terms of this Act.

39. Finance

All moneys received by the Commission or Board under this Act must be paid into the Provincial Revenue Fund, and all expenditure incurred in the administration of this Act, must be defrayed from moneys appropriated out of that Fund by the Provincial Legislature: provided that expenditure incurred in connection with the performance of the functions of an authorized official, must be defrayed by the employer of the authorized official.

40. Relation of Act to other laws

The provisions of this Act shall be additional to and not in substitution of other laws related to motor vehicles.

41. Repeal

(1) The Road Transportation Act, 1977 (Act No. 74 of 1977) is hereby repealed insofar as it applies in Gauteng Province.

(2) The provisions of the National Land Transport Act, 1998 shall not apply in Gauteng Province insofar as they are inconsistent with the provisions of this Act or the Gauteng Interim Act to Regulate Minibus Taxi-Type Services, 1997 (Act No. ... of 1997).

42. Transitional provisions

(1) (a) Subject to the provisions of subsections (2) and (3), an appointment, designation, regulation, notice or document made, published or issued, or another thing done, under the provisions of the Road Transportation Act, 1977 or similar legislation, 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) a permit which was issued under the Road Transportation Act, 1977 or similar legislation and which, according to the nature of the road transport authorized by it, could be granted and issued under this Act, as a public permit, shall be deemed to be a public permit granted and issued under the relevant provisions of this Act; and

(ii) an application for the issue or grant of such a permit 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 MEC, acting upon the recommendation of the Board, may at any time by notice in the *Provincial Gazette* and with effect from a date specified in the notice terminate the validity of every permit mentioned in subsection (1) (b) which was issued or granted for an indefinite period and which belongs to a type or category of permits specified in the notice.

(3) The Board may, by notice in writing sent by registered or certified post to the holder of a permit mentioned in subsection (1)(b) (irrespective of whether it was issued or granted for a fixed period or for an indefinite period), withdraw the permit with effect from a date specified in the notice.

(4) The Board may, if it deems it expedient to do so-

(a) in the case of a permit mentioned in subsection (1)(b) 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 the permit made before the date specified in the relevant notice as the date of the termination or withdrawal, or within the period after that date as the Board may allow; or

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

(c) after having duly considered, in accordance with the provisions of this Act, an application for the renewal, amendment or transfer of a permit so referred to, issue, in substitution for the permit in question, an appropriate permit subject to the conditions the Board may deem fit, as if the request or application, as the case may be, were an application for the grant of the request or application, as the case may be, for the grant of the 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 a power conferred on the MEC or the Commission or the Board in respect of a permit by another provision of this Act, or as requiring the giving of prior notice, or an opportunity to be heard, to a person affected by their application, and the fact that the validity of a permit has been terminated under subsection (2), or a permit has been withdrawn under subsection (3), shall not prejudice an application for the grant of a permit made by the person who was the holder of the permit in question.

43. Short title and commencement

(1) This Act shall be called the Gauteng Interim Road Transport Act, 1997, and shall come into operation on a date fixed by the MEC by notice in the *Provincial Gazette*.

(2) This Act shall terminate on the date of commencement of more comprehensive provincial public passenger transport legislation.

GAUTENG INTERIM ROAD TRANSPORT BILL,1997

Memorandum in terms of Rule 136 of the Standing Rules of the Gauteng Provincial Legislature.

1. REASONS FOR THE BILL

The Province is currently engaged in a process of drafting a suite of legislation to provide for transport matters. One of the bills contemplated is a Public Passenger (Road) Transport Bill to cater for all aspects and modes of public passenger road transport. Because of the urgent need to address the problems of the minibus taxi industry in Gauteng, to bring about order and stability in the industry and stem the tide of taxi violence, an Interim Bill to Regulate Minibus Taxi-Type Transport (the Interim Taxi Bill) has been drafted as an urgent forerunner to the Public Passenger Bill. The Interim Taxi Bill will repeal the Road Transportation Act 74 of 1977 (the RTA), which currently provides for the regulation of public road passenger transport in Gauteng by the issuing of permits, insofar as it relates to minibus taxi-type services. The proposed National Land Transport Bill, which is expected to be passed early next year, will repeal the RTA, which will leave a gap in the interim provincial passenger transport legislation. For the Interim Taxi Bill to be brought into effect, therefore, adaptations and modifications to the RTA as it applies in the Province are necessary to cater for interim arrangements, which has given rise to the need for this Bill. The provisions of this Bill must therefore be read together with the provisions of the Interim Taxi Bill.

Because of the interim nature of this Bill, only changes that are necessary have been made to the existing provisions of the Act. The major changes made are the following:

- The current provisions required "cleaning up" to adapt to the new constitutional changes and other developments. In this regard, for example, all references to "classes of persons" have been eliminated.
- All provisions relating to freight (goods) transport have been removed as freight transport is no longer regulated by a permit system, except in the case of international services which will now be regulated by national legislation.
- Appeals in respect of transport that takes place entirely within Gauteng will be brought before the Provincial Transport Commission established by the Interim Taxi Bill rather than before the National Transport Commission.
- The Legislature passed some urgent changes to the RTA in June 1997 to provide for interim, emergency measures to combat violence in the minibus taxi industry and provide for the marking of minibus taxi vehicles. These changes have been taken up in the Interim Taxi Bill.

- The Transport Permit Administrative Bodies established by the Interim Taxi Bill as administrative offices of the Permit Board will be used to process permit applications by non minibus taxi-type operators as well as taxi operators.
- Certain provisions and definitions of the RTA require to be brought into line with the Interim Taxi Act.

The decision was taken to draft an Interim RTA instead of an amendment to the existing RTA, because of the extensive changes.

2. ENVIRONMENTAL IMPACT

None.

3. FINANCIAL IMPLICATIONS OF THE BILL

As the Bill essentially re-enacts the RTA, it gives rise to no additional financial implications.

4. COMMENTS RECEIVED AND SOLICITED

The Draft Interim Taxi Bill was published for comment in the *Provincial Gazette* on 6 January 1997. Extensive comments were received from a range of stakeholders, which have been considered and accommodated, where appropriate.

Because this Bill does not itself bring about changes in principle, and because of its interim nature, it has not been published for comment or extensively discussed. However, numerous discussions on the Bill have been held with officials of the Gauteng Department of Transport and Public Works, the Gauteng Permit Board and affected public transport operators.

5. CLAUSE-BY-CLAUSE EXPLANATION

- c 1: Certain words used in the Bill are defined in this section. No significant changes have been made from the existing Road Transportation Act, 1977 (RTA). One change is the removal of the definition of "class" in relation to persons, which was placed in the original Act to facilitate racial discrimination.

- c 2: This clause provides for the establishment of the Gauteng Transport Permit Board (the Board) to replace the Local Road Transportation Board created by the RTA. The only significant change is the name of the Board. An Advisory Panel to the Board and Transport Permit Administrative Bodies (TPAB) to assist the Board in its administration (one for each metropolitan area in the Province) are established by the Interim Taxi Bill.
- c 3: The Board has the power to investigate transport matters, and deal with applications for the granting, renewal, amendment or transfer of permits, as well as to issue the permits.
- c 4: This clause provides for disqualification for office as, and termination of office of, members of the Board in certain circumstances.
- c 5: This clause regulates meetings and decisions of the Board.
- c 6: Anyone who wishes to undertake road transportation other than minibus taxi-type services, must apply to the Board for a permit if the journey concerned begins in Gauteng.
- c 7: This clause provides for types of road transportation that will be exempt from the duty to obtain a permit. This has been updated and inappropriate provisions, for example relating to freight transport, have been removed.
- c 8: In terms of an agreement reached through the Constitutional Transformation Project, operators will not have to obtain permits in each province that they will travel through, but will apply in the province where the journey commences. The Board must, however, obtain the approval of the Boards of other provinces in respect of transport that takes place in those other provinces.
- c 9: Applications for international services will apply to the Regulatory Committee of the new Cross-Border Agency being established by national legislation. Before this Agency is established, applications will continue to be heard by the National Transport Commission under the RTA.
- c 10: The Board, through the relevant TPAB, must receive applications for granting, renewal, amendment or transfer of permits. The Board may refuse to hear applications in certain cases, for example where a similar application was refused in the previous six months.

- c 11: Notice of applications must be published in the *Provincial Gazette* and placed on the notice boards of the Board and the relevant TPAB, to enable interested persons to lodge representations supporting or objecting to the application. Municipalities in whose areas the transport will take place must be given an opportunity to submit representations.
- c 12: The Board must take the listed matters into consideration in evaluating permit applications. As an interim measure, the requirement of having to prove a need for the service has been obtained.
- c 13: The Board has a discretion to determine the period of validity of a permit.
- c 14: The Board or an official of the Board may issue temporary permits for not more than 14 days for specific occurrences, such as sports matches.
- c 15: Where the Board has granted a permit, certain requirements must be met before the TPAB issues it, such as the production of valid roadworthiness certification.
- c 16: The Board must keep records that will feed and be capable of accessing national and provincial information systems.
- c 17: Permits also authorize the carrying of persons incidental to the transport in question, such as conductors.
- c 18: Where a vehicle is temporarily out of service, it may be replaced by another vehicle, as long as the carrying capacity of the replacing vehicle does not vary by more than 20% from that of the replaced vehicle.
- c 19: This clause sets out the duties of permit holders, for example to carry permits on vehicles for which they were issued.
- c 20: Anyone who is affected by a decision of the Board and is dissatisfied with the decision, may apply to the Provincial Transport Commission in the case of transport that takes place entirely within the Province. In terms of clauses 8 and 9, appeals relating to transport that crosses provincial borders, and those relating to international transport, will have to be made to the Transport Appeal Tribunal that will be established by the national legislation.
- c 21: The Provincial Transport Commission (PTC) and the Board may hear evidence and compel persons to appear before them as witnesses and to bring documents with them to hearings. The Board must provide interested persons with reasons for its decisions on request. The creation of the PTC and most aspects of its functioning are contained in the Interim Taxi Act.

- c 22: Where a permit stipulates tariffs (fares) and the Board has allowed an increase of the tariffs, the operator may increase the fares even if there is an appeal pending to a court of law regarding the application.
- c 23: Where the price of fuel is increased, a permit holder may increase fares by not more than 10% automatically, provided that the holder applies to the Board for an increase of the fares within 10 days.
- c 24: The Board may withdraw, suspend or vary permits in certain cases, for example in the case of misconduct by the holder.
- c 25: Where circumstances have changed in an area, the MEC may hold an inquiry as a result of which permits may be withdrawn, and, where appropriate, issued to other persons or modes of transport. In such a case the other operators in the area or the persons to whom new permits will be issued, must compensate the holders who have lost their permits.
- c 26: Permits will lapse in certain conditions, for example where a permit holder does not provide the transport authorized by the permit.
- c 27: The MEC may make regulations on matters relevant to the implementation of the Act, such as on permit application procedures and fees.
- c 28: The Head of Department of Transport and Public Works may appoint officials in the Department as transport inspectors to carry out law enforcement functions that relate to permits. The inspectors fall within the definition of "authorized officers" whose powers are set out in clause 29.
- c 29: This clause sets out the powers of authorized officers, which include members of the SA Police Services, traffic officers and inspectors designated under clause 28.
- c 30: This clause provides for offences and prohibitions relating specifically to road transportation, for example that it is an offence to operate without a permit.
- c 31: This clause provides for offences of a more general nature.
- c 32: In certain circumstances a permit holder will be guilty of offences committed by employees or agents of the holder, unless the holder can prove, for example, that he or she did not connive at the offence.

- c 33: This clause provides for maximum penalties.
- c 34: Vehicles used for unauthorized transport may be forfeited to the Province after a third or subsequent conviction.
- c 35: A permit may be withdrawn after a second or subsequent conviction of the holder of certain offences.
- c 36: This clause provides for certain presumptions and proof to facilitate law enforcement.
- c 37: Magistrates courts will have jurisdiction to impose penalties under the Act.
- c 38: Authorized officers will not be liable for acts done in good faith.
- c 39: Money received under the Act must be paid into the Provincial Revenue Fund, and expenditure under the Act must be paid from that Fund.
- c 40: The Act is additional to other transport laws, and does not replace them.
- c 41: The RTA is repealed, and provision made that Chapter 2 of the envisaged National Land Transport Bill will not apply in Gauteng, pending the passing of the Gauteng Public Passenger (Road) Transport Act and related legislation.
- c 42: This clause provides for transitional matters.
- c 43: This clause provides for the short title and commencement of the Act.

ALGEMENE KENNISGEWING

KENNISGEWING 273 VAN 1998

GAUTENGSE DEPARTEMENT VAN VERVOER EN OPENBARE WERKE

GAUTENGSE INTERIM PADVERVOER WETSONTWERP

Die Gautengse Provinciale Wetgewer beplan om die bogenoemde Wetsontwerp in die Gautengse Wetgewer ter tafel te lê op of rondom 4 Maart 1998.

Die doel van die Wetsontwerp is om voorsiening te maak vir die interim-regulering van openbare passasierspadvervoer buiten minibus-taxitipe dienste, en vir kwessies daaraan verbind.

Mense wat op die Wetsontwerp kommentaar wil lewer, moet hul kommentaar voor 20 Februarie 1998 stuur aan:

Die Sekretaris van die Wetgewer
Gautengse Provinciale Wetgewer
Privaat Sak X52
MARSHALLTOWN
2107.

GAUTENG INTERIM PADVERVOER-WETSONTWERP

Om voorsiening te maak vir die interim regulering van die openbare padvervoer van passassiers buiten minibus-taxitipe dienste, en vir kwessies daaraan verbind.

MAG DIT soos volg GOEDGEKEUR WORD in die Provinciale Wetgewer van Gauteng:

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1. Definisies.

In hierdie Wet, tensy die konteks anders aandui:

“Gemagtigde beampte” beteken ‘n inspekteur, lid van die Suid-Afrikaanse Polisiediens, of ‘n persoon in diens van die provinsie of ‘n munisipaliteit wie se plig dit is om motorvoertuie, of lisensies vir motorvoertuie te inspekteer of verkeer te reguleer;

“Raad” beteken die Gautengse Vervoerpermitraad waarna verwys word in artikel 2;

“Bus” beteken ‘n motorvoertuig wat ontwerp of aangepas is om meer as nege mense (insluitend die bestuurder) te vervoer;

“Vervoerder” beteken ‘n persoon wie se besigheid dit is om mense teen vergoeding te karwei;

“Kommissie” beteken die Provinciale Vervoerkommissie gestig ingevolge artikel 27 van die Gautengse Interim Wet op die Regulering van Minibus-Taxitipe Dienste, 1997 (Wet nr. van 1997);

“Departement” beteken die Gautengse Departement van Vervoer en Openbare Werke;

“Onderskeidende teken” beteken onderskeidende teken soos beoog in artikel 19 (1) (e);

“Hoof van Departement” beteken die hoof van die departement verantwoordelik vir vervoer in Gauteng;

“Houer” met betrekking tot ‘n permit beteken die persoon in wie se guns die permit uitgereik is;

“Inspekteur” beteken ‘n padvervoerinspekteur aangewys ingevolge artikel 28;

“Internasionale diens” beteken ‘n diens waarvolgens vervoer deels binne die Republiek en deels binne ‘n ander land plaasvind, of in transito deur die Republiek of ‘n ander land;

“Interprovinsiale diens” beteken ‘n vervoerdiens deels binne die provinsie van Gauteng en deels binne die gebied van ‘n ander provinsie(s), of in transito deur Gauteng of ‘n ander provinsie, en sluit internasionale diens uit;

“LUR” beteken die Lid van die Uitvoerende Raad verantwoordelik vir vervoer in Gauteng;

“Metropolitaanse owerheid” beteken

- die Groter Johannesburgse Metropolitaanse Raad;
- die Groter Pretoriase Metropolitaanse Raad;
- Die Lekoa-Vaal Metropolitaanse Raad;
- Die Khayalami Metropolitaanse Raad;
- die Wes-Gautengse Diensteraad;
- die Oos-Gautengse Diensteraad;

of hul titelopvolgers as metropolitaanse owerhede of ander soortgelyke owerhede wat in Gauteng gevestig word;

“Metropolitaanse gebied” beteken die jurisdiksiegebied van ‘n metropolitaanse owerheid;

"Municipaliteit" beteken 'n plaaslike owerheidsliggaam soos gedefinieer deur die Wet op Plaaslike Oorgangsregering, 1993 (Wet 209 van 1993) en sluit in 'n metropolitaanse owerheid, 'n diensteraad en substrukture van daardie owerhede;

"Motor" beteken 'n motorvoertuig ontwerp of aangepas vir die doel om nie meer as nege mense (bestuurder ingesluit) te vervoer nie;

"Eienaar", met betrekking tot 'n motorvoertuig geregistreer in 'n gebied onder die heersende wet wat die registrasie van motorvoertuie in daardie gebied beheer, beteken die persoon wat onder daardie wet as eienaar kwalifiseer;

"PAS" beteken 'n gerekenariseerde Permit-administrasiestelsel beheer deur die nasionale Departement van Vervoer of deur die provinsie;

"Permit" beteken 'n openbare permit of tydelike permit;

"Voorgeskrewe" beteken voorgeskryf deur regulasie deur kennisgewing in die *Provinsiale Gazette*;

"Openbare permit" beteken 'n openbare padvervoerder-permit toegestaan ingevolge artikel 10;

"Openbare pad" beteken 'n pad wat wetlik verklaar is tot of erken word as 'n openbare pad, en sluit in 'n pad, straat of deurgang of ander plek (of dit nou 'n deurgang is of nie) waartoe die publiek of 'n deel van die publiek reg van toegang het;

"Spoorwegdiens" beteken 'n vervoerdiens wat gebied word op 'n spoorlyn, gebou deur of namens 'n staatsliggaam of private persoon;

"RAS" beteken die Registrasie-administrasiestelsel geadministreer deur die Departement;

"Regulasie" beteken 'n regulasie geskep kragtens artikel 27;

"Padvervoer" beteken, onderhewig aan die bepalings van artikel 7

- (a) die vervoer van mense met 'n motorvoertuig teen vergoeding op 'n openbare pad;
- (b) die vervoer van mense met 'n motorvoertuig op 'n openbare pad in die loop van 'n bedryf of besigheid;
- (c) die vervoer van mense met 'n gehuurde bus op 'n openbare pad;

"Padvervoerdiens" beteken 'n vervoerdiens gebied op 'n openbare pad met 'n motorvoertuig, teen vergoeding en ingevolge 'n openbare permit;

"Tydelike permit" beteken 'n tydelike padvervoerder-permit soos toegestaan ingevolge artikel 13;

"Hierdie Wet" sluit die regulasies in;

"VPAL" beteken 'n vervoerpermit-administratiewe liggaam;

"Sleepwa" beteken 'n voertuig ontwerp of aangepas om mense te vervoer;

"Vervoergeriewe" beteken 'n spoordiens of padvervoerdien;

"Vervoerpermit-administratiewe liggaam" beteken 'n vervoerpermit-administratiewe liggaam gedefinieer in en geskep deur die Gautengse Interim Wet op die Regulering van Minibus-taxi-tipe Dienste 1997 (Wet ... van 1997);

"Beslissingsraad" beteken die Padvervoer-appèlraad geskep deur die nasionale Wet op Vervoer-appèlraad, 1998;

"Ongemagtigde padvervoer" beteken padvervoer wat nie deur 'n permit gemagtig is nie en sluit in padvervoer onderneem deur die houer van 'n permit watstrydig is met die voorwaarde van die permit;

"Voertuig" beteken 'n motorvoertuig.

2. Stigting en samestelling van die Gautengse Vervoerpermitraad

- (1) Hiermee is 'n Gautengse Vervoerpermitraad gestig.
- (2) Die Raad moet bestaan uit 'n voorsitter en tussen drie en vyf ander lede soos voorgeskryf deur die LUR. Die lede sal mense wees met kundigheid wat hul reeds bewys het op die gebiede van openbare vervoer; bedryfs-, kommersiële, finansiële ofregsake of in die voor van openbare sake.
- (3) Ander lede van die Raad moet aangestel word vir 'n tydperk wat twee jaar nie oorskry nie, en, onderhewig aan die bepalings van hierdie Wet, die amp beklee volgens voorwaarde betreffende vergoeding en andersins, soos deur die LUR bepaal wanneer die lid aangestel word.
- (4) Wanneer 'n lid van die Raad sy of haar amp neerlê of uit die amp verwyder word, of tydelik nie in staat is om sy of haar take te verrig nie, kan die LUR 'n persoon aanwys wat hy of sy as geskik beskou om waar te neem in die plek van die lid vir 'n tydperk soos deur die LUR bepaal.
- (5) 'n Persoon wie se tydperk as lid van die Raad verstryk het, sal in aanmerking kom vir heraanstelling.
- (6) Die Adviespaneel soos geskep ingevolge artikel 14 van die Gautengse Interim Wet op die Regulering van Minibus-taxi-tipe Dienste 1997 (Wet ... van 1997), en die Vervoerpermit-administratiewe Liggame geskep deur artikel 15 van daardie Wet, moet hul funksies met betrekking tot die Raad uitvoer kragtens hierdie Wet en hierdie Wet sal met die nodige verandering van toepassing wees op die funksies van die Raad ingevolge hierdie Wet.
- (7) Die hoof van die departement moet, onderhewig aan die wetgewing wat die openbare diens beheer, die nodige personeel verskaf om die Raad te help in die uitvoering van sy pligte.

3. Magte van die Raad

- Benewens ander magte wat deur hierdie Wet verleen word, kan die Raad -
- (a) 'n kwessie ondersoek wat binne die reikwydte van hierdie Wet val, en aanbevelings daaroor voorlê aan die LUR;
 - (b) 'n aansoek oorweeg en 'n besluit daaroor neem, of op enige ander wyse met 'n aansoek handel ingevolge die bepalings van hierdie wet -
 - (i) vir die toekenning van 'n permit wat padvervoer binne Gauteng magtig;
 - (ii) vir die toekenning van 'n permit wat padvervoer magtig wat binne Gauteng begin en ook plaasvind in 'n ander provinsie kragtens 'n ooreenkoms met die raad van die ander provinsie;
 - (iii) vir die hernuwing, wysiging of oordrag van 'n permit soos deur die Raad toegestaan, onderhewig aan die bepalings van artikel 9;
 - (c) 'n permit uitrek wat deur hom toegeken, hernu, gewysig of oorgedra is, in pas met die bepalings van hierdie Wet;
 - (d) 'n permit wysig wat uitgereik is deur die Nasionale Vervoerkommissie met betrekking tot vervoer wat in Gauteng plaasvind, nieteenstaande die ander bepalings van hierdie Wet, indien die aansoek vir die wysiging gebring word kragtens hierdie Wet, behalwe in die geval van 'n permit wat 'n internasionale diens magtig.

4. Diskwalifisering en beëindiging van diens as lid van die Raad

- (1) Geen persoon mag aangewys word as 'n lid van die raad nie -
 - (a) indien hy of sy ongerehabiliteerd insolvent is; of
 - (b) indien hy of sy skuldig bevind is aan 'n oortreding wat oneerlikheid behels; of
 - (c) indien hy of sy of 'n nabij bloedverwant 'n finansiële belang het by 'n padvervoer-besigheid of betrokke is by 'n bedrywigheid verbind aan padvervoer wat na die mening van die LUR kan inmeng met die onpartydige nakoming van sy of haar pligte as 'n lid van die Raad.

5. Vergaderings en besluite van die Raad

1. Drie lede van die Raad vorm 'n kworum vir vergaderings van die Raad.
2. Die besluit van enige drie lede van die Raad teenwoordig by 'n vergadering van die Raad vorm 'n besluit van die Raad, mits in die geval van 'n gelyke getal stemme die persoon wat die vergadering lei, 'n beslissende stem sal hê aanvullend tot sy of haar gewone stem.
3. Indien die voorsitter van die Raad, of 'n persoon aangewys om waar te neem in die plek van die voorsitter, nie in staat is om 'n vergadering van die Raad by te woon nie, mag die voorsitter of daardie persoon 'n ander lid van die Raad aanwys om by daardie vergadering op te tree as voorsitter.
4. Geen handeling, opdrag of besluit van die Raad mag as ongeldig beskou word net omdat daar 'n vakante posisie in die Raad was het op die tyd toe die handeling uitgevoer is of die opdrag gegee of besluit geneem is nie. Dieselfde geld wanneer 'n persoon 'n lid was wat ingevolge artikel 4 gediskwalificeer is, of daardie persoon se instemming nodig was of nie vir die uitvoering van die handeling of die gee van die opdrag of neem van die besluit.

6. Aansoeke met betrekking tot 'n openbare permit

1. 'n Persoon wat padvervoer binne Gauteng of wat in Gauteng begin en ook in 'n ander provinsie plaasvind, wil onderneem anders as padvervoer met betrekking tot 'n tydelike permit gekontempleer in artikel 14, moet aansoek doen op die wyse wat die Raad vir 'n openbare permit voorskryf.
2. 'n Houer van 'n openbare permit kan by die Raad aansoek doen vir die hernuwing of wysiging van die permit op die voorgeskrewe wyse.
3. 'n Persoon wat oordrag van 'n openbare permit wil neem, moet by die Raad aansoek doen op die voorgeskrewe manier en met die geskrewe toestemming van die houer van die betrokke permit vir die oordrag van die permit.

7. Uitsluitings

Vir die doel van hierdie Wet sal die vervoer van mense soos gekontempleer in die definisie van "padvervoer" in artikel 1 beskou word as dat dit die volgende nie insluit nie, naamlik -

- (h) 'n individuele boer (insluitend 'n venootskap of maatskappy wat boerderybedrywighede het) wat 'n gesikte motorvoertuig gebruik wat uitsluitlik aan hom, haar of dit behoort, om plaasarbeiders mee te vervoer –
 - i van 'n plek waar hulle gewerf is na die plek waar die boer wil hê hulle moet werk;
 - ii van 'n plek waar die boer hulle in diens het of gehad het vir boerderybedrywighede na 'n ander plek waar hulle vir dieselfde diens mag nodig wees, of waar 'n ander boer hulle vir dieselfde doel mag nodig het, of na die plek waar hulle gewerf is;
 - iii tussen 'n plek waar hulle is of was om só in diens te wees en die spoorwegstasie of bushalte vanwaar hulle op die gerieflikste wyse vervoer kan word na 'n ander plek waarheen hulle per spoor of per bus sal reis of die plek waar hulle só in diens sal wees; of
 - iv tussen die plek waar hulle só in diens is en 'n ander plek in die Republiek om inkopies te doen of 'n kerkdiens of 'n begrafnis by te woon of vir die doel van 'n sport- of ontspanningsbyeenkoms; of
 - v tussen 'n plek waar die boer hulle gewerf het en die spoorwegstasie of bushalte vanwaar dit die gerieflikste is om hulle per bus of spoor na 'n ander plek te vervoer,
- en, vir die doelstelling van hierdie paragraaf, arbeiders wat in diens is van 'n koöperatiewe maatskappy, geregistreer ingevolge die wet wat betrekking het op koöperatiewe maatskappye, waarvan die boer 'n lid is, of gevangenes soos gedefinieer in artikel 1 van die Wet op Korrektiewe Dienste, 1959 (Wet 8 van 1959), wat in diens is, was of sal wees van 'n boer is sy of haar boerderybedrywighede, sal gesien word as die boer se plaasarbeiders;
- (i) 'n munisipaliteit wat vervoer (uitgesluit vervoer van mense teen vergoeding) met 'n eie motorvoertuig binne sy jurisdiksiegebied en tussen daardie en 'n ander gebied onder sy beheer of waarin hy 'n openbare diens verskaf of 'n onderneming bedryf;
- (j) 'n munisipaliteit wat gevangenes soos gedefinieer in artikel 1 van die Wet op Korrektiewe Dienste, 1959 (Wet 8 van 1959) wat hy in diens het, geneem het of in diens sal neem, vervoer in sy eie voertuig;

- (k) die vervoer deur middel van 'n motorvoertuig van 'n pasiënt na 'n plek waar hy of sy mediese behandeling moet ondergaan by 'n persoon wat gemagtig is om behandeling toe te dien in terme van 'n wet wat betrekking het op die mediese beroep, of van 'n plek waar hy of sy behandeling ontvang het;
- (l) die vervoer (insluitend sleep) deur 'n motorvoertuig van 'n ander motorvoertuig wat onklaar geraak het na 'n plek waar dit herstel of geberg sal word, of van persone wat vervoer is met die ander motorvoertuig op die tyd toe dit onklaar geraak het, na daardie plek of 'n ander plek. Dit geld mits die vervoer van die persone met die ander motorvoertuig op die tyd toe dit onklaar geraak het, neerkom op padvoervoer, die vervoer gemagtig is deur 'n permit, en die vervoer met die eersgenoemde motorvoertuig ondemeem is in pas met die bepalings van die permit en die permit gehou is in die eersgenoemde motorvoertuig sodat dit op versoek getoon kan word aan 'n gemagtigde amptenaar;
- (m) die vervoer van persone soos gekontemplêr in die definisie van "saamryklub" in artikel 1 van die Wet op die Padongeluksfonds, 1996 (Wet 56 van 1996);
- (n) 'n hotel wat net sy eie gaste en hul persoonlike eiendom tussen die hotel en die naaste of mees gerieflike spoorwegstasie, lugwegterminaal, lughawe of hawe vervoer in 'n motorvoertuig wat geïdentifiseer kan word op die voorgeskrewe manier;
- (o) die vervoer van persone (uitgesluit die vervoer van 'n werknemer tussen sy of haar tuiste en werkplek) in die loop van 'n bedryf of besigheid deur 'n motorvoertuig indien geen vergoeding vir die vervoer ontvang word nie;
- (p) 'n persoon wat 'n nywerheid of besigheid bedryf wat sy of haar werknemers in sy of haar eie voertuig vervoer van 'n plek waar hulle werk doen in die loop van daardie nywerheid of besigheid na 'n ander plek waar hulle sal werk;
- (q) 'n werknemer van die Staat of Gauteng of 'n staatsondersteunde liggaam of 'n maatskappy waarvan die Staat of Gauteng die enigste lid en aandeelhouer is, of 'n munisipaliteit wat in verband met die uitvoering van sy of haar pligte 'n persoon vervoer in 'n motorvoertuig wat aan daardie werknemer behoort en waarvoor daardie werknemer geregtig is om 'n beloning te ontvang van die Staat of Gauteng of die staatsondersteunde liggaam of maatskappy of munisipaliteit;
- (r) die vervoer op skooldae van skoolkinders en onderwysers na of van die skool wat hulle bywoon, asook die vervoer van skoolkinders en onderwysers vir die doel van sport of ontspanning of met vakansie, besigtigings- of opvoedkundige toere, met 'n motorvoertuig waarvan die skool alleeneienaar is. Waar 'n voertuig eenkant gehou word vir gebruik deur 'n skool kragtens 'n ooreenkoms, sal die skool 'n spesiale permit nodig hê soos voorgeskryf deur regulering;
- (s) die vervoer deur 'n universiteit, technikon, tegniese kollege of onderwyskollege (hierna na verwys as 'n opvoedkundige instelling) van sy eie studente en personeel vir opvoedkundige, kulturele of sportdoeleindes met 'n motorvoertuig waarvan die opvoedkundige instelling alleeneienaar is. In die geval waar 'n voertuig gereserveer word vir gebruik deur 'n opvoedkundige instelling kragtens 'n ooreenkoms, sal dit 'n spesiale permit nodig hê soos voorgeskryf deur regulering;
- (t) die vervoer teen beloning deur 'n persoon wat gedagvaar is om op 'n plek te verskyn as getuie in 'n strafsaak, of 'n ander persoon wat gedagvaar is om te verskyn as 'n getuie in 'n ander strafsaak, hetso op dieselfde plek en op dieselfde dag of op 'n ander plek op 'n ander dag, na of van die plek waar die persoon wat vervoer word, gedagvaar is om te verskyn, met 'n motorvoertuig van wie eersgenoemde persoon die eiennaar is;
- (u) die vervoer teen beloning deur 'n persoon wat gedagvaar is om te getuig voor 'n kommissie met

verwysing waarna die bepalings van die Wet op Kommissies, 1947 (Wet 8 van 1947) van toepassing is, of voor 'n liggaam geskep onder 'n wet in terme waarvan daardie liggaam bemagtig is om persone te dagvaar of voor hom te verskyn om te getuig, na of van die plek waar die persoon gedagvaar is om te verskyn, of 'n ander persoon wat gedagvaar is om voor die kommissie of liggaam te verskyn om getuenis te lewer op dieselfde dag en op dieselfde plek, met 'n motorvoertuig waarvan die eersgenoemde persoon die eienaar is;

- (v) die vervoer van 'n persoon wat noodwendig vervoer moet word in verband met die vervoer van persone, wat kragtens paragrawe (a) tot (n) nie minibus-taxi-tipe dienste behels nie.

8. **Interprovinsiale vervoer**

(1) Applikante vir openbare permitte met betrekking tot interprovinsiale vervoer moet net by die Raad aansoek doen indien die vervoer ter sprake in Gauteng begin, of in Gauteng en in 'n ander provinsie.

(2) Vir die doel van hierdie artikel sal aangeneem word dat padvervoer begin op 'n plek waar persone 'n motorvoertuig betree wat uitvoering gee aan die padvervoer, vir die doel om na 'n ander plek vervoer te word, en om by daardie plek te eindig.

(3) In die geval van twyfel oor waar die vervoer begin, moet die aansoek gebring word in die provinsie waar die motorvoertuig ter sprake geregistreer is.

(4) Die Raad mag nie 'n aansoek toestaan nie vir 'n permit wat padvervoer magtig wat begin in 'n ander provinsie, of vir diehernuwing of oordrag van daardie permit, of vir 'n wysiging van die permit wat die uitvoer van padvervoer in 'n ander provinsie beïnvloed, behalwe met die instemming van die raad wat in 'n ander provinsie geskep is.

(5) Appèlle rakende interprovinsiale dienste moet gerig word op die Nasionale Vervoerkommissie ingevolge die Wet op Padvervoer, 1977 (Wet 74 van 1977), of aan die Tribunaal kragtens nasionale wetgewing, wat ookal van toepassing is.

(6) Waar die Raad nie in staat is nie om die nodige reaksie van die raad van 'n ander provinsie te verkry in 'n verwysing gekontempleer in subartikel (4), of die instemming van 'n ander raad binne die voorgeskrewe tydperk, moet die kwessie as 'n appèl voorgelê word aan die Nasionale Vervoerkommissie of Tribunaal waarna verwys word in subartikel (5), watter een ookal van toepassing is.

9. **Internasionale vervoer**

1. Applikante vir openbare permitte rakende internasionale vervoer moet aansoek doen by die Nasionale Vervoerkommissie kragtens die Wet op Padvervoer, 1977 (wet 74 van 1977) of die Reguleringskomitee kragtens die nasionale Oorgrens-padvervoerwet 1998, watter een ookal van toepassing is.
2. Persone wat appèl aanteken rakende internasionale vervoer, moet dit rig op die Nasionale Vervoerkommissie kragtens die Wet op Padvervoer, 1977 (wet 74 van 1977) of die Tribunaal kragtens nasionale wetgewing, wat ookal van toepassing is.

10. **Afhandeling van aansoeke met betrekking tot 'n openbare permit**

- (1) Onderhewig aan die bepalings van hierdie Wet, moet die Raad deur die betrokke VPAL 'n aansoek ontvang enoorweeg vir die toekenning, hernuwing, wysiging of oordrag van 'n

openbare permit, en mag hy daarna volgens sy diskresie die aansoek volledig of gedeeltelik toestaan onderhewig aan die voorwaardes wat hy nodig ag, of die aansoek afwys.

2. (a) Die Raad kan weier om 'n aansoek te oorweeg vir die toekenning, hernuwing, wysiging of oordrag van 'n permit indien hy 'n vorige aansoek oorweeg en afgekeur het, wat na sy mening dieselfde of substansieel dieselfde oogmerk as eersgenoemde aansoek gehad het, binne ses maande wat die datum waarop die eerste aansoek ontvang is, voorafgegaan het.
- (b) Die Raad kan weier om 'n aansoek te oorweeg vir die toekenning, wysiging of oordrag van 'n openbare permit of voorleggings wat beswaar maak teen die aansoek indien die applikant of die persoon wat die voorleggings indien, wat ookal die geval is, nie die voorgeskrewe tarief vir die aansoek of voorleggings betaal het nie, wat ookal die geval is.
- (c) Die Raad mag nie 'n aansoek oorweeg nie vir die hernuwing van 'n openbare permit wat vir 'n vaste tydperk toegestaan is nie, tensy die Raad die aansoek ontvang het saam met die voorgeskrewe tarief voor die datum waarop daardie permit verval.
- (d) Die Raad mag weier om 'n aansoek te oorweeg vir die toekenning, hernuwing, wysiging of oordrag van 'n openbare permit indien die aansoekvorm ter sprake nie volledig ingevul is volgens die voorskrifte nie.
- (e) Die Raad mag nie 'n aansoek oorweeg nie vir die toekenning van 'n openbare permit vir 'n motorvoertuig in verband waarmee 'n openbare permit reeds uitgereik is aan iemand anders as die applikant.
- (f) Niemand mag op die Kommissie appelleer teen 'n handeling, opdrag of besluit uitgevoer of gemaak deur die Raad ingeval paragraaf (a) nie.

11. Publikasie van aansoeke met betrekking tot 'n openbare permit

(1) Die Raad -

- (a) moet, voordat hy 'n aansoek oorweeg vir die toekenning, wysiging (anders as 'n wysiging waarna verwys word in paragraaf (b)) of oordrag van 'n openbare permit;
- (b) mag, voordat hy 'n aansoek oorweeg vir-
 - i die hernuwing van 'n openbare permit; of
 - ii die wysiging soos gekontempleer in artikel 23 van daardie permit; of
 - iii die wysiging van daardie permit om die permanente vervanging te magtig van 'n motorvoertuig wat in die permit gespesifieer word, deur 'n motorvoertuig waarvan, in die geval van 'n bus, die passassierskapasiteit, en in die geval van 'n motorvoertuig, die sitplekkapasiteit gelyk is aan of kleiner is as, of dit van die eersgenoemde motorvoertuig met nie meer as 20 persent oorskry nie,

die besonderhede van die aansoek publiseer in die *Provinciale Gazette* soos dit voorgeskryf mag wees en 'n kennisgewing van die aansoek plaas op die kennisgewingbord by die kantore van die Raad en die betrokke VPAL, ook op die voorgeskrewe wyse.

(2) 'n Belanghebbende persoon wat voorleggings by die Raad wil indien wat 'n aansoek wat gepubliseer is ingeval artikel (1) ondersteun of daarteen beswaar maak, moet dit op die wyse en binne die tyd doen soos voorgeskryf deur die Raad, en die Raad-

- (a) moet 'n persoon wat binne die voorgeskrewe tyd voorleggings indien om beswaar te maak teen 'n

aansoek toelaat om die voltooide aansoekvorm van die applikant gratis te inspekteer, insluitend ander dokumentasie wat die applikant ingedien het saam met sy of haar aansoekvorm, by die kantoor van die Raad; en

- (b) mag, op versoek van 'n persoon wat voorleggings só indien, hom of haar voorsien van afskrifte van die betrokke aansoekvorm en van ander dokumentasie met betaling van die voorgeskrewe tarief.
 - (3) In die geval van 'n aansoek wat onder subartikel (1) gepubliseer is, moet die Raad die applikant toelaat om voorleggings wat die aansoek ondersteun of daarteen beswaar maak gratis by die Raad se kantore te inspekteer, en mag, op versoek van die applikant, hom of haar voorsien van afskrifte van die voorleggings waarna verwys word, met betaling van die voorgeskrewe tarief.
 - (4) Voordat 'n openbare permit toegeken word wat die gereelde vervoer van persone teen vergoeding binne die jurisdiksiegebied van 'n munisipaliteit magtig, of die permit wysig deur punte te verander waartussen die motorvoertuig gebruik mag word vir padvervoer waarvoor die permit uitgereik is, moet die Raad die betrokke munisipaliteit die geleenthed bied om voorleggings in te dien, op die wyse en binne die tyd soos voorgeskryf, betreffende die punte waartussen en die roete of roetes waarop die houer die motorvoertuig mag gebruik en 'n ander voorwaarde wat toegepas kan word op 'n permit.

12. Kwessies wat die Raad in aanmerking moet neem met die afhandeling van 'n aansoek met betrekking tot 'n openbare permit

- (1) Onderhewig aan die ander bepalings van hierdie Wet moet die Raad die volgende in aanmerking neem wanneer hy besluit of 'n aansoek vir die toekenning, hermuwing, wysiging of oordrag van 'n openbare permit toegeken of afgekeur behoort te word en wanneer hy bepaal aan watter voorwaardes 'n openbare permit onderhewig sal wees:
 - (a) die mate waarin die vervoer nodig of wenslik is in die openbare belang;
 - (b) die behoeftes van die publiek aan vervoer binne die gebied of langs die roete of tussen die punte in of op of waartussen die applikant die diens wil bedryf;
 - (c) die bestaande vervoergeriewe beskikbaar aan die publiek in daardie gebied of op daardie roete of tussen daardie punte;
 - (d) 'n nuwe spoorwegdiens wat beplan is of oorweeg word vir die vervoer van persone binne daardie gebied of langs daardie roete of tussen daardie punte;
 - (e) die koördinering van alle vorme van vervoer, insluitend vervoer per spoor, op 'n ekonomies gesonde basis en met inagneming van die openbare belang;
 - (f) die vermoë van die aansoeker om die vervoer waarvoor die permit versoek word, te verskaf op 'n manier wat vir die publiek bevredigend is;
 - (g) 'n toepaslike vorige veroordeling van die applikant vir 'n oortreding kragtens hierdie Wet of soos voorgeskryf, en ander versuime deur die applikant as 'n bedrywer van padvervoer;
 - (h) die bestaan van 'n verbod, beperking of inperking afgedwing deur wetgewing oor die gebruik van 'n motorvoertuig in die gebied of in 'n straat of pad langs die roete waar die applikant die diens wil bedryf;
 - (i) voorleggings wat ingedien word in verband met die aansoek;
 - (j) ander faktore wat na die mening van die Raad die vraag kan beïnvloed of dit wenslik is om die aansoek toe te staan of om 'n voorwaarde aan te heg of te wysig.

- (2) (a) Wanneer 'n applikant aansoek doen vir 'n openbare permit om padvervoer te onderneem binne 'n gebied of langs 'n roete of tussen twee of meer punte wat reeds bedien word deur bestaande vervoergeriewe, rus die onus op die applikant om te bewys dat-
- (i) die bestaande vervoergeriewe nie voldoende en bevredigend is om te voorsien in die vervoerbehoeftes van die publiek in daardie gebied of langs daardie roete of tussen daardie punte nie; en
 - (ii) hy of sy of dit die vermoë het om op 'n manier wat vir die publiek bevredigend is die vervoer te verskaf waarvoor hy of sy of dit die permit nodig het; en
 - (iii) met inagneming van die omstandighede, sal dit in die openbare belang raadsaam wees om die permit toe te staan.
- (b) Wanneer 'n applikant aansoek doen vir 'n openbare permit om padvervoer te onderneem in omstandighede wat nie gekontempleer is in paragraaf (a) nie, sal die onus op die applikant rus om te bewys dat-
- (i) daar 'n behoefte is aan vervoer binne die gebied of langs die roete of tussen die punte waartussen hy, sy of dit die padvervoer voorstel; en
 - (ii) hy of sy die vermoë het om die vervoer waarvoor hy, sy of dit die permit nodig het, te verskaf op 'n manier wat vir die publiek bevredigend is.
- (3) Vir die doel van hierdie artikel sal vervoer gesien word as dat dit gekoördineer kan word met bestaande vervoergeriewe indien die vervoer verskaf sal word na of van 'n plek op of langs 'n roete, of ingesluit in 'n gebied, wat gedien word deur bestaande vervoergeriewe.

13. Tydperk van 'n openbare permit

1. Die Raad kan 'n openbare permit toestaan of hernu vir die tydperk wat hy vasstel.
2. Indien 'n aansoek vir die hernuwing van 'n openbare permit voor die Raad hangende is op die datum waarop die permit, wat vir 'n vaste tydperk toegeken is, verval, sal die permit van krag bly tot die Raad die aansoek afgehandel het.

14. Aansoek vir 'n tydelike permit en afhandeling daarvan

1. 'n Persoon wat padvervoer van 'n tydelike aard wil onderneem, moet by die Raad aansoek doen op die voorgeskrewe wyse deur die toepaslike VPAL vir die toekenning van 'n tydelike permit wat die padvervoer magtig op 'n spesifieke datum of in verband met 'n spesifieke gebeurtenis, en die onus rus op die applikant om die noodsaak van die voorgenome padvervoer te bewys.
2. Onderhewig aan die bepalings van hierdie Wet, moet die Raad 'n aansoek kragtens die Wet aan hom gerig vir die toekenning, hernuwing, wysiging of oordrag van 'n permit ontvang en oorweeg, en mag daarna, volgens sy diskresie die aansoek volledig of gedeeltelik toeken onderhewig aan voorwaardes wat hy nodig mag ag, of die aansoek afkeur.
3. Die Raad mag 'n aansoek nie toeken nie vir 'n tydelike permit indien, na sy mening, daar redelike vervoergeriewe bestaan waarmee die persone met betrekking tot wie die permit aangevra word, vervoer kan word.
4. Die Raad mag 'n tydelike permit toeken vir 'n vaste tydperk van nie langer as veertien dae

nie, soos hy dit mag bepaal.

5. Nieteenstaande enigets tot die teendeel in hierdie Wet, mag die magte en pligte van die raad kragtens hierdie artikel in daardie omstandighede, of met betrekking tot die kategorieë van aansoeke vir tydelike permitte soos voorgeskryf mag word, uitgevoer word namens die voorsitter of 'n lid of 'n amptenaar genomineer vir daardie doel deur die voorsitter.

15. Uitreiking van 'n permit en bepalings daarvan

1. Onderhewig aan die bepalings van subartikel (2), moet die Raad deur die betrokke VPAL 'n permit op die voorgeskrewe wyse uitrek wat toegeken, hermu, gewysig of oorgedra is kragtens hierdie Wet.

2. Die Raad kan 'n permit wat ingevolge hierdie Wet toegeken, hermu, gewysig of oorgedra is nie uitrek nie, tensy-

- (b) hy tevreden is dat elke motorvoertuig in verband waarmee die permit só uitgereik, hermu, gewysig of oorgedra is, geskik is vir die tipe padvervoer waarvoor dit gebruik gaan word; en
- (c) die applikant 'n geldige geskiktheids- of padwaardigheidsertifikaat indien, uitgereik op of ná 'n datum soos gespesifieer deur regulasie, of 'n afskrif van die sertifikaat, gewaarmerk op die voorgeskrewe wyse.

- (3) Permitte wat deur die Raad uitgereik word, moet die volgende spesifieer:

- (a) die naam en adres van die houer;
- (b) die tydperk waarvoor dit uitgereik is;
- (c) die aantal passassiers wat vervoer mag word kragtens die betrokke sertifikaat van geskiktheid of padwaardigheid, mits die maksimum getal passassiers soos goedgekeur deur die Raad nie oorskry word nie;
- (d) die registrasienommer, fabrikaat, onderstelnommer, jaar waarin dit vervaardig is, tipe, sitplek- of passassierskapasiteit van die motorvoertuig waarvoor die Raad die permit toegeken het;
- (e) die sertifikaat van geskiktheid of padwaardigheid se sertifikaatnommer en vervaldatum;
- (f) die besonderhede van die roete(s) of netwerk(e) waarlangs of die gebied(e) waarbinne die betrokke vervoer onderneem mag word, sowel as die punte van oorsprong en eindbestemming, alle punte waar passassiers op- of afgelaai kan word en staanplekke en ander geriewe wat gebruik mag word;
- (g) die wyse waarop tariewe, indien goedgekeur of bepaal deur die Raad, gepubliseer of getoon moet word;
- (h) ander voorwaardes wat die Raad na sy goeddunke mag ople.

- (4) Die Raad mag die houer van 'n permit aansê om-

- (a) 'n motorvoertuig te gebruik waarvoor die permit uitgereik is, volgens 'n spesifieke tydrooster soos goedgekeur of bepaal deur die Raad met die toekenning van die permit of soos van tyd tot tyd gewysig op die wyse soos voorgeskryf deur regulasie;
- (b) die Raad te voorsien van die naam en adres van elke persoon wat gemagtig is om namens die houer te adverteer;
- (c) te hou by 'n vereiste of voorwaarde wat opgelê is kragtens 'n ander bepaling van hierdie Wet.

16. Rekords van permitte

- (1) Die Raad moet by sy plek van besigheid 'n afskrif hou van elke permit wat uitgereik is

kragtens hierdie Wet en van elke wysiging wat aan permitte aangebring is, en moet 'n persoon toelaat wat op enige wyse geraak word deur 'n permit of wysiging om dit te inspekteer en gratis afskrifte te maak, en mag, op versoek, die persoon voorsien van 'n afskrif van die betrokke permit en elke wysiging daarvan ná betaling van die voorgeskrewe tarief.

- (2) Die rekords gehou kragtens subartikel (1) moet verbind wees aan die PAS, die Nasionale Verkeersinligtingstelsel (NaTIS) en die RAS.

17. Aanvullende magtigting verleen deur 'n permit

Aanvullend tot die vervoer uitdruklik daardeur gemagtig, magtig 'n permit ook die vervoer van persone noodsaaklik in verband met die uitdruklik gemagtigde vervoer.

18. Tydelike vervanging van motorvoertuig waarop permit 'n betrekking het

- (1) Waar 'n motorvoertuig wat kragtens 'n permit gebruik word onklaar geraak het of weens 'n ongeluk tydelik nie gebruik word nie, mag die Raad of 'n lid van die Raad soos aangewys deur die voorsitter skriftelike toestemming verleen dat 'n ander motorvoertuig in eersgenoemde se plek gebruik mag word, onderhewig aan subartikels (2) en (3).
- (2) Die passassierskapasiteit van die vervangende voertuig moet gelyk wees aan of kleiner wees as, of dit van die voertuig waarop die permit betrekking het nie met meer as 20 persent oorskry nie.
- (3) Die vervangende voertuig kan gebruik word vir 'n vaste tydperk wat nie 42 dae oorskry nie, omdat die Raad of lid sal bepaal watter tydperk verleng mag word volgens die Raad se goeddunke ná 'n verdere aansoek.
- (4) Die vervangende voertuig sal, gedurende die tydperk van vervanging, gesien word as die voertuig waarvoor die permit uitgereik is.

19. Pligte van die houer van 'n permit

- (1) Die houer van 'n permit moet-
 - (a) die skriftelike toestemming waarna verwys word in artikel 18, indien enige, en die permit in die motorvoertuig waaroor dit uitgereik is, hou, en dit op versoek toon aan 'n gemagtigde amptenaar;
 - (b) die permit beskerm en in só 'n toestand hou dat alle letters en syfers daarop duidelik leesbaar is en, indien die permit beskadig is of nie meer duidelik leesbaar is nie, aansoek doen vir 'n duplikaat op die wyse voorgeskryf deur regulasie;
 - (c) in die geval van 'n openbare permit (uitgesluit 'n permit uitgereik vir tipies padvervoer soos die Raad na sy goeddunke bepaal), die naam, adres en aard van die besigheid van die houer toon, gehou in die motorvoertuig waaroor die permit uitgereik is, op 'n duidelik sigbare plek, op die wyse voorgeskryf of op die ander wyse wat die Raad in 'n spesifieke geval skriftelik mag goedkeur;
 - (d) enige besonderhede ten toon stel soos deur die Raad na sy goeddunke voorgeskryf;
 - (e) in 'n geval waar die Raad 'n onderskeidende teken uitgereik het, dit vasheg en vasgeheg hou op die voorgeskrewe wyse op die betrokke motorvoertuig of motorvoertuie.
- (2) 'n Permit uitgereik deur die Raad kragtens hierdie Wet mag nie-

- (a) die houer daarvan magtig nie om padvervoer te onderneem op 'n openbare pad binne die jurisdiksiegebied van 'n munisipaliteit, indien dit onwettig is kragtens enige ordonnansie, regulasie of stadsverordening van kragtens daardie gebied, of as 'n gevolg van optrede deur die munisipaliteit kragtens die ordonnansie, regulasie of stadsverordening, om 'n motorvoertuig op daardie pad te gebruik of om padvervoer te onderneem van die tipe waarmee die permit verband hou;
- (b) die houer daarvan vrystel van die verpligting om te voldoen aan 'n vereiste vasgestel deur 'n ander wet of kragtens 'n lisenzie of permit uitgereik deur 'n ander owerheid nie.

20. Appelleer op die Kommissie teen 'n optrede, rigting of besluit van die Raad

- (1) 'n Persoon wie, buiten waar anders bepaal in hierdie Wet-
 - (a) aansoek gedoen het by die Raad vir die toekenning, hemuwing, wysiging of oordrag van 'n permit;
 - (b) die houer is van 'n permit uitgereik deur die Raad;
 - (c) op die wyse en binne die tyd voorgeskryf deur regulasie voorleggings ingedien het by die Raad ter ondersteuning van of om beswaar te maak teen 'n aansoek soos gepubliseer ingevolge artikel 11, en geraak is deur 'n handeling, opdrag of besluit van die Raad, mag op die wyse en binne die tyd soos voorgeskryf, ná die Raad die handeling uitgevoer het of die opdrag of besluit gemaak het, teen die handeling, opdrag of besluit op die Kommissie appelleer.
- (2) Waar die Raad 'n persoon by wyse van 'n geskrewe dokument in kennis stel van 'n opdrag of besluit gekontempleer in subartikel (1), sal die datum van daardie dokument vir die doel van subartikels (1) en (3) gesien word as die datum waarop die Raad die opdrag gegee of besluit geneem het.
- (3) Die Kommissie moet 'n appèl ontvang en, onderhewig aan die bepalings van subartikel (4) en die regulasies, gekontempleer kragtens subartikel (1) en mag, na sy goeddunke-
 - (a) die appèl afwys en die handeling, opdrag of besluit waarteen geappelleer is, bevestig; of
 - (b) die appèl toestaan, en die handeling, opdrag of besluit waarteen geappelleer is tersyde stel, en
 - i dit vervang deur 'n ander handeling, opdrag of besluit wat die Raad kon uitvoer of maak; of
 - ii die kwessie wat aanleiding gegee het tot die appèl na die Raad terugverwys sodat dit van nuuts af oorweeg kan word; of
 - (c) die appèl gedeeltelik toestaan en die handeling, opdrag of besluit waarteen geappelleer is, wysig.
- (4) Die voorsitter van die Kommissie of 'n Kommissielid genomineer deur die voorsitter mag na sy of haar goeddunke en sonder vooraf kennisgewing of aanhoor van 'n belanghebbende party-
 - (a) 'n aansoek toestaan vir die kwytskelding vir die laat indiening van 'n kennisgewing of appèl, mits die appèl aangeteken is op die voorgeskrewe wyse binne twee en veertig dae nadat die Raad die handeling uitgevoer het of die opdrag gegee het of besluit geneem het waarteen geappelleer is, of dit weier;
 - (b) 'n aansoek toestaan of weier om die uitvoering van 'n handeling, opdrag of besluit op te skort van die Raad waarteen geappelleer is;
 - (c) 'n handeling, opdrag of besluit tersyde stel van die Raad waarteen geappelleer is en die saak terugverwys na die Raad sodat dit opnuut oorweeg kan word.
- (5) 'n Handeling, opdrag of besluit van die Kommissie kragtens subartikel (3)(b)(i) of (c) sal, buiten vir die doelstellings van subartikel (1), gesien word as 'n handeling, opdrag of besluit

van die Raad.

21. Prosedure

- (1) Die Kommissie of die Raad mag, vir die doel om te handel met 'n kwessie in terme van hierdie Wet-
- (a) Na sy goedgunke, maar onderhewig aan die bepalings van artikels 24(2)(b), 'n persoon wat deur die kwessie geraak word of daarin belangstel, of die gemagtigde verteenwoordiger van daardie persoon, toelaat om voor hom te verskyn-
- (i) om getuienis te lewer of 'n mondelinge voorlegging te doen wat betrekking het op die saak; of
- (ii) om getuies te roep en getuienis te lei oor 'n vraag wat betrekking het op die saak; of
- (iii) om 'n persoon te ondervra wat getuig het as 'n getuie in die saak;
- (b) deur skriftelike kennisgewing soos voorgeskryf deur regulasie en beteken op die voorgeskrewe manier, van 'n persoon verwag om voor hom te verskyn om getuienis te lewer of om 'n boek, plan of ander dokument of artikels in sy of haar besit of onder sy of haar beheer te oorhandig;
- (c) 'n persoon wat teenwoordig is in of by die plek waar die Kommissie of Raad met die saak handel, vra om voor hom te verskyn om getuienis te lewer of om 'n boek, plan of ander dokument of artikel wat die persoon in sy besig het, te oorhandig;
- (d) 'n persoon ondervra wat voor hom verskyn as 'n getuie;
- (e) weier om 'n persoon wat wat voor hom as 'n getuie verskyn en weier om ingesweer of bevestig te word, aan te hoor.
- (2) Die voorsittende persoon by 'n vergadering van die Kommissie of Raad waarvoor 'n persoon as getuie verskyn soos gekontempleer in subartikel (1), mag 'n persoon wat verskyn, insweer of bevestig.
- (3) 'n Lid van die Kommissie of Raad wat kragtens artikel 20(4) 'n mag of plig uitoefen van die Kommissie of Raad, sal vir die doel van die mag of plig die magte hê wat onderskeidelik aan die Kommissie of Raad en die voorsittende persoon by 'n vergadering van die Kommissie of Raad toegeken.
- (4) Die Raad moet belanghebbende partye op versoek voorsien van skriftelike redes vir 'n besluit wat hy geneem het.

22. Inwerkingtreding van sekere tariefverhogings wat nie opgeskort moet word nie hangende uitspraak in 'n hofgeding met betrekking tot die verhogings

Wanneer 'n permit wat die vervoer magtig van persone teen vergoeding stipuleer dat die vervoer onderneem moet word onderhewig aan tariewe soos uiteengesit in die permit of goedgekeur of bepaal deur die Raad of die Nasionale Vervoerkommissie, en die Raad daarna met die aansoek daardie vereiste of voorwaarde wysig deur die goedgekeurde of bepaalde tariewe te verhoog, sal die inwerkingtreding van die tariewe wat só verhoog is nie opgeskort word nie hangende finale uitspraak in 'n hofgeding in verband met daardie wysiging.

23. Verhoging van sekere tariewe voor 'n aansoek om wysiging van 'n relevante permit

Wanneer 'n openbare permit wat die vervoer van persone teen vergoeding magtig, stipuleer dat die houer moet voldoen aan 'n vereiste dat die vervoer ondernem moet word teen tariewe wat deur die Raad of Nasionale Vervoerkommissie goedgekeur of bepaal is, mag daardie houer te enige tyd ná 'n verhoging in die petrolprys in die Republiek die tariewe met soveel verhoog, maar nie met meer as 10% nie, om die verhoogde uitgawe op petrol te verhaal wat direk spruit uit daardie verhoging in die petrolprys, mits die houer binne tien dae nadat die tarief wat op só 'n wyse verhoog is in werking getree het, by die Raad aansoek doen vir 'n toepaslike wysiging van die betrokke permit kragtens hierdie Wet.

24. Onttrekking, opskorting of wysiging van 'n permit

(1) Onderhewig aan die bepalings van subartikel (2) mag die Raad te enige tyd-

- (a) 'n openbare permit wat hy goedgekeur het vir 'n tydperk soos hy goed dink onttrek of opskort-
 - i indien die houer van die permit of 'n werknemer van die houer skuldig bevind is aan 'n oortreding kragtens hierdie Wet of kragtens 'n wet wat betrekking het op motorvoertuie of the regulering van verkeer, of, in die geval van 'n houer wat 'n padvervoer-besigheid bedryf, of 'n verbreking van of versuiming om te voldoen aan die vereistes van 'n bepaling, ooreenkoms, toekenning, lisensie of uitsluiting wat betrekking het op vergoeding vir werk of ure van werk en wat kragtens die wet die houer bind as 'n werkewer, en ook die houer se werknemers in die besigheid, of
 - ii indien, na die mening van die Raad, die houer van die permit nie die voorwaardes van die permit getrou nagekom het nie; of
 - (b) na sy goeddunke 'n permit terug trek of opskort vir die tydperk wat hy as geskik beskou, indien die omstandighede waaronder die permit toegeken is materieel verander het; of
 - (c) indien die Raad dink dit is nodig, uit sy eie 'n voorwaarde kanselleer of wysig, of enige voorwaarde byvoeg om die gesag vervat in 'n openbare permit wat hy uitgereik het te definieer, herdefinieer, beperk of andersins wysig.
- (2) Die Raad mag nie ingevolge subartikel (1) 'n openbare permit terug trek of opskort, of 'n voorwaarde of vereiste kanselleer of wysig, of 'n voorwaarde byvoeg, of die gesag vervat in die permit wysig nie, tensy-
- (a) die Raad skriftelike kennis van minstens een en twintig dae aan die houer van die permit gegee het van sy voorneme om dit te doen, saam met die redes daarvoor, per geregistreerde of gesertifiseerde pos; en
 - (b) die Raad die houer die geleentheid gegee het om, hetsy persoonlik of deur 'n gemagtigde verteenwoordiger, voor die Raad te verskyn om getuenis aan te voer en voorleggings in te dien met betrekking tot die voorgenome aksie; en
 - (c) in die geval van 'n openbare permit wat die daaglikske vervoer van persone binne of na of van die jurisdiksiegebied van 'n munisipaliteit magtig, die Raad die munisipaliteit die geleentheid gee om voorleggings in te dien by die Raad oor die voorgestelde aksie, op die wyse en binne die voorgeskrewe tyd.

25. Onttrekking of vervanging van 'n openbare permit ná 'n ondersoek

(1) Wanneer die LUR rede het om te glo dat om verbeterings aan te bring aan vervoergeriewe binne 'n gebied of langs 'n roete of vir 'n ander rede dit in die openbare belang wenslik sal

wees om 'n openbare permit te onttrek, of dat 'n permit onttrek word pleks daarvan om een of meer permitte uit te reik aan 'n persoon anders as die houer van die permit, kan die LUR 'n openbare ondersoek teweegbring met betrekking tot die posisie wat deur die Raad ingeneem moet word.

- (2) Kennisgewing van 'n ondersoek moet gegee word op die voorgeskrewe wyse, en alle belanghebbendes moet die geleentheid kry om die ondersoek by te woon en 'n spreekbeurt te kry.
- (3) Die Raad moet in verband met die instelling van 'n ondersoek ag slaan op die bepalings van artikel 12(1).
- (4) Ná oorweging van die verslag ingedien deur hom of haar in die uitvoering van die ondersoek, kan die LUR, onderhewig aan die bepalings van subartikel (5), opdrag gee dat die permit wat die onderwerp was van die ondersoek-
 - (a) onttrek word; of
 - (b) dat dit onttrek word en dat een of meer openbare permitte uitgereik word in die plek daarvan aan 'n persoon of persone anders as die houer van die permit.

en hierdie opdrag sal van krag wees vanaf 'n datum soos vasgestel deur die LUR. Kennis sal ook skriftelik gegee word aan alle belanghebbendes. Dit sal nie in werking tree minder as 'n maand of meer as twaalf maande ná die datum van die kennisgewing nie.

- (5) Indien 'n permit onttrek gaan word, kan die LUR nie 'n opdrag gee kragtens subartikel (4) nie, tensy-
 - (a) geen openbare permit in die plek daarvan aan 'n ander persoon uitgereik gaan word nie, die persoon of persone (sal aangewys word deur die LUR) wat vervoer verskaf binne die gebied of langs die roete waarin of waarop die vervoer verskaf word deur die persoon wie se permit onttrek gaan word, of
 - (b) een of meer openbare permitte uitgereik gaan word in die plek daarvan aan 'n ander persoon of persone, daardie ander persoon of persone

'n onderneming gegee het wat die LUR tevrede stel om die persoon wie se permit onttrek gaan word te vergoed vir die verlies wat hy of sy waarskynlik sal ly as 'n gevolg van die onttrekking van daardie permit.

- (6) 'n Arbitre of arbiters aangewys op die voorgeskrewe wyse moet bepaal wat die bedrag van vergoeding is, betaalbaar kragtens die bepalings van subartikel (5), wanneer daar nie 'n ooreenkoms bestaan tussen die betrokke partye nie, deur arbitrasie kragtens die bepalings van die Wet op Arbitrasie, 1965 (Wet 42 van 1965), maar mag nie 'n bedrag insluit nie vir die verlies aan moontlike winste met betrekking tot 'n tydperk langer as twaalf maande ná die datum waar op die betrokke permit onttrek is.

26. Verval van sekere permitte

1. Indien die Raad van die houer van 'n openbare permit verwag, deur 'n geskrewe kennisgewing per geregistreerde of gesertifiseerde pos te enige tyd ná die uitreiking van die permit, om die padvervoer te begin waarvoor die permit toegestaan is, voor 'n datum gespesifieer in die kennisgewing of op 'n later datum wat die Raad skriftelik mag toelaat, sal die betrokke permit verval op die gespesifieerde datum of, soos die geval mag wees, op sodanige later datum, tensy die Raad skriftelik verklaar het dat hy tevrede is dat die houer met die padvervoer begin het voor die datum ter sprake.

- (2) (a) Indien 'n persoon 'n beherende aandeel verkry in 'n maatskappy nadat 'n openbare permit toegestaan is of uitgereik is aan die maatskappy, sonder die vooraf toestemming van die Raad verkry op die voorgeskrewe manier, sal die toekenning van die permit verval nie teenstaande die bepalings van artikel 15, of die permit wat uitgereik is, sal verval op die datum van die verkryging van die beherende aandeel, soos die geval mag wees.
- (a) 'n Permit wat kragtens die bepalings in paragraaf (a) verval het, saam met die onderskeidende teken wat vereis word vir die motorvoertuig waaroor daardie permit toegestaan is, sal binne sewe dae nadat die permit so verval het, terugbesorg word aan Raad deur die maatskappy waaraan dit uitgereik is per geregistreerde of gesertifiseerde pos.
- (b) Tydens oorweging van 'n aansoek vir die goedkeuring van die verkryging van 'n beherende aandeel in 'n maatskappy waaraan 'n openbare permit toegestaan of uitgereik is, moet die Raad in ag neem:
- (i) of die verkryging moontlik 'n monopolie kan veroorsaak wat nie die openbare belang sal dien nie;
 - (ii) enige ander permitte wat deur die applikant gehou word;
 - (iii) die belang wat die applikant het in ander vervoersake;
 - (iv) die belang wat die applikant het in 'n ander maatskappy, vennootskap, bedryf, ambag of besigheid;
 - (v) die bepalings van artikel 12(1);
 - (vi) ander faktore wat na die Raad se mening die vraag of dit wenslik is om die aansoek toe te staan, kan beïnvloed.
- (d) 'n Maatskappy wat strydig optree met die bepalings van parragraaf (b), sal skuldig wees aan 'n oortreding onderhewig aan 'n vonnis van nie meer as R1 000 nie.
- (e) Vir die doelstellings van paragraaf (a) beteken die uitdrukking 'beherende aandeel', met betrekking tot 'n maatskappy 'n aandeel gehou in daardie maatskappy deur 'n ander maatskappy, waarvolgens die ander maatskappy in verhouding tot die eersgenoemde maatskappy 'n beherende maatskappy is soos gedefinieer in die Maatskappyewet, 1973 (Wet 61 van 1973), en sluit dit in 'n soortgelyke aandeel wat in daardie maatskappy gehou word deur 'n natuurlike persoon.

27. Regulasies

1. Die LUR mag regulasies opstel-
- (a) met verwysing na-
- i die inligting wat applikante moet indien saam met 'n aansoek aan die Raad vir die toekenning, hernuwing, wysiging of oordrag van 'n permit;
 - ii die prosedure wat die Raad moet volg wanneer hy 'n aansoek hanteer;
 - iii die inligting wat 'n applikant moet indien wanneer hy appelleer op die Kommissie teen 'n handeling, opdrag of besluit van die Raad;
 - iv die inligting wat die Raad aan die Kommissie of die appellant moet verskaf in verband met 'n appèl, en die wyse waarop en tyd waarbinne die inligting verskaf moet word;
 - v die prosedure wat gevolg moet word deur die Kommissie wanneer hy 'n appèl hanteer;
- (b) wat die betaling van tariewe vereis in verband met-
- i 'n aansoek aan die Raad vir die toekenning, hernuwing, wysiging of oordrag van 'n permit; of
 - ii 'n appèl op die Kommissie teen 'n handeling, opdrag of besluit van die Raad; of

- iii die uitreiking van 'n permit, uitkennende teken of ander dokument of enige duplikeaat daarvan deur die VPAL,
- en wat die bedrag van die tarief voorskryf, die omstandighede waarbinne 'n bedrag betaal (tarief) geheel verbeurd verklaar of geheel of gedeeltelik terugbetaalbaar is;
- (c) wat die betaling van 'n jaarlikse tarief vereis in verband met 'n permit wat toegestaan of hemu is vir 'n onbepaalde tydperk of vir 'n tydperk langer as twaalf maande, en wat die bedrag voorskryf van die tarief en die tye waarbinne en maniere waarop dit betaal moet word;
- (d) wat spesifikasies en vereistes voorskryf waaraan 'n motorvoertuig moet voldoen wat gebruik word in padvervoer om persone te vervoer, en wat die gebruik van 'n motorvoertuig verbied wat nie voldoen aan spesifikasies of vereistes nie in padvervoer vir daardie doel;
- (e) wat die manier voorskryf waarop die onderskeidende merk, identifikasie, permit, kennisgewing of ander geskrewe dokument (wat in die motor ten toon gestel of gehou moet word kragtens hierdie Wet of 'n voorwaarde ingevolge die wet) ten toon gestel of gehou moet word, en die posisie daarvan in of op die motorvoertuig;
- (f) vir die oorgee of oorhandiging aan die Raad, onder gespesifieerde omstandighede of op versoek van die Raad, van 'n permit wat verval het of teruggetrek of opgeskort is kragtens hierdie Wet of waarvan die bepalings nie ooreenstem nie met die magtiging soos vervat in die besluit van die Raad, of waarvan die magtiging verander het;
- (g) wat voorskryf dat rekords gehou moet word deur 'n persoon betrokke by padvervoer en opgawes en inligting voorgelê moet word deur daardie persoon aan die Raad of 'n amptenaar van Gauteng;
- (h) wat die aard en vorm voorskryf van 'n onderskeidende merk, identifikasie, permit, kennisgewing of ander dokument of geskrif uitgereik of vereis kragtens hierdie Wet, insluitend die vorm, grootte en kleur van, en die inligting wat vervat is op die onderskeidende merk, identifikasie, permit, kennisgewing of ander dokument of geskrif, of wat die Raad magtig om die vorm daarvan te bepaal.
- (i) wat die tariewe of toegifte voorskryf wat betaalbaar is aan 'n persoon van wie ingevolge artikel 18 verwag word om voor die Kommissie of Raad te verskyn om getuenis te lewer of om 'n boek, plan of ander dokument of artikel te lewer;
- (j) wat 'n kwessie voorskryf of andersins handel met 'n kwessie wat in terme van 'n bepaling van hierdie Wet voorgeskryf moet of kan word of andersins deur regulasie hanteer moet word.
- (2) Die LUR mag nie kragtens subartikel 1(b), (c) of (i) 'n tarief of toegif of omstandighede voorskryf waaronder tariewe terugbetaal moet of kan word nie of die bedrag van 'n terugbetaling, buiten met die instemming van die LUR verantwoordelik vir finansies.
- (3) Regulasies gemaak kragtens subartikel (1) mag vir 'n oortreding daarvan of vir versuim om daaraan te voldoen boetes voorskryf wat nie dié mag oorskry wat deur artikel 35 voorgeskryf word nie.
- (4) Verskillende regulasies kan kragtens subartikel (1) gemaak word met betrekking tot verskillende permitte, gebiede, plekke, tipes motorvoertuie, formasie, metodes van padvervoer, omstandighede waarbinne, tye waarbinne of doelstellings waarvoor 'n motorvoertuig in padvervoer gebruik word.

28. Aanwysing van inspekteurs

Die hoof van die departement mag 'n amptenaar of werknemer van die departement aanwys as 'n inspekteur van vervoer.

29. Magte van gemagtigde amptenare

- (1) 'n Gemagtigde amptenaar mag in opdrag van die Raad beslag lê op 'n permit wat verval het of onttrek is of opgeskort is kragtens die bepalings van hierdie Wet.
- (2) 'n Inspekteur of 'n lid van die Suid-Afrikaanse Polisiediens mag bestag lê op 'n motorvoertuig waar volgens redelike gronde vermoed word dat dit gebruik is vir ongemagtigde padvervoer, en die LUR kan regulasies maak wat voorsiening maak vir die wyse waarop daar gehandel word met 'n motorvoertuig wat op dié manier gekonfiskeer is hangende die afhandeling van kriminele gedinge met betrekking tot ongemagtigde padvervoer.
- (3) Buiten die pligte en magte waarna in hierdie Wet verwys word, kan 'n gemagtigde amptenaar met betrekking tot padvervoer- veroorsaak dat 'n motorvoertuig gestop word deur-
 - i 'n stop- of die voorgeskrewe teken;
 - ii 'n klakson wat gemonteer is op die gemagtigde amptenaar se voertuig; of
 - iii 'n lamp wat 'n onderbrokend flitsende blou lig uitstraal in enige rigting en wat gemonteer is op die gemagtigde amptenaar se voertuig,
en die voertuig betree en dit sowel as die dokumentasie wat die vervoer magtig, ondersoek om vas te stel om daardie voertuig gebruik word vir padvervoer met die doel om 'n mag of plig uit te oefen of gemagtigde handeling te verrig;
- (b) van die bestuurder van die motorvoertuig verwag om sy of haar naam en adres te verskaf en dokumentêre bewyse om dit te staaf, en die naam en adres van die eienaar van die voertuig, sowel as die besonderhede van die besigheid waarvoor die voertuig gebruik word;
- (c) verwag dat die bestuurder of ander persoon in beheer van die voertuig vir inspeksiedoeleindes dokumente of ander rekords toon in of op die voertuig of in sy of haar besit wat op enige manier verband hou met die persone wat vervoer word in die voertuig;
- (d) verwag dat 'n persoon in 'n motorvoertuig wat vermoedelik gebruik word vir padvervoer, of 'n persoon wat vermoedelik onlangs in die voertuig was, hul volle naam en adres en dokumentêre bewyse verskaf wat dit staaf en verwag dat hulle sê of hulle betaal het of 'n beloning moet betaal vir vervoer in die voertuig, en dat hulle die naam en adres verskaf van die persoon aan wie hulle die betaling gemaak het of moet maak;
- (e) verwag dat die rekords wat gehou moet word kragtens hierdie Wet deur die bestuurder van die motorvoertuig of die kondukteur (indien enige) verskaf moet word vir inspeksie;
- (f) 'n perseel op 'n redelike tyd betree om ondersoek in te stel binne die grense van sy of haar pligte as gemagtigde amptenaar, en mag, terwyl hy of sy op of in die perseel is of op 'n ander redelike tyd, 'n persoon ondervra wat na sy of haar mening moontlik in staat is om inligting te verskaf wat hy of sy vereis; en hy of sy mag vereis dat 'n persoon dadelik, of op 'n tyd en plek wat hy of sy mag bepaal, alle boeke en dokumente aan hom of haar oorhandig wat na sy of haar mening kan dien as

bewyse van die begaan van 'n oortreding of 'n beweerde oortreding kragtens die Wet, en hy of sy mag die boek of dokument ondersoek en uittreksels daaruit neem of afskrifte daarvan maak, en 'n verduideliking eis van die inskrywings daarin: mits 'n persoon wat só ondervra word of van wie 'n verduideliking geëis word geregtig is op al die voorregte waarop 'n persoon geregtig sou wees wanneer sy of hy in 'n hof getuig;

- (g) verwag dat die bestuurder of ander persoon in beheer van die motorvoertuig wat gebruik word vir padvervoer dokumente verskaf wat deur die Raad uitgereik is vir daardie voertuig of die vervoer waarvoor dit gebruik word en wat volgens wet in die voertuig gehou moet word;
 - (h) vereis dat die bestuurder of ander persoon in beheer van 'n motorvoertuig wat gebruik word vir padvervoer en wat só onklaar is dat dit 'n moontlike gevvaar inhoud vir persone en eiendom, dadelik die huidige permit, en die onderskeidende merk verbind met die voertuig oorhandig, en dat hy of sy sy of haar bedrywighede staak tot die fout reggestel is;
 - (i) op bevel van die Raad beslag lê op elke permit gespesifieer in die bevel en dit aan die Raad oorhandig.
- (4) Buiten die magte en pligte gespesifieer in hierdie Wet mag 'n inspekteur en 'n lid van die Suid-Afrikaanse Polisiediens 'n motorvoertuig skut wat na redelike vermoede gebruik is in verband met die uitvoering van ongemagtigde padvervoer.
 - (5) Wanneer 'n voertuig geskut word kragtens subartikel (3) moet die persoon wat dit geskut het dadelik sorg dat die voertuig na 'n polisiestasie geneem word waarna die kwessie hanteer moet word ingevolge die bepalings van die Strafproseswet 1977 (Wet 51 van 1977).

30. Oortredings en beperkings met betrekking tot padvervoer

- (1) 'n Persoon wie-
 - (a) padvervoer onderneem ingevolge die gesag van 'n permit wat dit magtig; of
 - (b) as die houer van 'n permit padvervoer onderneem anders as in ooreenstemming met die bepalings van die permit, of, onderhewig aan die bepalings van artikel 23, 'n voorwaarde van 'n permit of 'n bepaling van artikel 19 oortree of versuim om daaraan verdoen; of
 - (c) as die houer van 'n openbare permit wat die vervoer van persone teen vergoeding magtig-
 - (i) sonder genoegsame rede (die onus van die bewys daarvan rus op hom of haar) weier om 'n persoon te vervoer terwyl die permit hom of haar magtig om die persoon te vervoer; of
 - (ii) onderhewig aan die bepalings van artikel 23 'n bedrag vra vir die vervoer wat nie ooreenstem nie met die tarief soos uiteengesit in die permit of wat volgens vereiste gepubliseer moes word in terme van die permit; of
 - (iii) betaling anders as geld vir die vervoer eis of aanvaar; or
 - (b) as die houer van die permit dit beskikbaar stel aan 'n ander persoon om padvervoer te onderneem wat nie kragtens hierdie Wet gemagtig word nie,
sal skuldig wees aan 'n oortreding.
- (2) Die houer van 'n permit mag nie skuldig bevind word nie onder subartikel (1)(c)(i) met betrekking tot 'n weiering om te vervoer indien hy of sy of ten tyde van die weiering die padvervoer of 'n deel daarvan gestaak het wat deur die permit gemagtig word nadat die voorgeskrewe kennis gegee is.
- (3) Geen persoon sal sonder magtiging wat skriftelik deur die Raad gegee is, bekend maak, hetsy deur 'n kennisgewing gepubliseer in 'n koerant of op 'n ander manier-

- (a) dat hy of sy gewillig is om padvervoer te onderneem, tensy hy of sy die houer is van 'n permit wat die vervoer magtig; of
- (b) dat 'n ander persoon gewillig is om padvervoer te onderneem, tensy die ander persoon die houer van die permit is wat die vervoer magtig en die eersgenoemde persoon deur die ander persoon gemagtig is om sy of haar bereidwilligheid te adverteer om die vervoer te onderneem, en die advertensie ter sprake die naam van die ander persoon bekend maak.
- (4) 'n Persoon wat strydig optree met 'n bepaling van subartikel (3), sal skuldig wees aan 'n oortreding.

31. Algemene oortredings

'n Persoon sal skuldig wees aan 'n oortreding wie-

- (a) met die opset om te mislei, 'n dokument skep en valslik daarop aanspraak maak dat dit 'n permit of ander dokument is wat ingevolge hierdie Wet uitgereik is, of 'n permit of ander dokument uitgereik onder hierdie Wet wysig, ontsier, beskadig of enigets daarby voeg; of
- (b) wetende dat 'n geskrif nie 'n permit of dokument uitgereik kragtens hierdie Wet is nie, of dat 'n permit of ander dokument uitgereik kragtens hierdie Wet gewysig, ontsier, beskadig, of iets daartoe gevoeg is strydig met die bepalings van paragraaf (a), die geskrif, permit of ander dokument uitgee of dit gebruik vir die doelstellings van hierdie Wet; of
- (c) buiten waarvoor spesifiek in hierdie Wet voorsiening gemaak word, 'n permit of onderskeidende teken oordra sonder die skriftelike toestemming van die Raad na 'n motorvoertuig of persoon anders as die motorvoertuig of persoon waarna by name in die permit of onderskeidende teken verwys word; of
- (d) nie 'n inspekteur is nie, en deur woorde, optrede of gedrag poog om die magte van 'n inspekteur uit te oefen; of
- (e) bewustelik 'n inspekteur hinder, verhinder of met hom of haar inmeng in die uitvoering van sy of haar magte of in die uitvoering van sy of haar pligte kragtens hierdie Wet; of
- (f) sonder genoegsame rede (waarvan die bewyslas op hom of haar rus) versuim of weier om voor die Kommissie of Raad te verskyn nadat dit vereis is ingevolge artikel 21(1)(b) of (c), of, wel verskyn het, versuim of weier om 'n vraag na die beste van sy of haar vermoë te antwoord wat wetlik aan hom of haar gestel is, of om 'n boek, plan of ander dokument of artikel te verskaf wat van hom of haar gevra is; of
- (g) in verband met 'n aansoek, appèl, of ondersoek kragtens hierdie Wet 'n vals verklaring aflê, hetsy skriftelik of mondelings, wetende dat dit vals is; of
- (h) 'n openbare permit bekom van die Raad wetende dat 'n openbare permit reeds aan 'n ander persoon uitgereik is met betrekking tot die betrokke voertuig.

32. Optrede of versuim van 'n bestuurder, agent of werknemer van die houer van 'n permit

- (1) Wanneer 'n bestuurder, agent of werknemer of die houer van 'n permit ookal 'n handeling uitvoer of versuim om dit te doen, welke handeling of versuim ingevolge hierdie Wet 'n oortreding sou wees, dan, tensy die houer bewys dat-
 - (a) hy of sy nie die handeling of versuim toegelaat het of deur die vingers gesien het nie; en
 - (b) hy of sy alle redelike maatreëls getref het om 'n handeling of versuim van die aard ter sprake te

voorkom; of

- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die aard van die handeling of versuim aangevoer nie onder enige voorwaardes of in enige omstandighede val binne die reikwydte van die magtiging of die beloop van werk van die bestuurder, agent of werknemer, sal die houer self skuldig wees aan 'n oortreding met betrekking tot daardie handeling of versuim en aanspreeklik wees om skuldig bevind en gevennis te word met betrekking daarop, en vir die doelstellings van paragraaf (b) sal die feit dat hy of sy 'n handeling of versuim van die aard ter sprake verbied het nie opsigself gesien word nie as genoegsame bewys dat hy of sy alle moontlike maatreëls getref het om die handeling of versuim te voorkom.
- (2) Wanneer 'n bestuurder, agent of werknemer van 'n houer 'n handeling uitvoer of versuim om dit te doen wat kragtens hierdie wet 'n oortreding sou wees indien die houer die handeling sou uitvoer of sou versuim om dit te doen, sal die bestuurder, agent of werknemer aanspreeklik wees vir skuldigbevinding en vonnis met betrekking daaroe as sou sy of hy die houer wees.

33. Strawwe

'n Persoon wat skuldig bevind is aan 'n oortreding kragtens hierdie wet waarvoor daar geen ander straf uitdruklik voorsien is nie, sal aanspreeklik wees vir 'n boete wat nie R20 000 oorskry nie of gevangenisstraf wat nie twee jaar oorskry nie of 'n boete én gevangenisstraf.

34. Verbeuring

- (1) Die hof wat 'n persoon skuldig bevind aan 'n oortreding kragtens hierdie Wet wat betrekking het op die onderneem van ongemagtigde padvervoer, mag die motorvoertuig wat vir die vervoer gebruik is of die skuldige persoon se reg op die motorvoer verbeurd verklaar aan die Gauteng Provincie: mits die deklarasie nie enige regte sal aantas nie wat 'n persoon anders as 'n skuldige persoon mag hê op die motorvoertuig ter sprake, indien bewys is dat die ander persoon nie geweet het nie dat die motorvoertuig gebruik is of gebruik sou word vir ongemagtigde padvervoer of dat hy of sy nie die gebruik daarvan kon verhinder nie.
- (2) Artikel 35(4) van die Strafproseswet, 1977 (Wet 51 van 1977) sal geld mt die nodige veranderings vir verwysing ná 'n verbeuring kragtens subartikel (1).

35. Uitwerking van tweede of daaropvolgende skuldigbevinding aan sekere oortredings

- (1) Op 'n tweede of daaropvolgende skuldigbevinding van 'n persoon aan 'n oortreding betreffende die onderneem van ongemagtigde padvervoer, mag die Raad-deur skriftelike kennisgewing wat per geregistreerde of gesertifiseerde pos gestuur is, 'n permit summier onttrek wat deur daardie persoon gehou word en deur die Raad uitgereik is; en
- (a) gedurende die tydperk wat die Raad mag goed dink, en nieteenstaande of die permit wat deur daardie persoon gehou word, onttrek is kragtens paragraaf (a) of nie, weier om 'n aansoek te oorweeg vir die toekenning of oordrag van 'n permit aan hom of haar of aan 'n maatskappy waarvan sy of hy 'n direkteur is, of vir die hernuwing van 'n permit wat deur hom of haar of so 'n maatskappy gehou word.
- (b)

- (2) Vir die doelstellings van subartikel (1) sal die skuldigbevinding van 'n maatskappy aan 'n oortreding genoem in daardie subartikel ook gesien word as 'n skuldigbevinding van elke persoon wat ten tyde van die begaan van die oortreding ter sprake 'n direkteur was van daardie maatskappy.

36. Veronderstellings en bewys van sekere feite

- (1) In 'n vervolging kragtens hierdie Wet-
 (a) sal aangeneem word 'n persoon wat 'n ander persoon met 'n motorvoertuig vervoer het of wat die vervoer van 'n persoon anders as die bestuurder van die motorvoertuig toegelaat het, het die padvervoer onderneem, tensy die teendeel bewys word;
 (b) indien dit bewys word dat 'n persoon vervoer isstrydig met die bepalings van artikel 30(1)(a) in 'n spesifieke motorvoertuig, sal aangeneem word dat die eienaar van daardie motorvoertuig daardie persoon vervoer het, tensy bewys word dat hy of sy nie die bestuurder was nie van die motorvoertuig ten tyde van die vervoer ter sprake en dat hy of sy nie die gebruik van die motorvoertuig vir die vervoer goedgekeur of toegelaat het nie;
 (c) sal aangeneem word 'n persoon in wie se besit 'n dokument wat valslik voorgee dat dit 'n permit is wat ingevolge hierdie Wet uitgereik is, gevind word, of in wie se besit 'n permit wat gewysig, ontsier, beskadig of waartoe inligting toegevoeg isstrydig met die bepalings van hierdie Wet gevind word, het die dokument gemaak of die permit gewysig, ontsier, beskadig of inligting toegevoeg, tensy die teendeel bewys word.
 (2) 'n Dokument wat voorgee 'n permit te wees wat kragtens hierdie Wet uitgereik is, of 'n afskrif van die permit gewaarmerk as 'n egte afskrif deur 'n persoon wat voorgee om 'n amptenaar van die Raad te wees, sal wanneer dit gelewer word deur 'n persoon tydens 'n vervolging kragtens hierdie Wet, toelaatbaar wees as getuienis en *prima facie*-bewys wees dat dit 'n permit is wat geldiglik uitgereik is kragtens hierdie Wet, of dat dit 'n egte afskrif is van 'n permit, soos die geval mag wees, en dat elke verklaring daarin vervat korrek is.
 (3) 'n Dokument wat verklaar dat 'n motorvoertuig wat daarin beskryf word onder die relevante wetgewing met betrekking tot die registrasie van motorvoertuie geregistreer is in die naam van die persoon wat daarin genoem word, en wat voorgee dat dit uitgereik is deur die gesagsliggaam wat verantwoordelik is vir die registrasie van motorvoertuie kragtens daardie wetgewing op 'n plek waar die motorvoertuig daaronder geregistreer is, sal wanneer dit deur 'n persoon tydens 'n vervolging kragtens hierdie wet gelewer word, toelaatbaar wees as getuienis en *prima facie*-bewys wees van die korrektheid van die verklarings daarin vervat.

37. Jurisdiksie

'n Landdroshof sal jurisdiksie hê om 'n straf op te lê waarvoor daar in hierdie Wet voorsiening gemaak word.

38. Beperking van aanspreeklikheid

Geen siviele of kriminele verrigtinge sal ingestel word of voortgaan in 'n hof teen 'n gemagtigde

amptenaar of die werknemer van 'n gemagtigde amptenaar vanweë 'n handeling in goeie trou deur 'n gemagtigde amptenaar of werknemer van 'n gemagtigde amptenaar kragtens hierdie Wet nie.

39. Finansies

Alle gelde ontvang deur die Kommissie of Raad ingevolge hierdie Wet moet in 'n Proviniale Staatsfonds inbetaal word, en alle uitgawes aangegaan in die administrasie van hierdie Wet moet betaal word uit geld wat uit daardie Fonds toegewys is deur die Proviniale Wetgewer: mits die uitgawe aangegaan in verband met die uitvoering van die funksies van 'n gemagtigde amptenaar verhaal moet word deur die werknemer van die gemagtigde amptenaar.

40. Verhouding van Wet tot ander wette

Die bepalings van hierdie Wet sal aanvullend wees tot en nie vervangend nie van ander wetgewing met betrekking tot motorvoertuie.

41. Herroeping

- (1) Die Padvervoerwet, 1977 (Wet 74 van 1977) word hierdie herroep in soverre dit betrekking het op die Gauteng Provinsie.
- (2) Die bepalings van die Nasionale Landvervoerwet, 1998 sal nie van toepassing wees nie op die Gauteng Provinsie in soverre dit nie strook nie met die bepalings van hierdie Wet of die Gautengse Interim Wet om Minibus Taxi-tipe Dienste te Reguleer, 1997 (Wet van 1997).

42. Oorgangsbeplings

- (1)(a) Onderhewig aan die bepalings van subartikels (2) en (3) sal 'n aanstelling, aanwysing, regulasie, kennisgewing of dokument gemaak, gepubliseer of uitgereik of andersins onder die bepalings van die Padvervoerwet, 1977 of soortgelyke wetgewing, gesien word asof dit verklaar, geskep, gemaak, gepubliseer, uitgereik of gedoen is kragtens die ooreenstemmende beplings van hierdie Wet.
(b) Vir die doelstellings van paragraaf (a)-
 - (i) 'n permit wat uitgereik is kragtens die Padvervoerwet 1997 of soortgelyke wetgewing en wat, ingevolge die aard van die padvervoer wat daardeur gemagtig word, toegeken en uitgereik kan word ingevolge hierdie Wet as 'n openbare permit, sal gesien word as 'n openbare permit wat toegeken en uitgereik is kragtens die toepaslike beplings van hierdie Wet; en
(ii) 'n aansoek vir die uitreiking of toekenning van so 'n permit wat nie afgehandel is met die inwerkingtreding van hierdie Wet nie, sal gesien word as 'n aansoek kragtens hierdie Wet vir die toekenning van die toepaslike permit.
 - (2) Die LUR, wat handel op aanbeveling van die Raad, kan te enige tyd deur 'n kennisgewing in die *Proviniale Gazette* en met inwerkingtreding van 'n datum wat in die kennisgewing gespesifieer word, die geldigheid van elke permit beëindig wat genoem word in subartikel (1)(b) wat uitgereik of toegeken is vir 'n onbepaalde tydperk en wat behoort tot 'n tipe of kategorie van permitte gespesifieer in die kennisgewing.

- (3) Die Raad kan, deur skriftelike kennisgewing wat per geregistreerde of gesertifiseerde pos gestuur is aan die houer van 'n permit genoem in subartikel (1)(b) (ongeag wanneer dit uitgereik of toegeken is vir 'n vaste tydperk of onbepaalde tydperk) die permit onttrek vanaf 'n datum soos gespesifieer in die kennisgewing.
- (4) Die Raad kan, indien hy dit wenslik ag,-
- (b) In die geval van 'n permit genoem in subartikel (1)(b) waarvan die geldigheid beëindig is deur 'n kennisgewing ingevolge subartikel (2) of wat onttrek is deur 'n kennisgewing ingevolge subartikel (3), op skriftelike versoek van die houer van die permit, gerig voor die datum gespesifieer in die relevante kennisgewing as die datum van die beëindiging of terugtrekking, of binne die tydperk ná daardie datum soos die Raad mag toelaat; of
- (c) op skriftelike versoek van die houer van 'n permit so gemeld, te enige tyd gerig; of
(d) ná deeglike oorweging, in pas met die bepalings van hierdie Wet, van 'n aansoek vir die hernuwing, wysiging of oordrag van 'n permit so gemeld, 'n toepaslike permit uitreik ter vervanging van die permit ter sprake, onderhewig aan die voorwaardes wat die Raad mag goed dink, asof die versoek of aansoek, soos die geval mag wees, 'n aansoek was vir die toekenning van die versoek of aansoek, soos die geval mag wees, vir die toekenning van 'n permit gemaak, gepubliseer en gekontempleer kragtens die relevante bepalings van hierdie Wet.
- (5) Die bepalings van subartikels (2), (3) en (4) sal nie uitgelê word nie as dat dit 'n mag wat vereen is aan die LUR of die Kommissie of die Raad met betrekking tot 'n permit deur 'n ander bepaling van hierdie Wet, of die vereis van vooraf-kennisgewing, of 'n geleentheid om aangehoor te word, aan 'n persoon geraak deur hul aansoek, en die feit dat die geldigheid van 'n permit beëindig is kragtens subartikel (2), of 'n permit onttrek is kragtens subartikel (3), sal nie 'n aansoek benadeel vir die toekenning van 'n permit gemaak deur 'n persoon wat die houer was van die permit ter sprake nie.

43. Kort titel en aanvang

- (1) Hierdie Wet sal genoem word die Gautengse Interim Padvervoerwet, 1997, en sal in werking tree op die datum vasgestel deur die LUR deur 'n kennisgewing in die *Provinciale Gazette*.
- (2) Hierdie Wet sal beëindig word op die datum van die inwerkingtreding van meer omvattende provinsiale wetgewing oor die openbare vervoer van passasiers.

GAUTENG INTERIM PADVERVOER-WETSONTWERP 1997

Memorandum ingevolge Reël 134 van die Staande Reëls van die Gautengse Proviniale Wetgewer

• REDES VIR DIE WETSONTWERP

Die provinsie is tans besig om wetgewing saam te stel om voorsiening te maak vir vervoerkwessies. Een van die wetsontwerpe wat oorweeg word, is die Wetsontwerp op Openbare Passasiersvervoer (Pad) om voorsiening te maak vir alle aspekte en maniere van openbare vervoer van passasiers per pad. Omdat daar 'n dringende behoefte is om die probleme van die minibus-taxi-bedryf in Gauteng aan te spreek om orde en stabilitet in die bedryf te bewerkstellig en die golf van taxigeweld te strem, is 'n Interim Wetsontwerp op Taxi's ('n interim wetsontwerp om minibus-taxi-tipe vervoer) opgestel as 'n dringende voorloper van die Wetsontwerp op Openbare Passasiers. Die Interim Wetsontwerp op Taxi's sal die Wet op Padvervoer (Wet 74 van 1977) (die WPV) herroep. Dié wet maak tans voorsiening vir die regulering van die openbare vervoer van passassiers per pad in Gauteng deur permitte uit te reik in soverre dit minibus-taxidienste aangaan. Die voorgestelde Wetsontwerp op Nasionale Landvervoer, wat waarskynlik vroeg volgende jaar goedgekeur sal word, sal die WPV herroep, wat 'n leemte sal laat in die interim wetgewing betreffende provinsiale passassiersvervoer. Vir die Interim Wetsontwerp op Taxi's om in werking te tree, is veranderings aan die WPV dus nodig om voorsiening te maak vir tussentydse reëlings, wat die behoefte aan die Wetsontwerp geskep het. Dit waarvoor hierdie Wetsontwerp voorsiening maak, moet dus saam gelees word met die voorsienings van die Interim Wetsontwerp op Taxi's.

Weens die interim aard van hierdie Wetsontwerp, is net die nodige veranderings aangebring aan die bestaande bepalings van die Wet. Die beduidende veranderings wat gemaak is, is soos volg:

- Die huidige bepalings moes "skoongemaak" word om aan te pas by die nuwe grondwetlike veranderings en ander ontwikkelings. In dié verband is alle verwysings na "klasse persone" byvoorbeeld uitgeskakel.
- Alle bepalings wat verwys na vragvervoer is verwyder omdat dié stelsel nie meer deur 'n permitstelsel gereguleer word nie, behalwe in die geval van internasionale dienste wat nou deur nasionale wetgewing gereguleer sal word.
- Vervoerberoep wat net in Gauteng plaasvind, sal voor die Proviniale Vervoerkommissie gebring word wat ingevoer word deur die Interim Wetsontwerp op Taxi's eerder as voor die Nasionale Vervoerkommissie.
- Die wetgewer het in Junie 'n paar dringende veranderings aan die WPV aangebring om voorsiening te maak vir interim noodmaatreëls om geweld in die minibus-taxibedryf te beveg en voorsiening te maak vir die merk van minibus-taxivoertuie. Hierdie veranderings is opgeneem in die Interim Wetsontwerp op Taxi's.
- Die Vervoerpermit-administratiewe Liggeme wat deur die Interim Wetsontwerp op Taxi's gestig word as administratiewe kantore van die Permitraad, sal gebruik word om permitaansoeke deur nie-minibus-taxi-tipe operateurs én taxi-operateurs te verwerk.

- Sekere bepalings en definisies van die WPV moet in pas gebring word met die Interim Wetsontwerp op Taxi's.

Die besluit is geneem om 'n Interim WPV op te stel eerder as om die bestaande te wysig, weens die uitgebreide veranderings.

2. OMGEWINGSIMPAK

Geen.

3. FINANSIEËLE IMPLIKASIES VAN DIE WETSONTWERP

Omdat die wetsontwerp eintlik die WPV weer verorden, hou dit geen verdere finansiële implikasies in nie.

4. KOMMENTAAR ONTVANG EN AANGEVRA

Die konsep-Interim Wetsontwerp op Taxi's is op 1 Januarie 1997 in die *Provinciale Gazette* gepubliseer vir kommentaar. Uitgebreide kommentaar is ontvang van 'n groot groep belanghebbendes, wat oorweeg en, waar moontlik, geakkommodeer is.

Omdat hierdie wetsontwerp nie self in beginsel veranderings aanbring nie, en weens die interim aard daarvan, is dit nie vir kommentaar gepubliseer of baie indringend bespreek nie. Verskeie besprekings is egter gehou met amptenare van die Gautengse Departement van Vervoer en Openbare Werke, die Gautengse Permitraad en belanghebbende openbare vervoeroperateurs.

5. VERDUIDELIKING: KLOUSULE PER KLOUSULE

- K1: Sekere woorde wat in die Wetsontwerp gebruik word, word in hierdie deel gedefinieer. Geen beduidende veranderings is gemaak aan die bestaande Wet op Padvervoer, 1977 (WPV) nie. Een verandering is die skrappihg van "klas" met betrekking tot persone, wat in die oorspronklike wet vervat is om rassediskriminasie te fasiliteer.
- K2: Hierdie klousule maak voorsiening vir die vestiging van 'n Gautengse Permitraad (die Raad) om die Plaaslike Padvervoerraad, wat deur die WPV geskep is, te vervang. Die enigste beduidende verandering is die naam van die Raad. 'n Adviespaneel van die Raad en Vervoerpermit-administratiewe Liggeme (VPAL) is deur die Interim Taxi-wetsontwerp gestig om die Raad in sy administrasie by te staan (een vir elke metropolitaanse gebied in die provinsie).
- K3: Die Raad het die mag om vervoerkwessies te ondersoek en hanteer aansoeke vir die toekenning, hermuwing, wysiging of oordrag van permitte, sowel as die uitreiking van die permitte.

- K4: Hierdie klousule maak voorsiening vir die diskwalifisering van persone as lede van die raad in sekere omstandighede.
- K5: Hierdie klousule reguleer vergadering en besluite van die Raad.
- K6: Enigeen wat padvervoer anders as minibus-taxi-tipe dienste wil ondernem, moet by die Raad aansoek doen om 'n permit indien die betrokke reis in Gauteng begin.
- K7: Hierdie klousule maak voorsiening vir die tipes padvervoer wat uitgesluit sal wees van die noodsaak van 'n permit. Dit is hersien en onvanpaste bepalings, byvoorbeeld dit wat betrekking het op vragvervoer, is verwyder.
- K8: Ingevolge 'n ooreenkoms bereik deur die Konstitusionele Transformasieprojek, hoef operateurs nie in elke provinsie 'n permit te verkry waardeur hulle sal reis nie, maar moet hulle aansoek doen in die provinsie waar die reis begin. Die Raad moet egter die goedkeuring verkry van die rade van ander provinsies betreffende die vervoer wat in daardie provinsies plaasvind.
- K9: Aansoekers vir internasionale dienste moet aansoek doen by die Reguleringskomitee van die nuwe Grensagentskap wat deur nasionale wetgewing daargestel word. Voordat die Agentskap geskep word, sal aansoekers steeds aangehoor word deur die Nasionale Vervoerkomitee onder die WPV.
- K10: Die Raad moet deur die relevante VPAL aansoekers ontvang vir die toestaan van hermuwings, wysigings of die oordrag van permitte. Die Raad mag weier om aansoekers in sekere gevalle aan te hoor, byvoorbeeld waar 'n soortgelyke aansoek in die vorige ses maande geweier is.
- K11: Kennis van aansoekers moet gepubliseer word in die *Provinsiale Gazette* en op kennisgewingborde verskyn van die Raad en die relevante VPAL om belangstellendes in staat te stel om voorleggings in te dien wat die aansoek ondersteun of daarteen beswaar maak. Munisipaliteite in wie se gebiede die vervoer sal plaasvind, moet die geleentheid kry om voorleggings in te dien.
- K12: Die Raad moet die gelyste kwessies oorweeg wanneer permitaansoekers geëvalueer word. As 'n interimmaatreël moet daar voldoen word aan die vereiste dat 'n behoefte aan die diens eers bewys moet word.
- K13: Die Raad het die diskresie om die tydperk waarvoor 'n permit geldig is, te bepaal.
- K14: Die Raad of 'n amptenaar van die Raad mag tydelike permitte uitreik, geldig vir nie meer as 14 dae nie vir spesifieke gebeurtenisse, soos sportbyeenkomste.
- K15: Waar die Raad 'n permit toegestaan het, moet daar aan sekere vereistes voldoen wees

voordat die VPAL dit uitreik, byvoorbeeld die toon van 'n geldige padwaardigheidsertifikaat.

- K16: Die Raad moet rekords hou wat nasionale en provinsiale inligtingstelsels van inligting sal voorsien en wat ook in staat is om toegang aan dié stelsels te verleen.
- K17: Permitte magtig die vervoer van mense bykomend tot die vervoer ter sprake, soos kondukteurs.
- K18: Waar 'n voertuig tydelik uit diens is, kan dit deur 'n ander voertuig vervang word, mits die dra-kapasiteit van die vervangende voertuig nie meer as 20% verskil van dié van die vervangde voertuig nie.
- K19: Hierdie klousule sit die pligte van permithouers uiteen, byvoorbeeld dat permitte gehou moet word in voertuie waarvoor dit uitgereik is.
- K20: Enigeen wat geraak word deur 'n besluit van die Raad en ongelukkig is met die besluit, kan hom rig tot die Provinciale Vervoerkommissie in die geval van vervoer wat geheel binne die provinsie plaasvind. In terme van klousules 8 en 9 moet versoek wat betrekking het op vervoer wat provinsiale grense kruis, en dié wat betrekking het op internasionale vervoer, gerig word tot die Vervoer-appèlraad wat gestig sal word deur nasionale wetgewing.
- K21: Die Provinciale Vervoerkommissie (PVK) en die Raad kan getuenis aanhoor en mense roep om voor hulle te verskyn as getuies en om dokumente na verhore saam te bring. Die Raad moet belanghebbendes op versoek voorsien van redes vir sy besluite. Die skep van die PVK en die meeste aspekte van sy funksionering word vervat in die Interim Taxi-wysigwetsontwerp.
- K22: Waar 'n permit tariewe bepaal en die Raad 'n styging in die tariewe toegelaat het, kan die operateur die tariewe vermeerder selfs al is daar 'n appèl hangende in 'n hof oor die aansoek.
- K23: Wanneer die petrolprys verhoog word, kan 'n permithouer tariewe outomaties vermeerder met nie meer as 10% nie, mits die houer binne tien dae by die Raad aansoek doen dat die tariewe verhoog word.
- K24: Die Raad mag permitte onttrek, opskort of wysig in sekere gevalle, byvoorbeeld wanneer die houer hom wangedra het.
- K25: Waar omstandighede in die omgewing verander het, kan die LUR 'n ondersoek hou waarna permitte onttrek kan word. Dit kan ook, waar paslik, uitgereik word aan ander persone of maniere van vervoer. In só 'n geval moet die ander operateurs in die gebied of die persone aan wie nuwe permitte uitgereik sal word, die houers kompenseer wat hul

permitte verloor het.

- K26: Permitte sal in sekere omstandighede verval, byvoorbeeld waar 'n permithouer nie die vervoer verskaf wat deur die permit gemagtig word nie.
- K27: Die LUR kan regulasies opstel oor kwessies relevant tot die implementering van die Wet, soos oor permit-aansoekprosedures en tariewe.
- K28: Die hoof van die Departement van Vervoer en Openbare Werke kan amptenare in die departement aanwys as vervoerinspekteurs om wetstoepassingsfunksies te vervul wat betrekking het op permitte. Die inspekteurs val binne die definisie van "gemagtigde beamptes" wie se magte in klousule 29 uiteengesit word.
- K29: Hierdie klousule stipuleer die magte van gemagtigde beamptes, insluitend lede van die Suid-Afrikaanse Polisiediens, verkeersbeamptes en inspekteurs aangewys onder klousule 28.
- K30: Hierdie klousule maak voorsiening vir oortredings en beperkings wat spesifiek betrekking het op padvervoer, byvoorbeeld dat dit 'n oortreding is om sonder 'n permit 'n diens te lewer.
- K31: Hierdie klousule maak voorsiening vir oortredings van 'n meer algemene aard.
- K32: In sekere omstandighede sal 'n permithouer skuldig wees aan oortredings begaan deur werknemers of agente van die houer, tensy die houer kan bewys dat hy of sy byvoorbeeld nie die oortreding oogluikend toegelaat het nie.
- K33: Hierdie klousule maak voorsiening vir maksimum-strawwe.
- K34: Voertuie wat vir ongemagtigde vervoer gebruik word, kan aan die provinsie verbeurd verklaar word ná 'n derde of daaropvolgende oortreding.
- K35: 'n Permit kan onttrek word ná 'n tweede of daaropvolgende skuldigbevinding van die houer aan sekere oortredings.
- K36: Hierdie klousule maak voorsiening vir sekere veronderstellings en bewyse om wetstoepassing te faciliteer.
- K37: Landdroshewe sal die jurisdiksie hè om strawwe op te lê ingevolge die Wet.
- K38: Gemagtigde beamples sal nie verantwoordelik gehou word nie vir optrede in goeie trou.
- K39: Geld wat ingevolge die Wet ontvang word, moet betaal word aan die Provinciale

Inkomstefonds, en uitgawes ingevolge die Wet moet uit die fonds betaal word.

- K40: Die Wet is aanvullend tot ander vervoerwette en vervang hulle nie.
- K41: Die WPV word herroep, en voorsiening word gemaak dat Hoofstuk 2 van die voorgenome Nasionale Landvervoer-wetsontwerp nie in Gauteng geld nie, hangende die goedkeuring van die Gautengse Openbare (Pad-) Vervoerwet en verwante wetgewing.
- K42: Hierdie klousule maak voorsiening vir oorgangskwessies.
- K43: Hierdie klousule maak voorsiening vir die kort titel en aanvang van die Wet.

ISAZISO JIKELELE

ISAZISO 273 KA 1998

UMTHETHOSIVIVINYO WESIKHASHANA WASEGAUTENG WEZOKUTHUTHA EMGWAQENI

Isishayamthetho sesifunda saseGauteng sihlongoza ukwazisa ngoMthethosivivinyo oshiwo ngenhla kuSishayayamthetho saseGauteng ngomhlaka noma cishe 4 Undasa 1998.

Inhloso yaloMthethosivivinyo ukuhlinzekela ngoMthetho wesikhashana ongasebenza okwamanye weziThuti ezilayisha umphathi ngaphandle kwalezo ziThuthi ezingamaMini-Bus, kanye nezinye izindaba ezihambelana naloko.

Abantu abafisa ukubeka imibono ngaleli sungulo lomthetho bangathumela imibono yabo ngaphambi namo ngomhla ka 20 Unhloolanja 1998:

The Legislature Secretary

Private Bag X52

MARSHALLTOWN

2107.

***ISUNGULO LOMTHETHO WESIKHASHANA WEZOKUTHUTHA
EMGWAQENI.***

Ukusiza mayelana nokulawula kwesikhashana kwabagibeli bomphakathi kwezokuthutha emgwaqeni ngaphandle kokusebenzisa amathekisi angamabhasi amancane, kanye nakuzinto ezihambelana nalokho.

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I. IZINCAZELO

Kulomthetho, ngaphandle kokuthi amagama akhombisa ngenye indlela

“Umaqhuzu onegunya “ kusho umhloli, ilungu lomsebenzi wamaPhoyisa ase Ningizimu Afrika, noma umuntu osebenzela iPhrovinsi, noma umasipala onomsebenzi wokuhlola izimoto noma amalayisense ezimoto noma ukulawula izimoto.

“ Ibhodi “ kusho ibhodi lamaPhomede ezokuThutha lase Gauteng elikusiqephu 2.

“ Ibhasi “ kusho imoto eyenziwe noma evumelana nokuthwala abantu abadlula abayisishagalolunye (uma kubalwa nomshayeli).

“ Umthwali “ kusho umuntu osebenza ngokuthwala abantu ukuze akhokhelwe.

“ Ikhomishani “ kusho ikhomishani yePhrovinsi yezokuthutha eyakhiwe mayelana nesiqephu 27 somthetho wesikhashana wase Gauteng olawula ukusebenza kwama Thekisi angamabhasi angamabhasi amancane, 1997 (umthetho ongunomboloka 1997.

“ Umnyango “ kusho uMnyango wezokuThutha kanye nowemisebenzi yomphakathi wase Gauteng.

“ Uphawu olwahlukanisayo” kusho uphawu olwahlukanisayo oluhloswe kusiqephu (a) (I) (e).

“ Inhloko Yomnyango “ kusho inhloko yoMnyango ebophekile kwezokuthutha eGauteng.

“ Okubhalisiwe ngaye “ mayelana nephomede, kusho umuntu okwakhishwa ngaye iphomede.

“ Umhloli kusho umhloli wezokuthutha emgwaqeni owenziwe ngaphansi kwesiqephu 28.

“ Ukusebenza kwezizwe “ kusho ukusebenza kwezokuthutha okwenzeka kungxene phakathi kweRepublic kanye nakungxene yesifunda senye iPhrovinsi noma amaPhrovinsi , noma ukuthwalwa uchushe eGauteng noma elinye iPhrovinsi, futhi kukhishwe ukusebenza kwezizwe.

“ MEC “ kusho ilungu lekhansela elisemqoka elibophekile kwezokuthutha eGauteng.

“ Igunya elingxubevange “ lisho

- ikhansela elingxubevange le Jozi lonke
- ikhansela elingxubevange lePitoli lonke
- ikhansela elingxubevange le Lekoa-Igwa lonke
- ikhansela elingxubevange leKhayalami lonke
- ikhansela llokusebenza lase Mpumalanga Gauteng

noma olandelayo esikhundleni ngegama njenge zikhulu ezikhundleni ngegama njenge zikhulu ezingxubevange noma ezinye ezinye izikhundla ezakhiwe maphakathi neGauteng.

“ Isifunda esingxubevange “ kusho indawo yomthetho onegunya elingxubevange.

“ Umasipal “ kusho umkhandlu kahulumeni wesigodi njengoba kuchaziwe kumthetho wenguquko kaHulumeni wesigodi, 1993 (umthetho 209 ka 1993) futhi ingeza nesikhulu esingxubevange, ikhansela olukusebenza, kanye nezakhiwo ezingaphansi zalezo zikhulu.

“ Imoto “ kusho imoto eyenziwe yavumelana nokuthwala abantu abangendluli kwabayishagalolunye (uma kubalwa nomshayeli).

“ Imoto eyinqola “ kusho inqola njengoba kuchaziwe kumthetho wokugeleza kwezimoto emgwaqeni, 1989 (umthetho 29 ka 1989).

“ Umnikazi “ mayelana nemoto ebhaliswe kusifunda esingaphansi komthetho alawula ukubhalisa izimoto onamandla kuleso sikhathi, kusho umuntu ofanele njengomnikazi ngaphansi komthetho.

“ PAS “ kusho iPhomedede yohlelo lokuphatha ebhalwe ngomshini wekhomputha esebeenze ngoMkhandlu wezokuThutha wezwe noma wePhrovinsi.

“ Iphomedede “ kusho iphomede yomphakathi, noma eyesikhashana.

“ Ukweluleka ngokubhala “ kusho ukweluleka ngokomthetho noma ngesaziso kuGazethee yePhrovinsi.

“ Iphomedede yomphakathi “ kusho umthwali womphakathi wase mgwaqeni ovunyelwe ngaphansi kwesiqephu 10.

“ Umgwaqi womphakathi “ kusho umgwaqo omenyezelwe noma oqokiwe njengo mgwaqo womphakathi ngaphansi komthetho, futhi ingeze umgwaqo, isitaladi noma iphasitshi noma enye indawo (noma iphasitshi noma akulona lapho umphakathi noma isiqephu somphakathi esinelungelo.

“ Ukusebenza kuka Loliwe “ kusho ukusebenza kwezokuthutha osebenza kajantschi kaloliwe noma wakhiwe umkhandlu ongumnini wombuso noma umuntu owangasese.

“ RAS” kusho ukubhalisa kohlelo lokuphatha oluphethwe kuMkhandlu.

“ Umthetho “ kusho umthetho owenziwe ngaphansi kwesiqephu 27;

“ Ezokuthutha emgwaqeni “ kusho ngaphansi kwasizidingo ezikusiqephu 7.

- (a) ukuthwalwa kwabantu ngemoto ukuthola umklomello emgwaqeni womphakathi.
- (b) ukuthwalwa kwabantu ngemoto ukuthola umklomello emgwaqeni womphakathi kuhlelo lohwebo noma lwebhizinisi.

(c) ukuthwalwa kwabantu ngebhasi eliqashiwe kumgwaqo womphakathi.

“ Ukusebenza kwezokuthutha emgwaqeni “ kusho ukusebenza kwezokuthutha kumgwaqo womphakathi, ngendlela yemoto futhi nomklomelo, ngaphansi kwephomede yomphakathi.

“ Iphomede yesikhashana “ kusho iphomede yesikhashana yomthwali wasemgwaqeni ovunyelwe ngaphansi kwephomede yomphakathi.

“ Iphomede yesikhashana “ kusho iphomede yesikhashana yomthwali wasemgwaqeni ovunyelwe ngaphansi kwesiqephu 13.

“ Lomthetho ufaka imithetho;

“ TPAB “ kusho umkhandlu ophethe iPhomede lezokuthutha.

“ Inqola edonswayo “ kusho inqola eyenziwe noma evumelana nokuthwwala abantu.

“ Amalungiselelo ezokuthutha “ kusho ukusebenza kuka loliwe noma kwezokuthutha emgwaqeni.

“ Umkhandlu ophethe wezephomede lezokuthutha “ kusho umkhandlu ophethe wephomede okuthutha ochazwe futhi wakhiwa umthetho wesikhashana waseGauteng olawula ukusebenza kwamathekisi angamabhasi amancane (umthetho nomboloka 1997).

“ Ibhodi eliqokiwe ukwahlulela “ kusho iBhodi lokwenza isikhalo kwezokuthutha emgwaqeni ngomthetho weZwe wokwenza isikhalo kuBhodi eliqokiwe lokwahlulela, 1998.

“ Ezokuthutha emgwaqeni ezingenamvuma “ kusho ezokuthutha emgwaqeni okungenamvume yePhomede futhi kungezwe nezokuthutha emgwaqeni okwenziwa ngumnini phomede ngaphandle kwesimo sephomede.

“ Inqola “ kusho imoto eyinqola.

2. UKWAKHIWA NOKUMISWA KWEBHODI LAMAPHOMEDE EZOKUTHUTHA EGAUTENG.

- (1) Ngomphumela walokhu iBhodi lamaPhomedeezokuThutha lakhiwa e Gauteng.
- (2) Ibhodi kufanele liqukathe uMgciniyahla kanye namalungu aphakathi kwamathathu kanye namanye amalungu amahlanu njengeseluleko se MEC okuzoba ngabantu abanolwazi olujulile nababonise ikhono kwezokuthutha komphakathi, kuzindaba zohwebo, kwezezimali, kwezomthetho noma ukuziphatha kwezomphakathi.

- (3) Amanye amalungu eBhodi kufanele aqokwe afakwe esikhundleni isikhathi esingendlulii kuminyaka emibili futhi ngaphansi ngaphansi kwemigomo yalo mthetho, abambe isihllalo ngesimo sokuholelwa ngaphandle kwalokho, njengoba I MEC inganquma uma ilungu liqokwa.
- (4) Njalo uma ilungu lebhodi liyeka isikhundla noma lisuswa esikhundleni noma alikhoni ukwenza imisebenzi yalo okwesikhashana esizonqunywa iMEC.
- (5) Umuntu ophelelwwe yisikhathi sesikhundla njenge lungu leBhodi, angaqokwa futhi.
- (6) Iqembu labaluleki elakhwi kusiqephu 14 kumthetho wesikhashana lwasGauteng olawula ukusebenza kwama Thekisi angamabhasi amancane, 1997, (umthethoka 1997) nemikhandlu ePhethe yamaPhomedezokuThutha owakhiwe ngesiqephu 15 walowo Mthetho, kufanele wenze umsebenzi wawo ihambelane neBhodi mayelana nalo Mthetho nalomthetho uzosebenza nezinguquko ezidingekile kumshebenzi yeBhodi ngaphansi kwalomthetho.
- (7) Inhloko yomnyango, kufanele ngaphansi komthetho olawula ukusebenza komphakathi unike abasebenzi abadingekile ukusiza iBhodi ukwenza imisebenzi yalo.

3. AMANDLA EBHODI.

Ngaphandle kwamanye amandla engeziwe yilomthetho, ibhodi linga-;

- (a) phenya utho olawela phakathi kohlangothi lwalo mthetho, nokunika iziphakamiso galokho ku MEC.
- (b) cabanga futhi linike imibono, noma lithathe amanyathelo mayelana nemigomo yalo mthetho, nesicelo esenziwe kulo ukuze
 - (i) kunikwe iphomede egunyaza ezokuthutha emgwaqeni phakathi kwe Gauteng.
 - (ii) kunikwe iphomede egunyaza ezokuthatha emgwaqeni eqala e Gauteng kanti futhi yenzeka nakwelinye iProvinsi gesivumelwano nebhodi lakulelo phrovinsi.
- (iii) Ngaphansi kwemigomo ekusiqephu 9, yokuvuselela, nokubeka imibandela noma ukugudluza iphomede evunywe yilo.
- (c) ikhiphe, mayelana nemigomo yalomthetho, iphomede evunyiwe, evuselelwwe, ebekwe imibandela noma egudluzwe yilo.
- (d) ukubeka imibandela kuphomede eyakhisa yikhomishani yezokuthutha yezwe mayelana nezokuthutha ezenzeka e Gauteng, kungakhohlwwa eminye imigomo yalomthetho, uma isicelo sombandela siyensiwa ngaphansi kwalomthetho ngaphandle kwephomede egunyaza ukusebenza kwezizwe.

**4. UKUPHELISWA KWELUNGELO LESIKHUNDLA,
NOKUPHELISWA KWESIKHUNDLA, NOKUPHELISWA
KWESIKHUNDLA SELUNGU LEBHODI.**

- (1) Akekho umuntu ongaqokwa njenge lungu lebhodi.
- (a) uma ekusimo sokungahlengki nokungakhoni ukukhokha izikweletu noma
- (b) uma eke wabanjewa icala lokungathembeki noma
- (c) uma izihlobo zakhe zifuna imali kubhizimusi lezokuthutha emgwaqeni noma zixhumana nemicimbi yezokuthutha emgwaqeni lokhu ngombono we MEC kungathikameza ukusebenza kwelungu kusikhundla salo.
- (2) ilungu leBhodi kufanele liyeke isikhundla uma imigomo engenhla imenza angafaneleki ukuqokwa.
- (3) IMEC ingasusa ilungu elisesikhundleni kuBhodi uma kuyilungu-
- (a) elihlulekile ukunelisa izidingo zokuqokwa kwakhe
- (b) ngombono we MEC, enecala lesimilo esixegayo noma enganakile umsebenzi wakhe njengelungu leBhodi, noma
- (c) ngokombono we MEC, akakhoni ukuveza ikhono kumsebenzi wakhe njenge lungu le Bhodi.

5. IMIHLANGANO NEMIBONO YEBHODI.

- (1) amalungu amathathu eBhodi enza isibalo sabadingeka emhlanganweni weBhodi.
- (2) isinqumo sanoma ngamaphi amalungu amathathu eBhodi akhona emhlanganweni weBhodi, enza isinqumo seBhodi uma isimo senza ukuthi amavoti alingane, lowo osesihlalweni uzovota ngaphezu kwevoti lakhe elijwayelekile.
- (3) uma uMgcini Sihlalo we Bhodi, noma umuntu oqokwe ukuthatha indawo kaMgcini Sihlalo engekhonoma engakhoni ukuba khona kumhlangano weBhodi, uMgcini Sihlalo noma lowo oqokiwe anganika elinye ilungu igunya lokubamba njengo Mgcini Sihlalo enhlanganweni.
- (4) Akukho senzo, ndlela noma mbono weBhodi okungathiwa ayisebenzi ngesizathu sephuzu lokuthi uma isenzo senziwa, indlela noma imibono inikwa bekunesikhala kuBhodi noma umuntu oyilungu leBhodi ubengafanelekile ngaphansi kwesiqephu 4 ukuba yilungu, noma lowo muntu ngasikhathi sinye ubedingekile ekwenzeni isenzo, ukunika indlela kanye nemibono.

6. ISICELO MAYELANA NEPHOMEDE LOMPHAKATHI

- (1) umuntu onesifiso sokuthatha ezokuthutha emgwaqeni phakathi kwe Gauteng noma okuqala eGauteng kube khona futhi kwelinje iPhrovinsi, ngaphandle kwezokuthutha emgwaqeni mayelana nephomede lesikhashana ohlosiwe kusiqephu 14, kufanele enze isicelo ngendlela ebhalelwie iBhodi mayelana nephomede lomphakathi.
- (2) okubhaliswe ngaye iphomede lomphakathi angenza isicelo kuBhodi sokuvuselela, sokwenza imibandela kuphomede ngendlela yoluleko olubhaliwe.

- (3) Umuntu onesifiso sokugudluza iphomede lomphakathi, kufanele enze isicelo ngendlela yezeluleko ezibhaliwe nangemvuma ebhaliwe yallowow okubhaliswe ngaye iphomede okukhulunywa ngalo kuBhodi ukugudluza leyo phomede.

7. UKUNGAFAKI

Ngesizathu salo mthetho, ukuthwalwa kwabantu okuhlosiwe kuncazelo “ezokuthutha emgwaqeni” kusiqephu 1 izokwahlulela ukungafaki okulandelayo-;

- (a) umlimi ongamunye (kanye nabambisene noma inkampani eqhuba umsebenzi wokulima) osebenzisa inqola okungeyakhe ukuthwala izisebenzi.
- (i) ukusuka endaweni lapho betholwe khona ukuya lapho umlimi ebadinga khona ukuzosebenza.
- (ii) ukusuka endaweni lapho umlimi ebaqasha khona ukusebenza kwezolimo ukuya kwenye indawo lapho bagadingeka khona ukusebenza kwezolimo noma lapho omunye umlimi angabadinga ukusebenza kwezolimo, noma ukuya lapho betholwe khona.
- (iii) phakathi kwendawo lapho beqashwa khona noma bezoqashwa khona nesiteshi sikaloliwe nma sebasi esenza kube lula ukubathwala baye kwenye indawo lapho bezothwalwa ngololiwe noma ibhasi ukubathwala baye kwenye indawo lapho bezothwalwa ngololiwe noma ibhasi, futhi ngesizathu salesi sigaba izisebenzi eziqashwe ngumphakathi obammbisene, obhaliswe ngaphansi komthetho ophathelene nomphakathi ebambisene, lapho umlimi eyilungu khona, noma iziboshwa njengoba kuchaziwe kusiqephu 1 somthetho wokuSebenza kuZinga Lokulungisa (Correctional Services Act), 1959 (uMthetho 8 ka 1959) ozosetshenziswa ngumlimi kwezomsebenzi wezokulima, uzokwahlulela ukuba ngabasebenzi bezokulima bomlimi.
- (iv) phakathi kwendawo lapho umlimi ebathole khona nesiteshi sikaloliwe noma sebasi esenza kube lula ukubathwala baye kwenye indawo lapho bezothwalwa ngololiwe noma ibhasi, futhi ngesizathu salesi sigaba izisebenzi eziqashwe ngumphakathi obammbisene, obhaliswe ngaphansi komthetho ophathelene nomphakathi ebambisene, lapho umlimi eyilungu khona, noma iziboshwa njengoba kuchaziwe kusiqephu 1 somthetho wokuSebenza kuZinga Lokulungisa (Correctional Services Act), 1959 (uMthetho 8 ka 1959) ozosetshenziswa ngumlimi kwezomsebenzi wezokulima, uzokwahlulela ukuba ngabasebenzi bezokulima bomlimi.
- (b) umasipala othwalayo ngaphandle kokuthwala abantu ngenjongo yokukhokhelwa ngenqola yakhe, phakathi kwendawo nenyne indawo elawulwa ngumasipala noma lapho enika ukusebenza komphakathi noma eqhuba umsebenzi,
- (c) umasipala othwala iziboshwa njengoba kuchazwe kusiqephu 1 somthetho wokusebenza kuZinga lokulungisa (Correctional Services Act) 1959 (umthetho 8 ka 1959) osebenza, noma osebenze noma ozosebenza kunqola okungeyakhe

- (d) ukuthwala ngenqola isiguli ukuya endaweni lapho ezothola usizo lokwelashwa ngumuntu onelungelo lokunika usizo ngokomthetho ophathelene nomsebenzi wezokulapha, noma kundawo lapho ethole usizo khona.
- (e) ukuthwala lokwengenza nokudonsa ngenqola yenze inqola ebe nokungapheleli, ukuya kundawo abathwalwe ngalena enye inqola ngesikhathi seyiba njengaphelele, ukuya kuleyo ndawo, noma enye indawo enikiwe, uma ukuthwalaabantu ngenqola ngenkathi seyiba ngengaphelele ngokwesinqumo sezokuthutha emgwaqeni, ukuthwal kwavunyelwa yiphomede, kanti nokuthwala kwavunyelwa yiphomede kanti nokuthwala kwavunyelwa yiphomede kanti nokuthwala ngemoto echazwe kuqala ezovezwa uma ifunwa kusikhulu esinegunya.
- (f) ukuthwalwa kwaantu njengoba kuhlosiwe kuncazelo “ yezakhiwo zokugibezana ” kusiqephu 1 somthetho wesikhwama sezingozi zasemgwaqeni 1996 (uMthetho 56 ka 1996).
- (g) ihotela elithwala abavakashi balo kuphela nezidingo zabo phakathi kwehotela naseduze nesiteshi sikaloliwe, nesikhumulo sezindiza noma itheku ngenqola enophawu okuchaziwe ngomthetho okungowehotela kuphela.
- (h) ukuthwala ngomsebenzi wemboni, wohwebo noma ibhizimusi labantu (ngaphandle kokuthwalwa kwaZisenzi phakathi kwendawo lapho zihlala khona nendawo zisebenza khona) ngenqola uma kungekho mvuzo othollwayo wokuthwala.
- (i) Umuntu ophethe imboni, uhwebo noma ibhizimusi othwala izisebenzi zakhe zasuka lapho zenza khona umsebenzi ngokomsebenzi lapho zenza khona umsebenzi ngokomsebenzi waleyo mboni, hwebo noma bhizimusi, ukuya kwenye indawo lapho zizokwenza umsebenzi ngenqola okungeyalowo muntu.
- (j) Isisebenzi soMbuso, noma sase Gauteng noma umkhandlu osizwa nguMbuso noma inkampani lapho uMbuso noma iGauteng iyilungu lokuqala nelokugcina futhi ithola umvuzo noma umasipala othwalayo, mayelana nokwenza imisebenzi leyo ngenqola okungenye sisebenzi, leso sisebenzi kufanela sithole umvuzo obuya kuMbuso, noma iGauteng, noma uMkhandlu osizwa nguMbuso noma inkampani noma umaSipala.
- (k) ukuthwalwa ngezinsuku zesikole kwezingane zesikole nothisha ukuya nokubuya esikoleni okufundwa kuso, kanye nokuthwalwa kothisha nezingane ngenxa yemidlalo noma ukuzijabulisa noma iholide, ukubona izindawo zemfundu ngenqola okungeyesikole. Uma inqola ibekwe eceleni ukuze isetshenziswe yisikole ngesivumelwane, isikole kufanela sifune iphomede eyisipesheli njengoba kusho umthetho.
- (l) Ukuthwalwa yinyuvesi, isikole solwazi lomsebenzi, isikole sokuqequesha othisha (zonke ezibizwa ngokuthi izindawo zokufunda) kwabafundi bazo kanye nothisha ukuya kuzinkambo zemfundu, zamasko, noma zemidlalo ngenqola

umnikazi wayo kuyisikole leso. Uma inqola ibekiwe eceleni ukuze isetshenziswe yindawo yokufunda, kufanele lendawo ifune iphomede eyisipesheli njengoba kusho umthetho.

- (m) ukuthwalwa okuletha umvuzo komuntu obizwe endaweni njengofakazi kulelocala, noma kwelinye icala lobugebengu, noma endaweni efanayo nangelanga elifanayo noma kwenye indawo abizelwe kuyo yinkantolo lowo othwelwe ngenqola leyo umuntu obalwe kuqala engumnikazi.
- (n) ukuthwalwa okuletha umvuzo kubantu obizwe endaweni ukunika ubufakazi ngaphambi kwekhomishani yokuhambelana nemigomo yomthetho weKhomishani, 1947 (uMtheotho 8 ka 1947) omenyezelwe ukusebenza ngaphambi kokwakhiwa komkhandlu ongaphakansi komthetho lapho lowomkhandlu unikwe amandla okubiza abantu bavele phambi kwawo ukunika ubufakazi, ukuya nokubuya kulendawo lapho umuntu ebizwe khona azovela noma omunye umuntu obiziwe ukuvela phambi kwekhomishani noma umkhandlu ukunika ubufakazi ngosuku olufanayo nasendaweni efanayo ngenqola lapho umunt ochazwe kuqala engumnikazi.
- (o) ukuthwalwa komuntu okudingekile ukuba athwalwe ukuxhumana nokuthwalwa kwabantu, okuwukuthi mayelana nesigaba (a) kuya ku (n) ayakhi ukusebenza kwamathekisi ayinhlobo yamabhasi amancane.

8. UKUTHUTHA KWANGAPHAKATHI KAMAPHROVINSI

- (1) Abenza isicelo sephomede lomphakathi mayelana nokuthutha kwangaphakathi kwamaPhrovinsi bangasibhekisia kubhodi kuphela uma lezo ezokuthutha ziqala e Gauteng, noma e Gauteng nakwelinye iPhrovinsi.
- (2) Ngesizathu salesi siqephу ezokuthutha emgwaqeni kungahlulela ukuqala endaweni lapho abantu begibella inqola ngalokho okutezwa ezokuthutha emgwaqeni ngesizathu sokuthwalwa ukuya kwenye indawo kanye nokugcina kuleyo ndawo.
- (3) uma kunokungabaza ukuthi ezokuthutha ziqala kuphi, isicelo kufanele senziwe kuPhrovinsi lapho inqola ethwalayo ibhaliswe khona
- (4) Ibhodi lingenike isicelo sephomede igunya lezokuthutha emgwaqeni eqala kwelinye iPhrovinsi, noma ukuvuselela noma ukugudluza kwaleyo phomede noma ukubeka umbandela kwaleyo phomede ethikameza ukuqhuba kwezokuthutha emgwaqeni naphakathi nelinye iPhrovinsi, ngaphandle kwesivumelwano seBhodi eyakhiwe yenzelwe elinye iPhrovinsi.
- (5) Izikhalo mayelana nokusebenza ngaphakathi kwamaPhrovinsi kungenziwe kukhomishani Yezizwe yezokuthutha mayelana nomthetho wezokuthutha emgwaqeni, 1977 (umthetho ongunombolo 744 ka 1977) noma ibhodi eliqokiwe ukwahlulela mayelana nomthetho wezwe osetshenziswayo.
- (b) Lapho iBhodi lingakhoni ukuthola impendulo edingekile kubhodi yakwelinye iPhrovinsi njengoba kuhlosiwe kusiqeshan (4) noma isivumelwano salen enye

iBhodi naphakathi nesikhathi esikhishiwe, llenking kufaneli imukiswe kuKhomishani Yezwe yezokuthutha noma kuBhodi eliqokiwe ukwahlulela njengoba kuchaziwe kusiqeshana (5) esisetshenziswayo njenge sikhalo.

9. UKUTHUTHA KWEZIZWE.

- (1) Abenza isicelo sephomede yomphakathi mayelana nezokuthutha kwezizwe kufanele basibhekise kuKhomishani Yezwe yezokuThutha mayelana noMthetho wezokuThutha mayelana noMthetho ongunombolo 74 ka 1977) noma ikomiti yezohawulo mayelana nomthetho wokuphambana kwemingcele kwezokuThutha emgwaqeni, 1998 osetshenziswayo.
- (2) Abantu ababhala izikhalo ezimayelana nezokuthutha kwezizwe kufanele benze njalo kukhomishani yezwe yezokuThutha mayelana nomthetho wezokuThutha eMgwaqeni, 1977 (uMthetho ongunombolo 74 ka 1977) noma iBhodi eliqokiwe ukwahlulela mayelana nomthetho wezwe osetshenziswayo.

10. UKUBEKEKA KAHLE KWESICELO MAYELANA NEPHOMEDE LOMPHAKATHI.

- (1) Ngaphansi kolawulo lwemigomo yaloMthetho, iBhodi ngokuxhumana ne TPAB ehambelanayo kufanele yamkele futhi icabangele ukunika leso sicelo, ukuvuselela, umbandela, ukuguduza, kwephemede yomphakathi, ingasebenzisa umbono wayo ukunika isicello ngokugcwele imvuma noma ingasamukeli isicelo.
- (2) Ibhodi inganqaba ukucabangela isicelo ekusiniken imvuma, ukusivuselela, ukubeka umbandela, noma ukuguduza iphomede uma esifana nalesi esiveziwe, phakathi kwezinyanga eziyisithupha ngaphambi kosuku nenyanga isicelo sokuqala samkelwa.
- (b) Ibhodi linganqaba ukucabangela isicelo ukusinika imvume, ukubeka umbandela noma ukuguduza iphomede yomphakathi noma lowo oda izikhalo noma isicelo engakhokhile imali yaleso sicelo noma lezo zikhalo.
- (c) Ibhodi ingesicabangeli isicelo sokuvuselela iphomede yomphakathi enikiwe okwesikhathi esikaliwe ngaphandle kokuthi iBhodi ithole isicelo kunye nemali yaleso sicelo ngaphambi kosuku lokuba iphomede iphele.
- (d) Ibhodi inganqaba ukucabangela isicelo ukusinika imvuma, ukuvuselela, ukubeka umbandela noma ukuguduza iphomede lomphakathi uma ifomu lesicelo aligcwalisekanga njengoba kudingeka.
- (e) Ibhodi ingesicabangeli isicelo ukusinika imvuma yephomede lomphakathi bese likhishiwe komumye umuntu okungeyena lona owenza isicelo.
- (f) Akekho umuntu ongakhalaza kuKhomishani ephikisa umthetho, iziqondiso noma izinqumo eyenziwe noma esikwe yiBhodi ngaphansi kwesigaba (a).

11. *UKUSHICILELWA KWESICELO MAYELANA NEPHOMEDE LOMPHAKATHI.*

(1) *IBHODI*

- (a) Kufanele ngaphambi kokucabangela isicelo ukusinika imvuma, ukubeka umbanfela (ngaphandle kombandela ochazwe kusigaba (b) noma ogudluza iphomede yomphakathi.
- (b) inga, ngaphambi kokucabangela isicelo salokhu-;
- (i) ukuvuselela iphomede yomphakathi noma
- (ii) umbandela njengoba kuhlosiwe kusiqephu 23 saley phomede noma
- (iii) umbandelal waleyo phomede ukugunyaza okwesikhathi sonke ukuvusa inqola echazwe kuleyo phomede ngenqola kasehlakalo sebhasi, umthamo wabagibelil nakusehlakalo semoto, noma udlula owaleyo nqola yakuqala ngokungendluli kuma phesenti angu 20.

Ingashicilela kuGazethi yePhrovinsi leyoo minyombo yesicelo njengoba ifuneka kanye nokubeka isaziso sesicelo kubhodi yesaziso kumahhovis eBhodi naku TPAB ehambelanayo, futhi ngendlela efunekayo.

- (2) Umuntu othandayo ofisa ukuba izikhalo kuBhodi ophikisa noma osekela isicelo esishicilewe ngaphansi kwesiqeshana (1) makenze njalo ngendlela futhi naphakathi nesikhathi esichazwe yiBhodi, kanti neBhodi-;
- (a) kufanele livumele umuntu othi ngesikhathi esikaliwe alethe izikhalo eziphikisa isicelo ukuhlola ngaphandle kokukhookha nokwenza amakhophi efomu eligcwaliwiwe lalowo ocelayo, kanye neminye imibhalo efakwe ngokwenza isicelo nefomu lakhe lesicelo kuhhovisi leBhodi futhi-;
- (b) linga, ngesicelo somuntu ofaka izikhalo, limnike amakhophi efomu lesicelo neminye imibhalo ekubhadeleni imali efunekayo.
- 3. Kusicelo esishicilewe kusiqeshana (1) iBhodi kufanele livumele Owenze isicelo ukuhlola ngaphandle kokukhookha izikhalo eziphakisa noma ezisekela isicelo ehhovisi leBhodi, linga, isicelo salowo Owenze isicelo limnike amakhophi ezikhalo uma ekhokha imali efunekayo.
- 4. Ngaphambi kokunika iphomede yomphakathi egunyaza ukuthwalwa kwabantu okujwayelekile ngendlela yokuthola umvuzo phkathi kwendawo enamandla kamasipala, noma ngokubeka imibandela ukuguqula amaphuzu lawo noma indlela noma izindlela lezo inqola yakhishelwa iphomede engasetshwnziswya kwezokuthutha emgwaqeni, iBhodi kufanele inike lowo masipala ithuba lokuletha izikhalo, ngendlela nangesikathi esifunekayo, mayelana namaphuzu phakathi kanye nendlela noma izindlela lezo okubhaliswe ngaye iphomede angasebenzisa inqola kanye nesinye isimo esingasetshenziswa kumaphomede.

12. IZINTO OKUFANELE ZICATSHANGWE EKUBEKENI KAHLE ISICELO MAYELANA NEPHOMEDE LOMPHAKATHI.

- (1) Ngaphansi kolawula kumigomo yaloMthetho, iBhodi kufanele licabangele okulandelayo ekunqumeni ukuthi isicelo sokwamukelwa, sokuvuselela, sombandela noma sokuguduza iphomede yomphakathi singamkelwa noma s inqatshwe futhi sinqume imibandela leyo iphomede yomphakathi ingenziwa ngaphansi kolawulo.
- (a) Izinga lelo ezokuthutha lidingekile noma lifuneka kumphakathi.
- (b) izidingo zomphakathi zezokuthutha phakathi kwesifunda endleleni noma phakathi kwamamaki noma phakathi kwalapaho owenza isicelo ecela ukusebenza khona.
- (c) izindawo zokuthutha ezikhona ezitholakalayo kumphakathi kuleyo ndawo noma ngaphezu kwaleyo ndlella noma phakathi kwalowo makhona.
- (d) ukusebenza kuka loliwe okusha okuhleli phakathi kwaleso sifunda noma kuleyo ndlela phakathi kwalezo zindlela ezimakiwe.
- (e) ukuhlanganisa zonke izinhlobo zezokuthutha, kanye nezokuthutha zikalokiwe, ngendlela eyongayo nangokunakelela umphakathi
- (f) ikhono lowenza isicelo ukunika ngendlela eyenelisayo kumphakathi ezokuthutha ezihambelana nephomede.
- (g) ukuhambelana kwasigwebo salowo ocelayo secala mayelana naloMthetho ochaziwe, namanye amaphutha alowo ocelayo ukuba ngumsebenzi wezokuthutha engwaqeni
- (h) ukuba khona kokweqa umthetho, ukulinganiswa nokukulelwokucindezelwe ngumthetho ekusebenziseni inqola kusifunda noma isitaladini noma emgwaqeni noma endleleni lapho owenza isicelo ecela ukusebenza.
- (i) Izikhalo ezingenisewe mayelana nesicelo
- (j) Amanye amaphuzu lawo ngokombono weBhodi angathikameza umbuzo wokuthi noma kunesifiso sokuvuma isicelo noma ukufaka noma ukuhluka kombandela
- 2(a) Uma owenza isicelo ecela iphomede yomphakathi ukusebenzisa ezokuthutha emgwaqeni phakathi kwesifunda noma ngaphezu kwendlela noma phakathi kwawmamaki amabili noma amanangi asetshenziswa izinto ezikhona zokuthutha, amandla azoba semhlombe alowo ocelayo ukubonisa ukuthi
- (i) izinto ezokuthutha ezikhona azenelisi kanti futhi azifinyeleli ukuhlangabeza izidingo zokuthutha umphakathi kuleso sigodi noma endleleni noma phakathi kwalowo mamaki futhi
- (ii) unalo ikhono lokunika ngendlela enelisayo kumphakathi ezokuthutha lezo azifunela iphomede futhi

- (iii) ngalezizimeko, kuzoba nosizo kumphakathi ukunikwa iphomede.
- (b) uma owenza isicelo sephomede lomphakathi okuthatha ezokuthutha emgaqweni ngezimeko ezingahlosiwe kusigaba (a) amandla azoba semahlombe alowo ocelayo ukubonisa ukuthi
 - (i) kunesidingo sezokuthutha phakathi kwesigodi noma endlleleni phakathi kwamamaki noma phakathi kwalapho efisa ukuthatha ezokuthutha khona.
 - (ii) unalo ikhono lokunika ngendlela enelisayo kumphakathi ezokuthutha lezo azifunela iphomede.
- (3) ngesizathu salesi siqephu ezokuthutha zizokwahlulela ukuhlanganiswa nezinto zokuthutha ezikhona uma ezokuthutha zizonikezwu ukuya endaweni noma esigodini noma endlleleni, noma zifakwe esigodini esisizwa izinto zokuthutha ezikhona.

13. *ISIKHATHI SEPHOMEDE LOMPHAKATHI.*

- (1) Ibhodi linganika, noma livuselele iphomede yomphakathi ngokuzicabangela nangesikhathi esigunywa yilonia
- (2) Uma ngosuku lapho iphomede yomphakathi enikwwe isikhathi esikaliwe siphela, isicelo sokuvuselela sinquywa yiBhodi, iphomede izoqhubeka isebenze kuze kufike lapho iBhodi ibeka isicelo.

14. *ISICELO SEPHOMEDE LESIKHASHANA NOKUBEKEKA KWASO.*

- (1) Umuntu ofisa ukuthatha umsebenzi wezokuthutha emgwaqeni okwesikhashana kufanele enze isicelo ngendlela echaziwe kuBhodi andlulele kuTPAB ehambelana nokuniksa iphomede yesikhashana egunyaza ezokuthutha emgwaqeni ngosuku olunqunyiwe, amandla okubonisa isidindo sokufuna ukusebenza kwezokuthutha emgwaqeni asemahlombe alowo ocelayo.
- (2) Ngaphansi kokulawula kwemigomo yaloMthetho, Ibhodi kufanele lamkele futhi licabange isicelo semvume, ukuvuselela, umbandela, ukugudluza iphomede eyenziwe kuyo ngaphansi kwalokho, futhi emva kwalokho ngokuzicabangela isicelo singanikwa imvume egcwele noma engaphelele ngaphansi kolawulo lwemibandela ingahllela ukuthi kudingekile noma isenqabe isicelo.
- (3) Ibhodi ingenike imvuma yesicelo sephomede yesikhashana uma ngokombono walo izinto labo bantu abafuna iphomede bangathwaleka.
- (4) Ibhodi linganika imvume yephomede lesikhashana okwesikhathi esimisiwe ukungadluli kuzinsuku eziyishumi nane njengoba kunqunyiwe.

- (5) ngaphandle kokuvikela noma yini ephikisayo equkethwe kulomthetho amandla nemisebenzi yeBhodi mayelana nalesisiqephu, kulezo zehlakulok naekuhleleni ngokwahluka izicelo zephomede lesikhashana angasebenza amelwe ngumgcini sihlalo noma ilungu noma isikhulu esikhetheliwe lowo msebenzi ngumgcini sihlalo.

15. UKUKKISHWA KWEPHOMEDE NEMIGOMO YALOKHO.

- (1) Ngaphansi kolawulo lwemigomo yesiqeshana ibhodi ngokudlulela kuTPAB ehambelanayo kufanele ikhiphe, ngendlela echaziwe iphomede evunyiwe, evuselelwayo, ebekwa imibandela noma egudluzwayo mayelana naloMthetho.
- (2) Ibhodi lingekhiphe iphomede yomphakathi evunyiwe, evuselelwayo, ebekwa imibandela noma egudluzwayo mayelana naloMthetho ngaphandle kokuthi-;
- (a) ineliswe wukuthi yonke inqola eyanikwaa iphomede, yavuselelwa yabekwa imibandela, yagudluzwa, ifanelekile kunhlobo yezokuthutha emgaqeni lapho izosetshenziswa khona.
- (b) owenza isicelo kufanele alethe isitifikethi esinamandla emthethweni soba kusimo esiphilile nokuvumeleka endleleni, esikhishwe ngumthetho, noma ikhophi lesitifikethi esithembekile ngendlela echaziwe.
- (3) Amaphomede akhishwe yiBhodi kufanele achachise okulandelayo;
- (a) Igama nekheli lalowo okubhaliswe ngaye iphomede
- (b) Isikhathhi leso iphomede yanikezwa ngokwesimiso
- (c) inombolo yabagibeli abavunyelwe ukuthwalwa mayelana nesitifikethi esihambelanayo sokuphila, noma sokuvumeleka endleleni, ngesimo sokuthi inani labagibeli elivunywe yiBhodi alinokweqiwa.
- (d) inombolo yokubhalisa, inombolo yeshesi unyaka wokwakhiwa, uhlollo, umthamo imvume yephomede yiBhodi.
- (e) inombolo yesitifiketi sokuphila nona sokuvumeleka endleleni nosuku lokuphela kwalezizitifiketi.
- (f) Izindlela ngokupheleleyo noma iminyombo yemigwaqo, nesigodi noma izigodi lezo ezokuthutha zizosebenza khona namamaki okusuka nawokugcina, wonke amakhona lapho abagibeli bangathathwa khona phezulu noma phansi kanye namarenki nezinye izinto ezingasetshenziswa.
- (f) Izindlela ngokupheleleyo noma iminyombongo yemigwaqo, nesigodi noma izigodi lezo ezokuthutha zizosebenza khona namamaki okusuka nawo kugcina, wonke amakhona lapho abagibeli bangathathwa khona phezulu noma phansi kanye namarenki nezinye izinto ezingasetshenziswa.
- (g) kushicilelwe indlela yokukhona inani lemali uma livunyiwe noma libekwe yiBhodi.

- (h) ezinye izimo ezingacatshangwa yibhodi izicindezele.
- (4) Ibhodi lingakhombisa okubhalwe ngaye kuhomedde
- (a) ukusebenzisa inqola leyo ekhishelwe iphomede, mayelana ngohlelo lwasikhathi esichachisiwe njengoba kuvunyiwe noma kubekiwe yibhodi um a inika iphomede noma kulungiswa ngesikhathi nesikhathi ngendlela echazwe ngumthetho.
- (b) ukunika uBhodi igama nekheli lomuntu onegunya okukhangisa esikhundleni salowo iphomede ebhalwe ngaye.
- (c) ukwenza njengalokhu kufunwa okudingekayo noma isimo esibekiwe ngaphansi ngaphansi kweminye imigomo yaloMthetho.

16. UKUGCINWA KWAMAPHOMEDE

- (1) Ibhodi kufanele ligcine endaweni yalo yebhizinis ikhophi lawo wonke amaphomedde akhishiwe mayelan naloMthetho nayo yonke imibandela eyenziwe kumaphomedde, futhi ivumele umuntu othintekayo kumbandela wephomedde, ayihlole enze namakhophi ayo ngaphandle kokukhokha, futhi ocelayo ingamnika ikhophi lephomedde nayo yonke imibandela ngokukhokha imali echaziwe.
- (2) Imibhalo egciniwe mayelana nesiqeshana
 - (i) kufanele ikhone ukwelekelela iPAS, nohlelo lokugcina imininingwane yezwe yokugeleza kwezimoto emgwaqeni I (NATIS) kanye ne RAS.

17. IGUNYA ELENGEZIWE ELIQUKETHWE YIPHOMEDE.

Ukungeza kwezokuThutha okugunyazwe yiyo, iphomede futhi igunyaza ukuthwalwa kwabantu okudingekile mayelana nokushiwo ezokuthutha ezigunyaziwe.

18. UKUVUSELELA KWESIKHASHANA KWEZIMOTO OKUPHATHELENE NEPHOMEDE

- (1) Lapho inqola eseberna ngaphansi kwephomedde iba namaphutha noma ayisetshenziswa okwesikhashana ngenxa yengozi, iBhodi noma ilungu eliqokiwe nguMgcini Sihlalo, anganika imvume yokuthi enye inqola isetshenziswe endaweni yaleyo enamaphutha ngaphansi kolawulo olukusiqeshana (2) no (3).
- (2) Umthamo wabagibeli wenqola evusayo kufanele ulingane noma ubemncane kunqola enephutha noma ungadluli kunamaphesenti angu 20 wenqola ehambelana nephomedde.
- (3) Inqola evusayo ingasetshenziswa isikhathi esinqunyiwe esingadluli kuzinsukku ezingu 42 njengoba iBhodi noma ilungu linquma isikhathi esingelulwa esicatshangwe yibhodi uma kwensiwe isicelo futhi.

- (4) Lenqola evusayo kuzothi ngesikhathi sokuvusa leya enephutha yahlulwe ukuba yinqola leyo eyakhishelwa iphomede.

19. IMISEBENZI YALOWO OKUBHALISWE NGAYE IPHOMEDE.

- (1) Okubhaliswe ngaye iphomede kufanele
 (a) aphathe imvume ebhaliwe echazwe kusiqephu 18, uma ikhona, kanye nephomede yenqola eyakhishwa, futh ayiveze uma isikhulu esinegunya siyifuna.
 (b) avikele futhi agcine iphomede ngendlela ezokwenza izinhlamvu kanye nemidwebo kubonakale kahle futhi, uma iphomede limosekile noma lingasabonisi okubhaliwe, kufanele enze isicelo sempinda kabilo njengoba umthetho uchaza.
 (c) Lapho iphomede lomphakathi (ngaphandle) kwephomede ekhishelwe izinhlobo zokuthutha emgwaqeni njengoba iBhodi inganquma ngokuzicabangela kwayo, iveza igama, ikheli nohlobo lwebhizinisi lalowo okubhaliswe ngaye iphomede, ukubonisa kunqola leyo eyakhishelwa iphomede, kundawo ebonakalayo, ngendlela echaziwe noma iBhodi ingavuma ngokubhala.
- (d) Kusehlakulo laphi iBhodi ikhiphe imaki elahlukanisayo, hlanganisa, uyigcine ihlanganisiwe ngengoba kuchaziwe kunqola ehambelanayo nima inzinqola.

2. Iphomede ekhishwe yiBhodi ngaphansi kwaloMthetho angeke-;

- (a) igunyaze lowo okubhaliswe ngaye ukusebenzisa ezokuthutha emgwaqeni kumgwaqo womphakathi, phakathi kwesigodi esinamandla okupathwa ngumasipala uma kungekho emthethweni ngumasipala uma kungekho emthethweni ngaphansi kwesimiselo, mthetho noma ngomthetho osemandleni wesigodi, ngomvuzo wesenco esithathwe ngumasipala ngaphansi kwesimelo, mthetho noma ngomthetho, ukusebenzisa kulowo mgwaqo ezokuthutha eziyinhlobo ophathelene nephomede.
 (b) Ungafaki lowo okubhaliswe ngaye kusinqumo esibophayo ukwenza ngesidingo esibekiwe ngaphansi komunye umthetho noma ngaphansi kwelayisensi noma iphomede ekhishwe ngesinye isikhulu.

20. UKUFAKA ISIKHALO KUKHOMISHANI UKUPHIKISA UMTHETHO, IZIQONDISO NONA INQUMO ZEBHODI.

- (1) Kugcineke ngokukhoselekile njengoba kunikiwe kulomthetho, umuntu ofake isicelo kuBhodi sokunikwa, ukuvuselela, imibandela noma ukugudluzwa kwephomede
 (a) okubhaliswe ngaye iphomede ekhishwe yiBhodi
 (b) ofake izikhalo kuBhodi ngendlela futhi ngesikhathi esichazwe ngumthetho, ephikisa nona esekela isicelo esishicilelw ngaphansi kwesiqephu II futhi othintwa ngumthetho, isiqondisa noma isinqumo seBhodi angenza isikhalo ngalomthetho, isiqondisa noma isinqumo kukhomishani ngendlela nangesikhathi

esichaziwe, emva kokuba iBhodi yenze umthetho noma inike isiqondisa noma isinqumo.

- (2) Lapho iBhodi lazisa umuntu ngesiqondiso, noma isinqumo esihlosiwe kusiqeshana (1) ngokusebenzisa umbhalo, usuku lwalowo mbhalo, ngesizathu sesiqeshana (1) kanye no (3) lizokwahlulela ukuba lolo suku kube yilelo iBhodi eyaninga ngalo isiqondisa noma isinqumo.
- (3) Ikhomishani kufanele yamkele futhi ngaphansi kolawulo lwestiqeshana (4) kanye nemithetho, icabangele isikhalo esifakiwe kuyo mayelana nesiqeshana (1) kanti futhi ekuzicabangeleni kwayo-
 - (a) ingesamukeli isikhalo, futhi yenze isiqiniseko ngomthetho, isiqondiso noma isinquma okukhalazwe ngaso noma
 - (b) igcine isikhalo, ibeke eceleni umthetho, isiqondisa, noma isinqumo okukhalazwe ngaso, futhi
 - (i) isuse iphinde ifake omunye umthetho, isiqondiso, isinqumo okungabe ibhodi ikwenzile noma ikunikile noma
 - (ii) iyekile lenkinga esuse isikhalo ukuze iBhodi isicabange kabusha noma
 - (c) igcine isikhalo kancane ishntshe umthetho, isiqondiso noma isinqumo okukhalazwe ngaso.
- (4) Umgcini Sihlalo weKhomishani noma ilungu lekhomishani okhethwe ngumgcini Sihlalo angasebenzisa ukuzicabangela kwakhe futhi angakhipha isaziso kuqala noma alalele lowo owenze isikhalo.
 - (a) anganika isicelo uxolo okuhlela isaziso noma isicelo ngemva kwesikhathi uma isikhalo sifakwe ngendlela echaziwe phakathi kwezinsuku ezingamashumi amane emva kokuba iBhodi lenze umthetho noma lanika isiqondiso noma isinqumo okukhalazwe ngaso, noma asamakelwa.
 - (b) Ukwamkelwa nokungamkelwa kwesicelo sokumisa ukusebenza komthetho, isiqondisa noma isinqumo seBhodi okukhalazwe ngaso
 - (c) angabeka eceleni umthetho, isiqondiso noma isinqumo seBhodi okukhalazwe ngaso iyekilele lenkinga kuBhodi izoyicabangela kabusha.
- (5) Umthetho, isiqondiso noma isinqumo sekhomishani ngaphansi kwesiqeshana (b) noma (c) ngaphandle kwesizathu sesiqeshana (1) izakwahlulela ukuba umthetho, isiqondiso noma isinqumo seBhodi.

21. INQUBO

- (1) Ikhomishani noma iBhodi, ngesizathu ngaphambi kwayo mayelana nalo Mthetho -;

- (a) ingazicabangela, kodwa ngaphansi kolawulo lwemigomo ekusiqephу 24 (2) ingavumela umuntu othintekile noma onelokoloko kunkinga, noma omele lowo muntu avele phambi kwayo futhi
 - (i) ukunika ubufakazi noma ukukhulumu ngomlomo mayelana nenkinga noma ibize ofakazi futhi ihole ubufakazi ngombuzo ophathelene nalenkinga noma
 - (ii) ibuze umbuzo kulowo okhulumu njengofakazi kunkinga
 - (iii) ibuze umbuzo kulowo okhulumu njengofakazi kunkinga
 - (b) ingabhala isaziso njengoba kuchaziwe noma ngumthetho nokusiza njengoba kuchaziwe, ifune umuntu avele phambi kwayo ukunika ubufakazi noma ikunikezela incwadi, ihlele noma eminye imibhalo noma idatshana okungeyakhe ngaphansi kolawulo lwakhe.
 - (c) ingabiza umuntu okhona lapho noma osendaweni lapho ikhomishani noma iBhodi osendaweni lapho ikhomishani noma iBhodi isebeza ngalenkinga, ukuvela phambi kwayo ukunika ubufakazi noma ukunikezela incwadi, ihlele noma eminye imibhalo noma indatshana okungeyakhe ngaphansi kolawulo lwakhe.
 - (d) ingabuza umuntu ovela phambi kwayo njengofakazi,
 - (e) ingenqaba ukulalela umuntu ovele phambi kwayo njengofakazi ongavumi ukufunga noma ukuqiniswa.
- (2) Umuntu osesihlalweni kumhlagano weKhomishani noma weBhodi lapho umuntu evela khona njengofakazi njengo kuhlosiwe kusiqeshana (1) angaphatha isifungo noma isiqiniseko kumuntu ovelile.
- (3) Ilungu lekhomishani noma leBhodi elisebenzisa ngaphansi kwesiqephу 20 (4) amaridla noma umsebenzi weKhomishani noma iBhodi kuKhomishani nakuBhodi naku muntu osesihlalweni kumhlangano weKhomishani noma iBhodi.
- (4) Ibhodi kufanele linike ngesicelo labo abafisayo ngesizathu ezibhaliwe isinqumo esithathile.

22. UKUZA EKUSEBENZISENI IZIMALI EZITHIZE EZINGEZEWE OKUNGAFALE KUMISWE KUSALINDELWE ISINQUMO SENKANTOLO MAYELANA NALOKHU KWENGEZA.

Njalo uma iphomede eligunyaza ukuthwalwa kwabantu ukuthola umvuzo icacisa ukuthi ukuthwalwa makwenziwe ngaphansi kwemali eqokwe kuphomede noma evunyelwe noma ebekwe yiBhodi noma iKhomishani Yezwe yezoThutha kanye neBhodi emva kwalokho ngesicelo ibeka umbandela ukuthi isidingo noma isimo sokunyusa imali esivuniwe esibekiwe, ukuza ekusebenzeni kwaleyso mali ekhushuliwe angeke kumiswe kuzoya ngesinqumo sokugcina senkantolo mayelana nalowo mbandela.

**23. UKUNGEZWA KWEZIMALI EZITHIZE NGAPHAMBI
KWENCWADI YESICELO SEMIBANDELA EPHATHELENE
NALEYO PHOMEDE..**

Njalo uma iphomede yomphakathi egunyaza ukuthwalwa kwabantu ukuthola umvuzo icacisa ukuthi okubhaliswe ngaye iphomede nakenze njengoba isimo sisho ukuthi ukuthwalwa kufanele kwenziwe ngemali evuniwe noma ebekiwe yiBhodi noma iKhomishani Yezwe yezokuThutha, ukuthi okubhaliswe ngaye iphomede angakhuphula noma nini imali uma kukhushulwa uphethiloli eRepublic nganoma ngeyiphi imali, kodwa nayingadluli ku 10% ngoba lokhu kuyayibuyisa imali yezindleko eyenziwa ukukhuphuka kuka Phethiloli, konke lokhu kufanele kwenzeke ngezinsuku eziyi 10 uphethiloli ekhuphukile, okubhaliswe ngaye ubhekisa isicelo kubhodi azothola umbandela okahle ophathelene nephomede ngaphansi kwalo Mthetho.

**24. UKUHOXISWA, UKUMISWA OKWESIKHASHANA, NOMA UKWAHLUKAHLUKANA
KWEHOMEDE.**

- (1) Ngaphansi kolawulo lwemigomo yesiqeshana
- (2) Ibhodi noma nini lingenza ukuthi-;
 - (a) lihoxise noma limise isikhashana elingsihlulela ukuthi iphomede yomphakathi ekhishwe yilo ilungile.
 - (i) uma okubhalwe ngaye iphomede noma umqashwa wakhe uboshelwe icala elingaphansi kwalo Mthetho noma ngaphansi komthetho ophathelene nezinqola noma umthetho wokugeleza kwezimoto emgwaqeni noma kubehlakalo lapho okubhaliswe ngaye enza ibhizimusi kwezokuthutha emgwaqeni kube hlakalo lapho okubhaliswe ngaye enza ibhizimusi kwezokuthutha emgwaqeni oshayisana noma owehlulela ukulandela imigomo enqunyiwe, isivumelwano, isigwebo, ilayisensi noma ukunhsgskes okupathelene nokukhokhelwa ngomsebenzi, noma amahora okusebenza okkhu okumayelana nomthetho kuya bophelela kulowo okubhaliswe ngaye njengomqashi futhi naphezu kwabaqashwa bakhe kwezebhizimusi noma
 - (ii) uma ngokombono weBhodi, okubhaliswe ngaye akuzisebenzisile ngokuthembeka izimo zephomede noma
 - (b) uma ngokucabanga kwayo ihoxisa, imisa okwesikhashana esahlulela sikahle, iphomede uma izehlakalo okwanikwa ngazo iphomede ziguqukile.
 - (c) uma iBhodi lahlulela ukuthi kudigekile, ngokhalo lingakhansela noma liguqule isimo, noma lengeze esinye isimo, noma lichaze, noma lichaze futhi, lifinyeze noma libeke umbandela, igunya eliquethwe iphomede yomphakathi enikwe yilo;
- (2) Ibhodi angeke ngaphansi kwesiqeshana (1) lihoxise noma limise iphomede yomphakathi, noma likhansele noma liguqule isimo noma izidingo, noma lingeze isimo, libeke umbandela, igunya eliquethwe yiphomede ngaphandle kokuthi.

- (a) Ibhodi linike okungenani izinsuku ezingamashumi amabili nanye isaziso esibhaliwe kuvezwe elikuqondile kanye nezizathu zalokho, kulowo okubhaliswe noma elinesiqiniseko, futhi
- (b) Ibhodi linike okubhaliswe ngaye iphomede ithuba, lona mamathupha noma olimele onegunya, ukuvela phambi kweBhodi akhiphe ngobufakazi alethe izikhalo mayelana nesenzo esihlongozwayo.
- (c) kusehlakalo sephomede lomphakathi eligunyaza ukuthwalwa kabantu nsuku zonke phakathi noma ukuya nokubuya kusigodi esibuswa ngamandla kamasipala, iBhodi linika umasipala ithuba lokufaka izikhalo, ngendlela futhi phakathi kwasikhathi esichaziwe, kubhodi mayelana nesenzo esihlongozwayo.

25. UKUHOXISWA NOMA UKUFAKELELWA KWEHOMEDE.

- (1) Njalo uma iMEC inesizathu sokukholwa ukuthi ukuletha izintuthuko kuzinto zokuthutha phakathi kwesigodi noma phezu kwendlela noma ngesinye isizathu kungaba yinzozo kumphakathi ukuthi iphomede yomphakathi ihoxiswe futhi endaweni yalokho iphomede noma amanangi akhishelwe kumuntu ngaphandle kwalowo iphomede ibhalwe ngaye, I MEC ingenza ukuba uphenyo lomphakathi mayelana nalesimo lwakhiwe iBhodi
- (2) Isaziso sophenyo kufanele sinikezwе ngendlela echaziwe, bonke abantu abanothando banikwe ithuba lokuya futhi okukhuluma kuphenyo.
- (3) Ibhodi kufanele ngokuxhumana nendawo yophenyo ibe iqondane nemigomo ekusiqephу (12) (i)
- (4) Emva kokucabanga umbiko olethwe kuye ngophenyo iMEC ngaphansi kolawulo lwemigomo ekusiqeshana (5) ingakhombisa iphomede ebeyisihloko sophenyo
 - (a) ihoxiswe noma
 - (b) ihoxiswe kuthi endaweni yayo iphomede noma amanangi akhishwe anikwe umuntu noma abantu abanye ngaphandle kokubhaliswe ngaye iphomede, futhi lelinyathelo lizoqala ngosuku okuzonqunywa yiMEC, abantu abaxhumana nalokhu bazobhalelwа, kungabi ngaphansi kwenyangа eyodwa nambili emva kosuku lwesaziso.
- (5) Uma iphomede lizohoxiswa, iMEC ingenike siqondiso ngaphansi kwesiqeshana (4) ngaphandle kokuthi-;
 - (a) Uma iphomede yomphakathi izokukhishwa endaweni yalokho komunye umuntu lomuntu noma abantu (abazoqokwa yi MEC) abanika ezokuthutha phakathi kwesigodi noma phezu kwendlela noma lapho ezokuthutha zilethwa yilomuntu okufanele iphomede lakhe lihoxiswe noma

- (b) uma iphomede lomphakathi elilodwa noma amanangi akhishwa endaweni yalokho komunye umuntu noma abantu, wukuthi omunye umuntu noma labo bantu-;

bathembise ngokweneliseka kwe MEC ukunika isinxephezelabantu abazohoxisellwa amaphomedebaxoliswe ngokulahlekelwa ngenxa yokuhoxiswa kwamaphomede.

Lowo noma labo abaqokiwe ukuphelisa impikiswano ngendlela echaziwe kufanele banqume imali yesinxephezelokhokhwayo mayelana nesiqeshana (5) uma kungekho sivumelwano phakathi kwalabo bantu abathintekile ngendlela yokuphelisa impikiswano ngemigomo yomthetho wabaphelisa impikiswano, 1965, (umthetho ongunombolo 42 ka 1965) kodwa ungefake imali yokulahlekelwa inzuzo mayelana nesikhathi eziningi kunezinyanga eziyishumi nambili ezilandelanayo kusuka okuhoxisa iphomede okukhulunywa ngayo.

26. UKUPHELA KWESIKHATHI SAMAPHOMEDE ATHIZE.

- (1) Uma iBhodi lifuna, ngokubhala isaziso sithunyelwe ngokubhalisa noma ngesiqiniseko seposi, okubhaliswe ngaye iphomede, noma ngasiphi isikhathi emva kokuhishwa kwephomede, ukuqala ezokuthutha emgwaqenimayelana nokunikwa iphomede okukhulunywa ngayo, ngaphambi kosuku okuqokiwe kusaziso noma usuku okusemuva iBhodi engalivuma ngokubhala, iphomede okukhulunywa ngalo lizo phella ngosuku okuqokiwe noma, njengesehlakulo esingaba njalo, kulolo suku olugemuva, ngaphandle kokuthi iBhodi engalivuma ngokubhala, iphomede okukhulunywa ngalo lizophela ngosuku oluqokiwe noma, njenge sehllakalo esiingaba njalo, kulolo suku olugemuva, ngaphandle kokuthi iBhodi ngokubhala imemezeloezithile ukweneliswa kwayo kokuthi okubhaliswe ngaye iphomede uqale ezokuthutha emgwaqenin gaphambi kosuku okukhulunywa ngalo.
- (2)(a) uma umuntu ethola uthando lokulawula kunkampani emva kokuba iphomede yomphakathi eyinikiwe noma inikwe inkampani, ngaphandle kokuba iBhodi iqale ngokuvuma ayithole ngendlela echaziwe, ukunikwakwephomedekuzophela kungakhohlwa imigomo ekusiqeph 15, noma iphomede elikhishiwe lizophela kusukela ngosuku ethola uthando lokulawula, njengoba kunjalo.
- (b) Iphomede ephelwelweisikhathi mayelana nesigaba (a) kunye nemaki elahlukanisayo elidingekayo mayelana nenqola okwakhishwa ngayo iphomede, kuzothi phakathi kwezi nsuku ezsikhombia emva kokuba iphomede iphelelweisikhathi, ibuyiswe yinkampani eyanikwyona ngokubhalisa noma ngesiqiniseko seposi kuBhodi.
- (c) Ekucabangeleni isicelo ukuba sibe nemvuma yokuthola uthando lokulawula kunkampanileyo enikwe iphomede yomphakathi, iBhodi kufanele ifakwe emcabangweni-;
- (I) noma ukuthola ukulawula okuzihambela kodwa okungenelisi ezidingo zabantu
 (ii) amanye amaphomede alowo owenza isicelo

- (iii) uthando lwalowo owenza isicelo kweminye imisebenzi yezokuthutha.
- (iv) uthando analo lowo owenza isicelo kwenye inkampani, ukusebenzisa, imboni, uhwebo noma ibhizimusi
- (v) Imigomo ekusiqephu (12)(1)
- (d) inkampani exabana nemigomo yesiqephu
- (e) izoba necala futhi ibophekile ngokomthetho ukuboshwa ikhiphe inhlawulo engadluli ku R1 000.
- (e) Ngesizathu sesigaba (a) amagama “ uthando lokulawula “ mayelana nenkampani, kusho uthando okubanjwe kuleyo nkampani ngenye inkampani lena enye inkampani ngokuhambelana nenkampani echazwe kuqala, inkampani elawulayo njengoba kuchazwe ku Mthetho wenkampani, 1973 (Umthetho ongunombolo 61 ka 1973) futhi ifaka nothando okukhona kuleyo nkampani ngenxa yomuntu wemvelo.

27. IMITHETHO

- (I) IMEC ingenza umthetho-;
- (a) mayelana
 - Uma umniningwane lowo abenza isicelo kufanele bawufake nesicelo kuBhodi mayelana nemvume, ukuvuselela, ukubeka umbandela, noma ukugudluza iphomede.
 - (ii) Ingqubo leyo Bhodi okufanele iyilandele uma isebeanza ngesicelo umniningwane lowo owenza isikhalo kufanele awufake nesikhalo esiya kuKhomishani esingahambelani nomthetho, isiqondiso onama isinquma seBhodi.
 - (iii) Umniningwane lowo iBhodi kufanele liwunike ku Khomishane noma lowo owenze isikhalo mayelana nesikhalo, ngendlela leyo, naphakathi leso okufanele imininingwane enikwe.
 - (iv) Inqubo okufanele ilandelwe yiKhomishani ukusebenza ngesikhalo
 - (b) ukufuna inkokhelo yemali mayelana -;
 - (i) nesicelo esiya kuBhodi ukunika imvume, ukuvuselela, imibandela, ukugudluza kwephomede noma
 - (ii) isikhalo esiya kuKhomishani esiwa nomthetho, isiqondisa noma isinqumo seBhodi noma
 - (iii) ukukhishwa kwephomede yiTPAB, imaki elihlukanisayo noma eminye imibhalo noma enye impinda kibili yalapho, futhi ukuchaza imali yenkokhelo, nezigameko lapho imali ekhokhelwe kanye ngokucatshanelwa yiBhodi ingabuye iphelele noma iyingxeny.
 - (c) ukufuna inkokhelo yemali yonyaka mayelana nephomede enikiwe, noma evuselelwae okwesikhaathi esingaziwa noma isikhathi eside kunezinyanga eziyishumi nambili, futhi ukuchaza imali nezikhathi nendlela lapho igakhokhwa khona.
 - (d) ukuchaza ukucacisa kanye nezidingo lezo inqola esetshenzisiwe kwezokuthutha emgwaqeni ukuthwala abantu kufanele ifaneleke, nokweqa ukuyisebenzisa

kwezokuthutha emgwaqeni ukuthwala abantu kufanele ifaneleke, nokweqa emgwaqeni, ngaleso sizathu senqola engafanelekile kuncazelo noma kuzidingo.

- (e) ukuchaza indlela leyo imaki lokuhlukanisa, ukubekisa, iphomede isaziso noma eminye imibhalo okufanele ivezwe noma ithwalwe kunqola mayelana naloMthetho noma isimo esibekiwe ngaphansi kwalapho, kufanele ivezwe noma ithwale phezu noma ngaphakathi kwemoto.
- (f) Mayelana nokuzinikela noma ukunika kuBhodi phansi kwezigameko ezicacisiwe noma ngokucela kweBhodi, kwephomede ephelelw e yisikhathi noma ephelile noma ihoxisiwe mayelana nalomthetho noma imigomo yalapho ayihambelani negunya njengoba liqukethwe kusinqumo seBhodi noma lapho igunya lahlulelw khona.
- (g) Imibhalo echazayo kufanele igcinwe ngumuntu oboshwe yisivumelwano somsebenzi kwezokuthutha emgwaqeni futhi obuya kanye alethe imininingwana ngumuntu oboshwe futhi abuya kanye alethe imininingwane kuBhodi noma kusikhulu saseGauteng.
- (h) ukuchaza isimo nendlela yemaki elahlukanisayo, umazisi, iphomede, isaziso noma eminye imibhalo ekhishiwe noma efunwayo mayelana nalo Mthetho, ukungeza nesimo, uhlobo, ubungako, kanye nombala, kanye nemininingwane ezoba kulelo maki elahllukanisayo, umazisi, iphomede, isaziso, noma eminye imibhalo enika iBhodi amandla lokuchaza isimo leso.
- (i) Ukuchaza imali ekhokhwa kumuntu obefuneka ngaphansi kwesiqephu 18 ukuvela phambi kweKhomishani noma iBhodi ukunika ubufakazi noma ukukwenza noma indatshana.
- (j) Ukuchaza noma ukusebenza ngento mayelana nemigomo yalo Mthetho kufanele ibe noma ingachazwa noma kusetshenziswe ngayo ngokomthetho
- (c) IMEC angeke ngaphansi kwesiqeshana (1)(b) (c) noma (i) ichaze imali noma isigameko lapho imali ingabuyiselwa noma imali ebuyiselwayo, ngaphandle kwasikhathi sinye se MEC ebophekile emalini.
- (3) Imithetho eyenziwe ngaphansi kwesiqeshana (i) ingachaza mayelana nokuxabana lapho noma ukungaphumeleli ukulandela lapho, izigwebo ezingadluli kulezo ezichazwe kusiqephu 35.
- (4) Imithetho eyahlukene ingenziwa ngaphansi kwesiqeshana (i) mayelana nezinto ezahlukahlukene amaphomede, izigodi, izindawo, izihlobo zezinqla, izimo, indlela yezokuthutha emgwaqeni, izigameko lezo, izikhathi, noma izizathu zokuthi inqola isetshenziswa kwezokuthutha emgwaqeni.

28. UKUBEKWA NOKUQOKWA KWABAHLOLI

Inhloko yomnyango ingabeka noma iqoke noma umqashwa woMnyango njengomhloli wezokuthutha.

29. AMANDLA KUMAQHUZU OGUNYAZIWE

- (1) Umaqhuzu ogunyaziwe angathatha ngokomthetho ngesiqondiso seBhodi, iphomede eliphelelwe yisikhathi noma lihoxisiwe noma limisiwe mayelana nalomthetho.
- (2) Umhloni noma ilungu lokusebenza kwamaphoyhisa ase Ningizimu Afrika lingathatha ngokomthetho inqola esolwayo ngezizathu ezizwakalayo ukuthi beyisetshenziswa ngokungenamvume noma igunya kwezokuthutha emgwaqeni, kanye ne MEC ingeza imithetho esiza indlela yokuthi inqola ethathiwe ingasetshenzwa kanjani kuya ngokubekela kwenqubo yobugebengu mayelana nezokuthutha emgwaqeni okungenalo igunya.
- (3) Ngaphandle kwemisebenzi namandla okubhekiswe kuwo kuloMthetho, umaqhuzu ogunyaziwe mayelana nezokuthutha emgwaqeni -;
 - (a) angenza ukuthi inqola imiswe ngemizamo elandelayo-;
 - (i) uphawu lokuma olubekiwe ngokomdwebo
 - (ii) uphondo okunamandla lukagesi olufakwe phezu kwenqola kamaqhuzu enegunya
 - (iii) isibane esikhanyisa luhlaza kunom iyiphi indlela futhi sifakwe phezulu kwenqola kamaqhuzu onegunya futhi angangena enqoleni ayihlole kanye nemibhalo enika ezokuthutha ilungelo isetshenziselwa ezokuthutha emgwaqeni noma yenza umsebenzi onegunya na.
- (b) angafuna ukuthi umshayeli wenqola amnike igama nekheli kanye nemibhalo ewubufakazi obusekelayo, futhi igama nekheli lomnikazi wenqola, kanye neminingwane yebhizimusi ehambelana nokusetshenziswa kwalenqola.
- (c) angafuna ukuthi umshayeli noma omunye umuntu ophethe le nqola akhiphe imibhalo iholwe noma eminye imibhalo ewubufakazi ngaphakathi noma ngaphandle kwenqola yakhe okubonisa ubumnini benqola okuphathelene nabantu abathwele ngenqola.
- (d) angafuna ukuthi umuntu osenqoleni esetshenziselwa ezokuthutha emgwaqeni noma umuntu oke waba kulenqola maduzane nje anike igama lakhe eligcwele, nekheli, nemibhalo ewubufakazi esekelayo, nokuthi bachaze ukuthi bakhokhile yini, futhi banike igama nekheli lalo muntu abazokhokha noma abakhokhe kuye.
- (e) angafuna ukuthi imibhalo igcinwe mayelana nalo Mthetho, ivedze ngumshayeli wenqola noma obhidisayo uma ekhona ukuzohlolwa.

- (f) angangena kumabhilidi ngesikhathi esizwakalayo azokwenza uphenyo okuhambelana nomsebenzi njengomaqhuzu onegunya, futhi angathi esemabhilidini ngesinye isikhathi esifanelekile, abuze imibuzo kumuntu ongamsiza ngemininingwane ayifunayo, futhi angafuna ukuthi umuntu amnike zonke izincwadi nemibhalo engasiza njegobufakazi bekhoomishani yecala mayelana noMthetho, futhi angahlola izincwadi nemibhalo, angakhipha okuthize lapho noma amakhophi afune nencazelo kulokho okufakiwe, lowo muntu obuzwayo makube unelungelo lokukhuluma kunkantolo yomthetho.
- (g) angafuna ukuthi umshayeli noma omunye umuntu ophethe wenqola aveze imibhalo ayinikwe yiBhodi mayelana naleyo nqola noma ezokuthutha ezitshenziswayo futhi umthetho ozifuna zigcinwe kuleyo nqola.
- (h) angafuna ukuthi umshayeli noma omunye umuntu wenqola ophethe lenqola esetshenziselwa ukuthutha emgwaqeni futhi enamaphutha engenza ingozi kubantu nakuzinto abuyisele iphomede esebebenzayo, kanye nemaki elahlukanisayo elihambelana nenqola, futhi ayeke imisebenzi kuze kulungiswe amaphutha enqola.
- (i) Ngemiyalo yebhodi kungavalwa wonke amaphomede acacisiwe abuyiselwe kuBhodi.
- (4) Ngaphandle komsebenzi namandla acaciswe yilo mthetho, umhloli, nelungu lokusebenza kwamaphoyisa aseNingizimu Afrika angavala inqola esolwa ukuthi ibisebenza ngesimo sezokuThutha emgwaqeni okungenagunya.
- (5) Ekuvalweni kwenqola mayelana nesiqeshana (3) umuntu oyivalile kufanele enze ukuthi inqola ithathwe imukiswe kusiteshi samaphoyisa lapho lenkinga kufanele kusetshenzwe ngayo mayelana nemigomo yomthetho wenqubo yobugebengu, 1977 (umthetho ongunombolo 51 ka 1977.

30. *AMACALA NOKWEQA IMITHETHO OKUPHATHELENE NEZOKUTHUTHA EMGWAQENI.*

- (1) Umuntu o-
- (a) osebenzisa ezokuthutha emgwaqeni ngaphandle kwegunya lephomede emgunyazayo noma
- (b) okubhaliswe ngaye iphomede, ukusebenzisa ezokuthutha emgwaqeni ezhelukile mayelana nemigomo yephomede, noma ngaphansi kwemigomo yesiqephu 23, uphikisa noma uylehluleka ukusebenza mayelana nesimo sephomede noma wesiqephu 19 noma
- (l) okubhaliswe ngaye iphomede yomphakathi egunyaza ukuthwalwa kwabantu kuzotholakala umvuzo.
- (i) uyenqaba ngaphandle kwesizathu esigcwale lamandla obufakazi aphezu kwakhe, ukuthwala umuntu ogunyazwa yiphomede ukuba athwalwe,

- (ii) ngaphansi kolawulo lwemigomo yesiqephu 23, yokwenza icala lokuthwala okungahambelani nemali ebekwe kuphomede noma leyo umuntu bekafanele ayishicilele mayelana nephomede noma
- (iii) isicelo noma ukwanukela sokuthwala ukuthola umvuzo.
- (d) uma kubhaliswe ngawe iphomede, yiveze nakomunye umuntu ozosebenzisa ezokuthutha emgwaqeni okungagunyaziwe ngaphansi kwalo mthetho uzoba necala.
- (2) okubhaliswe ngaye iphomede angeboshwe ngaphansi kwesiqeshana (1) noma enqaba ukuthwala uma, ngesikhathi enqaba uyewayeka ezokuthutha emgwaqeni ezigunyazwe yiphomede noma ingxenye yezokuthutha emgwaqeni emva kokunika isaziso esicacile.
- (3) Akekho umuntu, ngaphandle kwegunya elibhaliwe lanikwa yiBhodi uzokwenza kwaziwe noma ngesaziso esishicilewe ephepheni noma ngenye indlela.
 - (a) ukuthi uzimisele ukusebenza ngezokuthutha emgwaqeni, ngaphandle kokuthi kubhaliswe ngaye iphomede egunyaza ukuthwalwa noma
 - (b) ukuthi omunye umuntu uzimisele ukusebenza ngezokuthutha emgwaqeni, ngaphandle kokuthi lowo omunye umuntu kubhaliswe ngaye iphomede egunyaza ukuthwala futhi nomuntu wokuqala ugunyaziwe yilona omunye umuntu.
- (4) umuntu oxabana nemigomo yesiqeshana
- (3) uzoba necala

31. AMACALA AJWAYELEKILE

Umuntu uzolandwa yicala-;

- (a) ngenhloso yokukohlisa, obhala amanga kumibhalo ezoba yiphomede noma eminye imibhalo ekhishiwe ngaphansi kwalomthetho, noma ukuguqula noma ukumosha noma ukuphula noma ukungeza noma yini kuphomede noma eminye imibhalo ekhishiwe ngaphasi noma eminye imibhalo ekhsihewe ngaphansi kwalomthetho, noma
- (b) owaziyo ukuthi imibhalo akuyona iphomede noma umbhalo okhishiwe ngaphansi kwalo Mthetho, noma leyo phomede noma omunye umbhalo okhishiwe ngaphansi kwalo Mthetho uguqliwe, umoshiwe, uphaliwe noma ungeziwe ukuphikisa noma uxabana nemigomo yesigaba (a), ukhipha umbhalo noma eminye imibhalo noma uyisebenzisa ngesizathu salo Mthetho noma
- (c) ngaphandle njengoba kunikiwe kulomthetho, ukugudluza iphomede noma imaki elihlanganisayo, ngaphandle kwemvume ngombhalo weBhodi, kunqola noma umuntu obhalwe yiphomede noma imaki elihlanganisayo noma

- (d) ongeyena umhloli, ngamagama, isimo sokusebenzisa amandla omhloki, ngamagama, isimo sokusebenzisa amandla omhloli, noma
- (e) obuyisela ngenhloso noma engena phakathi komhloli ngokusebenzisa amandla noma ukusebenza kwakhe mayelana naloMthetho noma
- (f) ngaphandle kwesizathu (amandla obufakazi lawo aphezu kwakhe) akaphumeleli noma wenqaba ukuvela phambi kweKhomishani noma iBhodi emva kokufunwa ngaphansi kwesiqephu 2(I)(6) noma (c) ukwenza njalo, noma ovelile, akaphumeleli, enqabe ukuphendula kahle umbuzo obhekisiswe kuye ngokomthetho noma akhiphe incwadi, uhlelo noma omunye umbhalo noma indatshana okufanele ayivezwe.
- (g) mayelana nesicelo, isikhalo, uphenyo, noma ucwaningo ngaphansi kwalomthetho wenza isitatimende esigmanga, noma ngomlomo noma ngokubhala, kwaziw ngokuthi ingamanga.
- (h) ukuthola iphomede yomphakathi kuBhodi wazi ukuthi iphomede yomphakathi isikhishiwe kwabanye mayelana nenqola leyo.

32. UKUBEKWA NOKUSUSWA KOMPHAKATHI, UMSEBENZELI NOMA UMQASHWA WOKUBHALISWE NGAYE IPHOMEDE

1. Njalo uma umphakathi, umsebenzeli noma umqashwa walowo okubhaliswe ngaye iphomede enza, noma eyeka ukwenza isenzo esingaba yicala ngaphansi kwalo Mthetho, lalowo okubhaliswe ngaye ukwenza noma ukungenzi, ngaphandle kokuthi okubhaliswe ngaye ubonisa ukuthi-
 - (a) Azange anganaki noma avumele ukwenza noma ukungenzi kohlobo okukhulunywa ngalo
 - (b) uthatha amanyathelo okuvimba umthetho, noma ukususwa kwaloko okukhulunywa ngakho.
 - (c) Umthetho, noma ukususwa okusemthethweni noma okungekho emthethweni wezihloko lomthetho noma osusiwe olungathintani nanoma wuluphi uhlwiegunya noma umsebenzi wophethe ukuqasha, umsebenzeli noma umqashwa, futhi abopheke ngokomthetho ukuboshwa nokugwetshwa mayelena nalokho, futhi ngesizathu salesi sigaba (6) ngesizathu sokuyeka noma ukungayeki kohlobo okukhulunywa ngalo, angeke ngokwalo luthathwe njengobufakazi obugcwele ukuthi uthathe amanyathelo anqala ukuvikela lomthetho noma ukukhiswa.
- (2) Njalo umphakathi, umsebenzeli noma umqashwa walowo okubhaliswe ngaye iphomede esusa ukwenza umthetho ozaba yicala ngaphansi kwalo Mthetho ukuze okubhaliswe ngaye ukwenza noma ukususa, umphakathi, umsebenzeli, noma umqashwa uzobopheka ngokomthetho ugwtshwe sengathi kubhaliswe ngaye.

33. IZIGWEBO

Umuntu obanjelwe icala elingaphansi kwalo mthetho lapho kungekho esinye isigwebo esichaziwe siveziwe, uzobopheka ngokomthetho ngenhlawulo engadluli ku R20 000 noma ukufakwa ejele isikhathi esingandluli kuminyaka emibili noma kokubili ukuhlawula nokubanjwa ufakwe ejele.

34. UKULAHLEKELWA

- (1) Inkantolo ebopa umuntu ngecala elingaphansi kwalo Mthetho othintana nokusebenzisa ezokuthutha emgwaqeni ezingenalo igunya ingamemezelia inqola esetshenzisiwe kwezokuthutha noma ilungelo lomuntu oboshiwe kunqola, ukuyilahlela eGauteng kuphrovinsi ngaphandle kokuthi isimemezelio asinothinta noma ngawaphi amalungelo lapho umuntu ngaphandle komuntu oboshiwe mayelana nenqola okukhulunywa ngayo, uma kufakazeka ukuthi lomuntu omunye obengazi ukuthi inqola beyingenalo igunya lwezokuthutha emgwaqeni noma ubengakhoni ukuvikela ukusetshenziswa kwayo.
- (2) Isiqephu 35(4) soMthetho Wenqubo yoBugebengu, 1977 (umthetho ongunombolo 51 ka 1977), uzosebenza ngoshintsho oludingekile mayelana nokulahlekelwa ngaphansi kwesiqeshana (1).

35. UMPHUMELA WOKUBANJWA KABILI NOMA NGOKULANDELANA KWAMACALA ATHIZE

- (1) Ukubunjwa komuntu okwesibili noma ngokulandelana ngecala lokusebenzisa ezokuthutha ezingagunyaziwe, iBhodi linga-
 - (a) thumela isaziso esibhaliwe sabhaliswa noma saqiniseka ngeposi, ngokufushane lihoxise iphomede ekulowo muntu ekhishwe yiBhodi, futhi
 - (b) ukuthi iphomede elikahle ngalesosikhathi seBhodi noma ngabe lelo phomede alikahle ngalesosikhathi seBhodi noma ngabe lelo phomede lahoxiswa ngaphansi kwesiqephu (a) lingenqaba ukucabangela isicelo mayelana nemvume noma ukugudluzela iphomede kuye noma kunkampani lapho eyidayirektha, noma ukuvuselela iphomede eliphethwe nguye noma leyo nkampani.
- (2) Mayelana nesizathu sesiqeshana (1) ukuboshwa kwenkampani ngecala elichazwe kulesosiqeshana lingahluelwa ukuba isibopho futhi somuntu wonke owayeyi dayirektha waleyo nkampani ngaleso sikhathi saleyokhomishani yecala okukhulunywa ngalo.

36. OKUFANELE KUBE KANYE NOBUFAKAZI BAMAPHUZU ATHILE

- (1) Ekushushiseni ngaphansi kwaloMthetho
 - (a) umuntu othwele omunye ngenqola noma ovumele ukuthwala ngaleyso mizamo yomuntu kungezwe nomshayeli wenqola, uzothathwa ngokungabaza ukuthi

usebenzise ezokuthutha emgwaqeni, ngaphandle kokuthi okuphikiswayo kufakazwe

- (b) uma kunobukafakazi ukuthi umuntu wathwala ngokushayisana kwemigomo yesiqephu 30 (1) (a) ngemizamo yenqola ethize, umnikazi waleyo moto uzothathwa ngokungabaza ukuthi umthwele lowo muntu, ngaphandle kokuthi kube nobufakazi ukuthi wayengetyena umshayeli wenqola ngaleso sikhathi sokuthwala okukhulunywa ngaso kanti futhi azange agunyaze noma avumele ukusetshenziswa kwenqola ngesizathu sokuthwala.
 - (c) uma umuntu enombhalo wamanga ochaza ukuthi uyiphomede ekhishwe ngaphansi kwalomthetho itholakala, noma umuntu onephomede eliguquliwe, elingasabonakali, noma elicwiyiwe, noma elingeziwe ukuphikisa imigomo yaloMthetho etholakala, uzothathwa ngokungabuza sengathi wenze lombhalo, noma uwuguqulile, wenza ungasabonakali, uwucwiyile, noma ulingezile iphomede ngaphandle kokuthi lokhu okufisayo kufakazwe.
- (2) Umbhalo uchaza ukuba yiphomede ekhishiwe ngaphansi kwaloMthetho, noma ikhophi elinesiqiniseko sokuba yikholoni leqiniso, lenziwe ngumuntu ozichaza njengomaqhuzu weBhodi, kuzothi uma livezwa ngumuntu ekushushisweni ngaphansi kwalo Mthetho, livumele ukungena kubufakazi futhi libe ngubufakazi bokuqala ukuthi yiphomede elikhishiwe lamkelwa ngaphansi kwalomthetho, noma ukuthi loyokhophi leqiniso lephomede kanti futhi konke okubhaliwe okuqukethwe kuyiqiniso.
- (3) Umbhalo ochaza ukuthi inqola echaziwe phakathi, ngaphansi komthetho ohambelana nokuphatelana kokubhalisa inqola, ibhaliswe ngegama lomuntu ovezwe lapho, futhi othathwa ngokungabaza ukuthi ukhishwe yisikhulu esiqokwe ukubhalisa izinqola ngaphansi komthetho nasendaweni lapho inqola ibhaliswe ngaphansi kwayo, kuzothi uma uvezwa ngumuntu ekushushisweni ngaphansi kwalomthetho, livumele ukungena kobufakazi futhi libe ngubufakazi bokuqala lokulunga kokubhaliwe okuqukethwe lapho phakathi.

37. AMANDLA OKUGWEBA

Inkantolo kamantshi izoba namandla okugweba okukhipha isigwebo esinikiwe kuloMthetho.

38. UKULINGANISELWA IZINDLEKO

Akukho izinqubo zempucuko noma zobugebengu ezingenziwa noma zengezwe enkantolo yomthetho ziqhudelana nomaqhuzu noma umqashi kamaqhuzu onelungelo ngesizathu sesenzo ngomoya omuhle ogunyazwe umaqhuzu noma umqashi kamaqhuzu onegunya mayelana nalo mthetho.

39. IZIMALI

Zonke izimali ezitholwe yiKhomishani noma yiBhodi ngaphansi kwaloMthetho kufanele ikhokhwe kumali engumvuzo wephrovinsi, futhi nazo zonke izindleko ezilethwe ukuphatha lomthetho, kufanele zitholwe kumali ekhishwe kahle kuleyo mali ngumthetho wephrovinsi, uma kuwukuthi lezo zindleko zitholwe mayelana nokusebenza komaqhuzu ogunyaziwe, kufanele zitholwe umqashi kumaqhuzu ogunyaziwe.

40. UKUHAMBELANA KOMTHETHO EMINYE

Imigomo yaloMthetho I ukungezwa hayi ukususwa kufakwe eminye imithetho ehambelana nezinqola.

41. UKUKAHLELWA

- (1) Umthetho wezokuthutha emgwaqeni, 1977 (Umthetho ongunombolo 74 ka 1977) uyakhahlelwa njengoba kwensiwa ephrovinsi lase Gauteng
- (2) Imigomo yoMthetho WezokuThutha woMhlaba Wezwe, 1998 angeke usebenze kuphrovinsi laseGauteng lingasebenzisani nemigomo yalo Mthetho noma umthetho wesikhashana waseGauteng olawula ukusebenza kohlobo lwamaThekisi angamaBhasi amancane, 1997 (Umthetho ongunombolo----ka 1997)

42. IZINGUQUKO NEMIGOMO

- (1)(a) Ngaphansi kolawulo lwemigomo kusiqeshana (2) noma (3), ukuqokwa, ukubekwa, umthetho, isaziso noma umbhalo owenziwe, washicilelwa, noma wakhishwa, noma enye into eyenziwe, ngaphansi kwemigomo womthetho wezokuthutha emgwaqeni, 1977 noma umthetho ofanayo, uzokwahlulela ukuba umenyezelwe, wakhiwe, wenziwe, ushicilelwe, ukhishiwe noma wenziwe ngaphansi kwemigomo yaloMthetho ohambelanayo.
- (b) Ngesizathu sesigaba (a)-
 - (i) iphomede eyakhishwa ngaphansi komthetho wezokuthutha emgwaqeni, 1977 noma umthetho ofanayo, futhi lowo mayelana nohlobo lwezokuthutha emgwaqeni olugunyazwe yiyo, ungavunywa futhi ukhishiwe ngaphansi kwaloMthetho, njengephomede lomphakathi, lizokwahlulela ukuba yiphomede yomphakathi, lizokwahlulela ukuba yiphomede yomphakathi evunyiwe futhi yakhishwa ngaphansi kwemigomo ehambelanayo yaloMthetho futhi.
 - (ii) isicelosokukhishwa, noma ukuvunywa iphomede enjalo engazange ibekwe kahle ekuqaleni kwalo mthetho, sizokwahlulelwa ukuba yisicelo ngaphansi kwalo mthetho ukuvunywa kwephomede elikahle.

- (3) Ibhodi lingathi ngesaziso esibhaliwe esithunyelwe ngeposi elibhalisiwe noma elinesiqiniseko liposele kokubhaliswe ngaye iphomede echaziwe kusiqephu (1)(b) (kungakhathaleki noma lakhishwa noma lavunywa okwesikhathi esikaliwe noma isikhathi esingaziwa), lihoxise iphomede kusukela ngosuku olucacisiwe kusaziso.
- (4)
 - (a) Ibhodi kungathi lihlulele uma ngokulindelekile ukwenza kanjalo-kusigamekosephomede elichazwe kusiqeshana (1)(b) eliphelelwé ukusebenza ngesaziso kusiqeshana (2) noma elihoxisiwe ngesaziso ngaphansi kwesiqeshana (3), ngokucela ngokubhala kwalowo okubhaliswe ngaye iphomede eyenziwe ngaphambi kosuku olucacisiwe kusaziso esihambelanayo njengoba usuku lokuphela, lokuhoxisa, noma ngaphakathi kwesikhathi emva kwalolo suku njengoba iBhodi ingavuma noma
 - (b) ngesicelo esibhaliwe ngalowo iphomede elibhaliswe ngaye ochaziwe, noma
 - (c) emva kokucabanga mayelana nemigomo yaloMthetho, isicelo sokuvuselela, sokubeka umbandela noma ukugudluza iphomede okubhekiswe kuyo, ikhiphe futhi ifake iphomede okukhulunywa ngalo, iphomede elilungile ngaphansi kwesimo iBhodi ingahlulela kube sengathi isicelo sokuvuma iphomede esidingekayo, esishicilelwé sacatshangelwa ngaphansi kwemigomo yaloMthetho.
- (5) Imigomo yeziqeshana (2)(3) kanye (4) ayinochaza sengathi ilinganisa amandla kuMEC noma ikhomishani noma iBhodi mayelana nephomede lakwelinye iphrovinsi kuloMthetho, noma njengoba kudingeka kusaziso sokuqala, noma ithuba, kubantu abathintekayo ngezicelo zabo, futhi nangethuba iphomede elungile ipheliswe ngaphansi kwesiqeshana (2), noma iphomede ihoxisiwe ngaphansi kwesiqeshana (3), angeke liqekele phansi isicelo semvume yephomede esenziwe ngumuntu obekubhaliswe ngaye iphomede okukhulunywa ngalo.

43. ISIHLOKO ESIFISHANE NOKUQALA UKUSEBENZA

- (1) Lo Mthetho uzobizwa ngokuthi UMTHETHO WEZOKUTHUTHA EMGWAQENI WESIKHASHANA, 1997, futhi uzosebenza ngosuku olumiswe yiMEC ngesaziso kuGazethe yePhrovinsi.
- (2) Lo Mthetho uzophela ngosuku lokuqals komthetho wezokuthutha kwabagibeli bomphakathi kuphrovinsi.

**UMTHETHO SIVIVINYO WASE GAUTENG WESIKHASHANA WEZINTO
ZOKUTHUTHA (IZITHUTHI) EMGWAQENI, KA 1997**

**INCAZELO YOKUQUKETHWE, IMEMORANDUM, NGOKOMTHETHO
134 WEMITHETHO EMISIWEYO ESEBENZAYO YESISHAYAMTHETHO
SASESIFUNDENI SASE GAUTENG**

1. IZIZATHU ZOMTHETHOSIVIVINYO

Isifunda sisemshikashikeni wokubhala imithetho eminingana ukuhlinzekela izindaba zezokuthuthwa. Omunye womthethosivivinyo ocatshangelwayo njengamanje uMthethosivivinyo wezokuThutha umphakathi (emgwaqeni) iPublic Passenger Transport Bill, obhekela zonke izinhlobo nezimo zezithuthi ezithutha uwonkewonke emgwaqeni. Ngenxa yesidingo esiphuthumayo sokubhekana nezinkinga zomkhakha wezamatekisi angama mini-bus eGauteng kube nokusebenza ngendlela ngemfamelo nangobudlela futhi kulethwe ukuthula ebhizihisini lezamatekisi kuqedwe ukulwa nezimpi ematekisini, umthethosivivnyo, wesikhashana wokuhambisa nokuphathwa kohlobo lwamatekisi anga Mini-bus (okunguMthethosivivnyo wesikhashana wezamaTekisi iInterim Taxi Bill) sewubhaliwe ngokuphuthumayo, kuqala ngaphambi koMthethosivivnyo wabagibeli iPublic Passenger Bill. Umthethosivivnyo wesikhashana wezamaTekisi, Interim Taxi Bill, uzobulala, uchithe uMthetho wezokuThutha Emgwaqweni ka 1977, i Road Transportation Act, engunomvolo 74 ka 1977 eyayiziwa ngokufinqiwe ngokuthi, i TPA yona okwamanje ehlizuka ngokuphatha nokuhambisa izithuthi ezithwala umphakathi eGauteng, ngokuthi lomthetho yiwo ohlinzeka ngokukhishwa kwezimvume (amaphemithi) ezithuthini ezingamatekisi eziwuhiobo lwamaMini-Bus. Umthethosivivnyo kazwelokwe wezithuthi ezihamba phanze emhlabathini ohlongnwayo inatsional land transport bill okubhekeke ukuthi uphasiswe ekuqaleni konyaka ozayo uzochitha uphelisa irta okozoshiya ijebe emthethweni wesikhashana wesifunda wezithuthi zabagibeli ukuze uMthethosivivnyo wesikhashana wamatekisi usebenze kufanele kwenziwe izinguquko kwi RTA ngengaloko isezenza esifundeni, ukuze kuhlinzekelwe amalungiselelo esikhashana okwenza ukuba cube nesidindo saloMthethosivivnyo. Imiyalo yaloMthethosivivnyo kufanele ifundwe ihanganiswe noma kanyekanye naleyo yoMthethosivivnyo wesikhashana warnaTekisi i Interim Taxi Bill.

Ngenxa yobunjalo besikhashana balomthethosivivnyo, izinguquko ezidingekile kuphela ezenziwe emiyalweni ekhona yoMthetho. Izinguquko ezibalulekile ezenziwe yilezi ezilandelayo;

- imiyalo emisha idinga "ukukhuculwa" "ukubekwa kabusha" ukuze ihambisane nezinguquko zoMthethosisekelo omusha kanye nokunye ukuthuthukiswa. Ngaleyondlela, isibonelo, konke ukukhuluma ekuqondene nebinzana lamagama elithi "izinhlobo zabantu" kushishiwe
- Yonke imiyalo ephathelene nezithuthi zempahla ikhishiwe njengalokho izithuthi zempahla azisahambi ngemvume, ngaphandle kokuthuthwa kwempahla kuya kwamanye amazwe, manje osekuzophathwa ngumthetho kaZwelokwe.

- Ukudluliselwa kwezicelo mayelana nezithuthi okwenzeka eGauteng manje sekuzolethwa phambi kweKhomishani yesifunda yezokuThutha i Provincial Transport Commission, eqanjwe uMthethosivivinyo Wesikhashana wamaTekisi kunokuba kulethwe phambi kwe Khomishani yezokuThutha kaZweloneke iNational Transport Commission.
- Isishayamthetho sidlulisele izinguqukoo eziphuthumayo nezibalulekile kuRTP ngoJuni ka 1997 wahlinzekela izimo eziphuthumayo nokungenziwa masinya ukuqedu nokuvimbela izimpi nokulwa ebhizinisini lezomaTekisi angammaMini-Bus futhi nokubonakalisa kuqoshwe, kunakwe izimoto ezingamaTekisi angamaMini-Bus. Lezinguquko zibhekewa kuMthethosivivinyo wesikhashana wezomaTekisi i Interim Taxi Bill.
- Imigwamanda ekhipha izimvume zezithuthi eyaqanjwa nguMthethosivivinyo wesiKhashana wezamaTekisi njengamahovisi okuphatha eBhodi yezimvume (amaphemithi) izosetshenziswa kube yiyo ecubungula izicelo zezimvume ezifakwa ngabaqhube bamaaTekisi angewona amaMini-Bus kanye nabaqhube bamaTekisi.
- Eminye imiyalo nezincaelo zeRTA zidinga ukuqondiswa zihambisane noMthetho wesikhashana wezamaTekisi i Interim Taxi Act. Isinqumo sathathwa ukuba kubhalwe iRTA yesikhashana kunokuba kuchitshiwelwe iRTA ekhona, ngenxa yezinguquko eziningi.

2. IMIPHUMELA ENDALWENI AYIKHO

3. IZINDELEKO ZEZIMALI ZOMTHETHOSIVIVINYO

Njengoba uMthethosivivinyo umisa kabusha iRTA akunazindleko ezingaphezulu ezizoba khona.

4. IMIBONO ETHOLAKELE NECELIWE

Idraft yoMthethosivivinyo wesiKhashana wezamaTekisi i Interim Taxi Bill yakhishwa ukuze kutholakale imibono, yakhishwa ePhephandaben iProvincial Gazette ngomhlaka

- KuJanuary ka 1997. Imibono eminingi yatholakala iphuma kulabo abathintekayo ngaloludaba lemibono ebhekewa, yacatshanelwa, lapho kudingeka khona.

Ngoba loMthethosivivinyo awulethi zinguquko ngokwawo, futhi nangesimo oyilo ngokuba owesikhashana awukhishelwanga umphakathi awumenyelwanga kunenye imibono yabantu noma kuxoxwe kabanzi ngawo. Kodwa ke izingxoxo eziningana ngoMthethosivivinyo zibajwe, zibe khona neziphathimandla zaseMnyangweni waseGauteng wezokuthutha nowemisebenzi yomphakathi, eBhodi yamaphemithi yase Gauteng, kanye nabaqhube bezithuthi zomphakathi abathintekayo.

5. INCAZELO YESIGABA NGESIGABA

ISIGABA 1.

Anagama athize asetshenzisiwe kuMthethosivivinyo ayachazwa kulesigaba. Akunazinguquko ezitheni ezenziwe kulokho obekuseMthethweni ka 9177, iRTA. Inguquko eyenziwe ukususwa kwencazelo ethi " Uhlobo " mayelana nohlobo lwabantu noma ubuzwe babantu okwakukhona eMthethweni iRTA ukukhuthaza ukubandlulula ngokwebala nobuzwe.

ISIGABA 2

Lesigaba sihlinzeka ngokubanjwa kweBhodi yaseGauteng yezimvuma yezeziThuthi (iBhodi) engena esikhundleni seBhodi yezokuThutha iLocal Road Transportation Board., eyaqanjwa iRTA. Inguquko ebalulekile ukushintshwa kwegama leBhodi. Isigungu sokuyala i Advisory Panel esiyala iBhodi kanye nezigungu zokuphathwa kwezimvume zeziThuthi, ezisiza iBhodi ekuphatheni zibuye zakhiwe zakhiwa uMthethosivivinyo wesikhashanna wezamaTekisi (yileso naleso siyingi esifundeni siyoba nesigungu esisodwa).

ISIGABA 3.

Ibhodi inamandla okupekequa izindaba zezokuthuthwa nokuThutha, ibheke izicelo zokunikezwa, zokuvuselela zokuchibiyela noma ukudlulisela kwenye indawo izimvume, futhi ikhiphe namaphemithi (izimvume).

ISIGABA 4.

Lesigaba sihlinzeka ngokukhishelwa ngaphandle kwehovisi (komsebenzi) ukumisa emsebenzini kwamalungu eBhodi ezimeni ezithile.

ISIGABA 5.

Lesigaba sihlinzeka ngemihlangano nezinqumo zeBhodi.

ISIGABA 6.

Noma ubani ofuna ukuthutha emgwaqweni, ngale kwamaTekisi angamaMini-Bus, kufanele afake isicelo eBhodini, acele imvume uma uhambo lolo luqala eGauteng.

ISIGABA 7.

Lesigaba sihlinzeka ngezinhlobo zezithuthi ezisemgwaqweni ezozogunyazwa ukuba zisebenze emgwaqeni ngaphandle kwemvume, loku kwensiwe kabusha, imibandela nemiyalo engafanelekile njengaleyo ephathelene nezithuthi zempahla, ikhishiwe.

ISIGABA 8.

Ngokwesivumelwano okwafinyelelwa kuso kuphrojekhthi yezinguquko zoMthetho Sisekelo I Constitutional Transportation Project, abaqhubi akusadingekile bathole izimvume kuleso naleso sifunda abazohamba noma badlule kuso kodwa bazofaka isicelo semvume esifundeni la kuzoqala khona uhambo. Ibhodi, kodwa ke kufanele ithole imvume nokuhambisana ngaloko kwamanye amaBhodi ezifunda la izithuthi zizohamba khona.

ISIGABA 9

Abafaki bezicelo befakela imvume zezithuthi ezihambela amazwe ngamazwe bayofaka izicelo kwiKomidi iRegulatory Committee yegatsha elisha lokweqela kwamanye amazwe iCross-Border Agency elibunjwe / eliqanjwe nguMthetho kaZwelonke. Ngaphambi kokuba leligatsha libajwwe, izicelo zizoqhubeka zizobhekelwa yiKhomishani kaZwelonke kwezokuThutha engaphansi kwe RTA.

ISIGABA 10.

Ibhodi, ngokuxhumana neTPAB efanele kufanele ithole izicelo zokukhipha nokunikezela ngezimvume, izicelo zezimvume zokuvuselela, zokuchitshiyelwa nezokudluliselwa kwezinye izindawo, iBhodi ingalo ukulalela izicello kwezinye izimo, isibonelo, la isicelo esisodwa saliwa ezinyangeni eziyisithupha ezedlule.

ISIGABA 11.

Inothisi yezicelo kufanele ikhishwe kwi phephandaba lesifunda iGazethi, ifakwe makumaBhodi amanothisi eBhodi, nakuTPAB efanele, ukuze abafisa ukufaka imibono yokusekela noma yokungahambisani nezicelo bayingemise. Omasipal kulezo ndawo la iziThuthi zizohamba khona kufanele banikwe ithub a lokunikezela ngemibono yabo.

ISIGABA 12.

Ibhodi kufanele icabangele izindaba eziphakanyisiwe ngesikhathi ibhekelela izicelo zezimvume. Njengesimiso sesikhashana, umbandela wokwenza isidingo sesiThuthi sewutholakele.

ISIGABA 13.

Ibhodi inamandla kukuyo, ukuthi inqume ubude besikhathi bemvume - isebenza kuze kube nini.

ISIGABA 14.

Ibhodi noma isiphathimandla seBhodi, singakhipha izimvume zesikhashana ezisebenza izinsuku ezingeqile ku 14, ezimeni ezithile, ezikhethekile, ezishiwo, njengezemidlalo (imibuyangazo yezemidlalo).

ISIGABA 15.

Lapho Ibhodi ikhiphe imvume, kune imibandela ethile okufanele kuhlangatshezanwe nayo ngaphambi kokuba iTPAB, iyikhiphe imvume, njengokukhonjiswa nokubonakaliswa kwesitifiketi sokuthi imoto ivumelekile, isesimeni esihle sokuhamba emgwaqeni.

ISIGABA 16.

Ibhodi kufanele igcine amarekhodi, azodluliselwa asize ekuhlolweni kwezindlela zokugcina imininingwane zesifunda nezikazwelone.

ISIGABA 17.

Izimvume sigunyaza ukulayishwa kwabantu abahamba ngesithutha ezisinikelwe imvume, njengokhandakhtha.

ISIGABA 18.

La, isiThuthi noma inqola ingasebenzi, kungafakwa enye inqola esikhundleni sayo inqola uma isisindo senqola engena esikhundleni senye singahlukile futhi singadluli ngamaphesenti angu 20 kuleso senqola engasebenzi.

ISIGABA 19.

Isigaba simisa sicaciswe imisebenzi yabanini zimvume, isibonelo, ukuphatha izimvume abanikezwa zona benikezelwa iziThuthi noma izinqola abahamba ngazo.

ISIGABA 20.

Noma ubani ophatheke kabi yisinqumo seBhodi, ongagculisekile yisinqumo, ongafaka isicelo asifake kwiKhomishani yesifunda yeziThuthi i Provincial Transport Commission mayelana nesiThuthi esifundeni. Ngokwesigaba 8 no 9, ukudluliselwa phambili kwesicelo (ama- aphili) okumayelana nezithuthi ezeqa imingcele yesifunda, nalezo zeziThuthi zamazwe ngamazwe, kufanele zidluliselwe kwibandla lokuthetha amacula ezokuthutha I Transport Appeal Tribunal ezobunjwa iqanjwe umthetho kazwelone.

ISIGABA 21

IKhomishani yesifunda yezezithuthi eyaziwa ngokuthi yi PTC (okumele I Provincial Transport Commission) kanye neBhodi, ingalalela ubufakazi futhi iphoqe abantu ukuthi bavele bame phambi kwayo, njengofakazi, balekhe amadokodo ekulalelwani kwabo. Ibhodi kufanele inikezele ngezizathu kulabo bantu abazicelayo izizathu zezinqumo seBhodi. Ukumiswa kwe Khomishani kanye nezimo zokusebenza kwaye, kuqukethwe uMthetho wesikhashana wezamaTekisi I Interim Taxi Act.

ISIGABA 22.

La imvume inquma, isho imali okumele ikhokhwe neBhodi ivumile ukuthi ikuhushulwe imali, umqhubi wesiThuthi angayikhuphula noma ngabe kunesicelo sokudluliselwa phambili kwesicelo enkantolo yomphetho.

ISIGABA 23.

Uma kukhushulwa intengo kaphethiloli, umnini mvume angayikhuphulli yokuthutha kungadluli emaphesentini ayishumi, inqobo uma umnini mvume efake isicelo eBhodini sokuthi akhuphule imali ezinsukwini eziyishumi.

ISIGABA 24.

Ibhodi ingadonsa iyekiso imvume, iphuce, imise izimvume ezimeni ezithile, isibonelo, uma umnini mvume engaziphethe kahle.

ISIGABA 25.

Lapho kunemibandela eshintshile, esiyngini, uMEC angenza ukuba kube nophenyo, okungagcina kwenze ukuba izimvume zihlehliselwe emuva, futhi, la kufanele khona, zinikezwe abanye abantu noma zedluliselwe kwezinye izinhlobo zeziThuthi. Uma kunjalo, abaqhube abanye abasendaweni noma labo abasha abanikwe izimvume ezintsha, kufanele bakhokhele abanangi zimvume abalahlekelwe yizimvume.

ISIGABA 26.

Izimvume zizophelelwa yisikhathi kwezinye izimo, njengokuthi la umnini mvume engahlinzekeli ngenqola egunyazelwe imvume.

ISIGABA 27.

UMEC angenza imithetho ephathelene nokuqaliswa koMthetho, njengasenqubeni okumele ilandelwe noma imali okumele ikhishwe uma kufakwa isicelo semvume.

ISIGABA 28.

Inhloko yoMnyango wezokuThutha kowezemisebenzi yomphakathi, angakhetha iziphathimandla eMnyangweni, ukuthi zibe ospektari beziThuthi, benze umsebenzi, babone ukuthi umsebenzi nomthetho uyagcinwa na omayelana nezimvume. Ospektari bangena ngaphansi kwencazelo ethi " Iziphathimandla, ezigunyaziwe, " Amandla abanawo anjengaloko kumisiwe kucacisiwe esigabeni 29.

ISIGABA 29.

Lesigaba sicacisa amandla eziphathimandla ezigunyaziwe ezisemthethweni okuhlanganisa namalungu ombutha wezamaphoyisa aseNingizimu Afrika iSA Police Service, izipathimandla zethrafikhi, kanye nezibektari abachazwe esigabeni 28.

ISIGABA 30.

Lesigaba sihlizeka ngokwephulwa kwemithethe, amacala, izithiyo nokungenziwe mayelana neziThuthi ezihamba emgwaqweni, njengokuthi, kuyicala ukuThutha ngaphandle kwemvume.

ISIGABA 31.

Lesigaba sihlinzeka ngamacala ajwayelekile.

ISIGABA 32.

Kwezinye izimo ezithile, umnini mvume uyobekwa icala ngamacala enziwe ngabasebenzi bakhe noma amaqashi bemvume, ngaphandle uma ngabe umnini mvume engakhombisa ngobufakazi ukuthi akanamacala, akahangene nalutho necala.

ISIGABA 33.

Isigaba sihlinzekela ngezinhlawulo ezinkulu.

ISIGABA 34.

Izimoto ezisetshenziselwe ukuThutha okungekho emthethweni zingadliwa, zithathwe isifunda, emva kokubekwa icala kwesiThathu noma okulandela loko.

ISIGABA 35.

Imvume ingahoxiswa kumnini mvume emva kokubekwa icala kwesibili noma okulandela lapho.

ISIGABA 36.

Lesigaba sihlinzeka ngezingathekiso ezithile kanye nobufakazi bokuqhutshwa nokugcinwa komthetho.

ISIGABA 37.

Izinkantolo zomantshi ziyoba namandla okwejezisa nokukhiphisia inhlawulo ngaphansi koMthetho.

ISIGABA 38.

Iziphathimandla ezipenthethweni ezigunyaziwe, azinakusolwa ezenzweni ezizenze ngesihle.

ISIGABA 39.

Izimali ezitholwe ngaphansi koMthetho, kufanele zikhokhwe esikhwameni somqoqi wesifunda, nezichithiwe ngaphansi komthetho zikhokhelwe yiSikhwama, (kube yisikhwama esikhokhela izindleko zezimali eziisetshwenzisiwe).

ISIGABA 40.

Umthetho ungezelela kweminye imithethoo yezokuthutha, futhi ayikho esikhundleni sayo.

ISIGABA 41.

iRTA ichithiwe, nombandela wensiwe ukuthi isahluko 2 soMthethosivivinyo kaZwelonke weziThuthi ezihamba phansi emhlabeni asizusebenza eGauteng, kumelwe, ukuphasiswa koMthetho noma kuye ngokuphasiswa koMthetho waseGauteng wezokuthuthwa koMphakathi (emigwaqweni) kaye nemithetho ehambelana naloko.

ISIGABA 42.

Lesigaba sihlinzeka ngezindaba eziguqukayo.

ISIGABA 43.

Lesigaba sihlinzeka ngesihloko soMthetho esizosebenza waziwe ngawo Umthetho, kanye nokuqaliswa kwawo. Umnyango wase Gauteng wezokuThutha nowezemisebenzi yomphakathi.

TSEBIŠO-KAKARETŠO

TSEBIŠO 273 WA 1998

LEFAPHA LA GAUTENG LA DINAMELWA LE MESOMO

PILI YA DINAMELWA TŠA MMILENG YA NAKWANA GAUTENG

Molao wa Profense ya Gauteng o akanya go hloma Pili yeo e begilwego ka godimo go Mmušo wa Gauteng 4 Matše 1998.

Mohola wa Pili ke go fa ka taolo ya motlaoswere ya dinamelwa tša mmileng tša banamedibohle, tšeо e sego tirelo ya ditaxi, le mabakeng ao a twasianago le seo.

Batho bao ba ratago go ntšha maikutlo ka ga pili ba ka romelo seo pele ga letšatši le 20 Febrēware 1998 go:

The Legislature Secretary

Gauteng Provincial Legislature

Private Bag X52

MARSHALLTOWN

2107.

PILI YA DINAMELWA TSA MMILENG YA MOTLAOSWERE YA GAUTENG

Go thuša nakwana taolo ya dinamelwa tša mmileng tša banamedi bohle, tšeо e sego ditirelo tša dithekisi, le ditaba tšeо di amanago le seo.

E TLA PHETHEGATŠWA ke Molao wa Profense ya Gauteng ka tsela ye:**MATENG**

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1. Ditlhaloso

Go Molao wo, ntle le ge go laeditšwe gošele -

"bahlanka ba dumelitšwego" ke mohlahlobi, leloko la Diterelo tša Maphodisa a Afrika Borwa, goba motho yo a šomelago Profense goba masepala, yoo mošomo wa gagwe e lego go hlahloba dinamelwa goba dilaesense tša dinamelwa goba go laola sephethephethe,

"Poto" ke Poto ya Tumelelo ya Dinamelwa Gauteng yeo e lebišitšwego go karolo 2;

'pese' ke senamelwa seo se diretšwego goba se breakantšwego go sepetša batho ba ka godimo ga ba 9 (go akaretšwa le mootledi)

'morwaledi' ke motho yoo kgwebo ya gagwe e lego go lefiša banamed;

"Komišene" ke Komišene ya Dinamelwa ya Profense yeo e hlomilwego go ya ka karolo 27 ya Molao wa Motlaoswere wa Gauteng go Laola Ditirelo tša Ditaxi, 1997 (Molao.... wa 1997);

"Lefapha" ke Lefapha la Gauteng la Dinamelwa le Mešomo ya Bohle;

'leswao leo le ikgethago' ke leswao leo le ikgethago le bolelwago go karolo 19(1)(e);

'Hlogo ya Lefapha' ke hlogo ya Lefapha yeo e ikarabelago go dinamelwa Gauteng;

'mong' go ya ka tumelelo, ke motho yoo tumelelo e bitšago ka yena

'mohlahlobi' ke mohlahlobi wa dinamelwa tša mmileng tše di lego ka tlase ga karolo 28;

"tirelo ya boditšhabtšaba" ke tirelo yeo go yona dinamelwa di tšeago karolo ka gare ga Repabliki le go naga yenngwe, goba e sepetšwago go tšwa Repabliki goba nageng ye nngwe;

"tirelo ya magareng ga diprofense" ke tirelo ya dinamelwa yeo karolo nngwe e lego ka Gauteng mola nngwe e le profenseng ye nngwe, goba e sepetšwa go tšwa ka Gauteng goba profenseng goba diprofenseng tše dingwe, mme ga e akaretše tirelo ya boditšhabatšaba;

"MEC" ke Leloko la Khansele ya Khuduthamaga yeo e ikarabelago go dinamelwa Gauteng;

"Bolaodi bja toropokgolo" ke

- Khansele ya Toropokgolo ya Bogare bja Johannesburg
- Khansele ya Toropokgolo ya Bogare bja Pretoria
- Khansele ya Toropokgolo ya Lekoa-Vaal
- Khansele ya Toropokgolo ya Khayalami
- Khansele ya Ditirelo ya Bodikela bja Gauteng

- Khansele ya Ditirelo ya Bohlabela bja Gauteng

goba bahlatlami ba tšeо ka maemo bjalo ka bolaodi bja toropokgolo goba bolaodi bjo bo etšago bjoo, bo hlomilwe Gauteng;

"Lefelo la toropokgolo" ke lefelo la maatlataolotoka la bolaodi bja toropokgolo;

"masepala" ke leloko la mmušo wa segae woo o hhalositšwego go Molao wa Phetogo wa Mmušo wa Segae, 1993 (Molao 209 wa 1993), mme e akaretša bolaodi bja toropokgolo, khansele ya ditirelo le dikarolwana tša bolaodi bjoo;

'senamelwa' ke senamelwa bjalo ka ge go laodišitšwe go Molao wa Sephethephethe wa Tsela, 1989 (Molao 29 wa 1989);

'mong' go ya ka senamelwa seo se ngwadišitšwego lefelong la ka tlase ga molao woo o laolago ngwadišo ya dinamelwa lefelong leo, ke motho yoo a khwalifayago goba mong, ka tlase ga molao woo;

'PAS' ke Tsela ya Boamogetši bja Tumelelo yeo e gatišitšwego go khomphuthara yeo e sepetšwago ke Lefapha la Dinamelwa la bosetšhaba goba Profense;

'tumelelo' ke tumelelo ya bohle goba tumelelo ya nakwana;

'bea' ke go bea ka taolo ka tsebišo go Khasete ya Profense;

'tumelelo ya bohole' ke tumelelo ya morwaledi wa tsela ya bohole yeo e hwetsagalago ka tlase ga karolo 10;

'tsela ya bohole' ke tsela yeo e beilwego semolao goba e tsebjago e le tsela ya bohole, mme e akaretša mmila, mokgotha, goba tselakgaboletsa goba lefelo (e ka ba tselakgaboletsa goba aowa) yeo batho goba karolo ya bona e nago le tokelo ya go feta go yona;

'tirelo ya seporo' ke tirelo ya dinamelwa yeo sepetšwago godimo ga seporo, e ka ba yeo e hlamilwego ke, goba legatong la leloko leo le laolwago ke Mmušo, goba motho wa praebete;

'RAS' ke Tirelo ya Kamogetšo ya Ngwadišo ka Lefapha;

'taolo' ke taolo yeo e hirilwego ka tlase ga karolo 7 -

'dinamelwa tša mmileng' ke, go ya ka ditšweletšo tša karolo 7 -

(a) tshepetšo ya batho ka senamelwa sa go lefelwa mmileng wa bohole;

(b) tshepetšo ya batho ka senamelwa tseleng ya bohole ka go ba iša mošomong goba kgwebong;

(c) tshepetšo ya batho ka pese ya go hirwa, tseleng ya bohole;

'tirelo ya dinamelwa tša mmileng' ke tirelo ya dinamelwa yeo e sepetšwago mmileng wa bohole, ka tsela ya senamelwa, ka go dira poelo, ka tumelelo ya bohole;

'tumelelo ya nakwana' ke tumelelo ya morwaledi wa mmileng ya nakwana ka tlase ga karolo 13;

'Molao wo' o akaretša taolo;

'TPAB' ke leloko la boamogetši bja tumelelo bja dinamelwa 'koloyana' ke senamelwa seo se diretšwego, goba se fetoseditšwego go rwala batho;

'dinolofatši tša dinamelwa' ke tirelo ya seporo goba tirelo ya dinamelwa mmileng;

'leloko la kamogetšo la tumelelo ya dinamelwa' ke leloko la kamogetšo la tumelelo ya dinamelwa leo le hhalositšwego la be la hlongwa ke Molao wa Motlaoswere wa Gauteng wa go Laola Ditirelo tša Ditaxi 1997 (Molaowa 1997)

"Banyakiši" ke Banyakiši ba Boipiletšo ba Dinamelwa tša Mmileng yeo e hlomilwego ke Molao wa Banyakiši ba Boipiletšo ba Dinamelwa tša bosetšhaba;

'dinamelwa tša mmileng tša go se dumelelwe' ke dinamelwa tša mmileng tše di sego tša dumelelwa ka tumelelo mme di akaretša dinamelwa tša mmileng tša moswaratumelelo, e sego go ya ka mabaka a tumelelo.

"senamelwa" ke senamelwa

2. Thlomo le tlhamo ya Poto ya Tumelelo ya Dinamelwa Gauteng

- (1) Mo go hlongwa Poto ya Tumelelo ya Dinamelwa Gauteng
- (2) Poto e tlamegile go bopša ke moswaramarapo le maloko a mangwe a magareng ga 3 le 5 ao a dumeletšwego ke MEC, mme e ba batho bao ba nago le boitemogelo, le go laetša bokgoni go tša dinamelwa tša bohole, intasitiri, kgwebo, tshelete le tša semmušo, goba tshepetšo ya ditaba tša bohole.
- (3) Maloko a mangwe a Poto a tlamegile go thwalwa lebaka leo le sa fetego nywaga ye mebedi, mme, go ya ka Molao wo, ba dule ofising ka mabaka a tefelo goba a mangwe, ao MEC a ka a beago ge a thwala maloko ao.
- (4) Nako efe le efe ge leloko la Poto le tlogela ofisi, goba le tlošwa, goba le šitwa go phetha mošomo lebakanyana, MEC a ka thwala motho yoo a bonago e le wa maleba, go šoma legatong la leloko leo lebaka leo MEC a le beago.
- (5) Motho yoo nako ya gagwe ya go dula ofising bjalo ka leloko la Poto e fedilego, a ka thwalwa gape
- (6) Molokoloko wa Dikeletšo woo o hlomilwego ka karolo 14 ya Molao wa Motlaoswere wa Gauteng, wa go Laola Ditirelo tša Ditaxi, 1997 (Molao....wa 1997), le Maloko a Kamogetšo a Tumelelo a Dinamelwa ao a hlomilwego ka karolo 15 ya Molao, a tlamegile go phetha merero ya wona ya Poto go ya ka Molao, mme Molao o tla šoma go ya ka diphetogo tše di tsomegago go hola Poto ka tlase ga Molao wo.
- (7) Hlogo ya Lefapha, ka taolo ya melao yeo e bušago tirelo ya bohole, e tla fa bašomi bao ba tsomegago go thuša Poto go phetha merero ya yona.

3. Maatla a Poto

Ntle le maatla ao a filwego ke Molao wo, Poto e ka -

- (a) nyakiša taba yeo e welago boemong bja Molao wo, mme ya dira ditumelelo ka seo go MEC;
- (b) šetša le go tšea sephetho goba ya phetha, go ya ka ditšweletšo tša Molao wo, kgopelo yeo e lebišitšwego go wona -
 - (i) go feng tumelelo yeo e dumelago dinamelwa tša mmileng Gauteng;
 - (ii) go feng tumelelo yeo e dumelago dinamelwa tša mmileng tše di tlogago Gauteng mme tša šoma le profenseng ye nngwe go ya ka tumelelo ya Poto ya diprofense tše dingwe;
 - (iii) ka tlase ga ditšweletšo tša karolo 9, go mpshafatšeng, go fetošeng le go fetišetšeng tumelelo yeo e filwego ke wona;
- (c) ntšha, go ya ka ditšweletšo tša Molao wo, tumelelo yeo e filwego, e mpshafaditšwego, e fetošitšwego goba e fetišeditšwego ke wona;
- (d) fetoša tumelelo yeo e filwego ke Komišene ya Dinamelwa ya Bosetšhaba mabapi le dinamelwa tše di sepelago Gauteng, go sa lebalwe ditšweletšo tše dingwe tša Molao wo, ge kgopelo ya diphetošo e dirilwe ka tlase ga Molao wo, ntle le ge e le tumelelo yeo e dumelago tirelo ya boditšhabatšhaba.

4. Kganetšo ya go dula ofising, le phedišo ya ofisi bjalo ka leloko la poto

- (1) Ga go motho yoo a ka thwalwago bjalo ka leloko la poto -
 - (a) ge eba ke mohloki yoo a sego a iphumula leinalebe; goba

- (b) ge eba o kile a bonwa molato woo o amago go hloka botshepegi; goba
 - (c) ge eba yena goba mongwe wa leloko la gabu la kgauwi o na le kgahlego ya go dira tshelete kgwebong ya dinamelwa tša mmileng, goba o swaragane le morero woo o nyalelanago le dinamelwa tša mmileng, woo go ya ka kgopolu ya MEC, o ka thulanago le go tšweletša mošomo wa gagwe ka botshephegi.
- (2) Leloko la Poto le tlamegile go tlogela ofisi ge le pharilwe ka kganetšo ya go thwalwa yeo e begilwego go karolwana (1)
- (3) MEC a ka tloša, go tšwa ofising ya Poto, leloko -
- (a) leo le paletšwego ke go obamela lebaka leo le amanago le go thwalwa ga lona; goba
 - (b) leo, go ya ka kgopolu ya MEC, le ilego la ba le molato wa go itshwara gampe, goba le filego morero wa lona sephoto bjalo ka leloko la Poto; goba
 - (c) leo, ka kgopolu ya MEC, le palelwago ke go phetha ka tshwanelo merero ya lona bjalo ka leloko la Poto.

5. Dikopano le diphetho tša Poto

- (1) Maloko a mararo a Poto a bopa khoramo ya dikopano tša Poto.
- (2) Sephetho sa maloko afe kapa afe a mararo a Poto ao a lego gona kopanong ya Poto, a ka tšeа sephetho sa Poto: e be gore nakong ya ge go na le dibouto tše lekanago, moswaramarapo o tla ba le bouto yenngwe ntle le yeo e tlwaelegilego.
- (3) Ge moswaramarapo wa Poto, goba motho yoo a kgethilwego go ba moswaramarapo, a sa kgone go tsenela kopano ya Poto, moswaramarapo goba mokgethwa yoo a ka bea leloko le lengwe la Poto go ba moswaramarapo kopanong yeo.

(4) Ga go legato, taetšo goba sephetho sa Poto seo se kago tšeelwa fase, ntle ge e le gore nakong ya ge legato, taetšo goba sephetho se tšewa, go be go na le sekgoba sa mošomo go Poto, goba motho yoo a se tseerego e be e le leloko la Poto leo le tlošitšwego ka tlase ga karolo 4 go ba leloko, go sa šetšwe gore na tumelo ya motho yoo e be e tsomega go tšea legato goba go fa taetšo goba go tšea sephetho.

6. Kgopelo ya tumelelo ya bohole

(1) Motho yoo a ratago go šoma ka dinamelwa tša mmeleng ka gare ga Gauteng, goba tše di thomago Gauteng mme a rata go šoma ka tšona profenseng ye nngwe, ntle ga dinamelwa tša mmileng tša tumelelo ya bohole tše di begilwego go karolo 14, o tlamegile go kgopela ka tsela yeo e dumelitšwego ke Poto ya tumelelo ya bohole go phetha seo.

(2) Moswaratumelelo ya bohole a ka kgopela Poto go mpshafatša goba go fetoša tumelelo ka tsela yeo e dumelitšwego.

(3) Motho yoo a ratago go fetišetšwa tumelelo ya bohole, o tlamegile go kgopela ka tsela yeo e dumelitšwego le ka go ngwala kwano le moswaratumelelo yeo, go Poto go fetišetša tumelelo yeo.

7. Ditlogelo

Mabakeng a Molao wo, tshepetšo ya batho yeo e bolelwago tlhalosong ya "dinamelwa tša mmileng" go karolo 1 e tla tšewa gore ga e akaretše tše latelago -

(a) rapolase (go akaretšwa mogwebišani goba khampane yeo e phethago tša temo) yoo a šomišago senamelwa sa maleba seo e lego sa gagwe a nnoši, go sepetsa bašomedi ba rapolase-

- (i) go tloga lefelong leo ba rutilwego mošomo go lona go ya fao ba šomago;
- (ii) go tloga lefelong leo rapolase a ba thwetšwego go ya go leo ba ka tšweletšago seo gape, goba fao rapolase yo mongwe a ka tsomago matsogo a bona, goba go ya lefelong leo ba kago rutwa mošomo gona.
- (iii) magareng ga lefelo leo ba thwetšwego go lona, goba leo ba tlogo thwalwa go lona, le seteišene sa seporo goba boemapese bjoo bo ba kgontšhago go sepetšwa gabonolo go ya lefelong leo ba kago sepetšwa ka setimela goba pese goba go ya lefelong leo ba ilego go thwalwa go lona; goba
- (iv) magareng ga lefelo leo ba thwetšwego go lona le magareng a lefelo le lengwe ka gare ga Repablik go reka goba go tsena kereke goba go boloka goba mabakeng a dikopano tša dipapadi; goba
- (v) magareng ga lefelo leo rapolase a ba rutilego mošomo le seteišene sa setimela goba boemapese bjoo bo ba kgontšhago go sepetšwa gabonolo go leba lefelong le lengwe leo ba tlogo sepela ka setimela goba pese, mme temaneng ye, bašomedi bao ba thwetšwego ke setlamo, seo se ngwadišitšwego ka tlase ga molao wa ditlamo, seo rapolase e lego leloko, goba mapantiti bjalo ka ge o hlalositšwe go karolo 1 ya Molao wa Ditirelo tša Diphosollo, 1959 (Molao 8 wa 1959), bao ba thwetšwego goba ba emetšego go thwalwa ke rapolase temong, ba tla tšewa bjalo ka bašomedi ba rapolase;
- (b) masepala yoo a sepetšago batho (ntle ga go nametša batho ka go ba lefiša)ka senamelwa sa gagwe, lefelong la gagwe la maatlataolotoka, le magareng ga lefelo leo le le lengwe leo

masepala a le laolago, goba leo a fago tirelo ya bohle go lona, goba leo le lego magetleng a wona;

- (c) masepala woo a sepetšago mapantiti bjalo ka ge go begilwe go karolo 1 ya Molao wa Ditirelo tša Diphošollo, 1959 (Molao 8 wa 1959), bao o ba thwalago goba o ba thwetšego, goba o tla ba šomišago sefatanageng sa wona;
- (d) tshepedišo, ka senamelwa, ya molwetši lefelong leo a ilego go hwetša kalafo go motho yoo a dumeletšwego semolao go alafa go ya ka profešene ya tša kalafo, goba go tloga lefelong leo a hweditšego kalafo;
- (e) tshepedišo (go akaretšwa go goga) ka senamelwa, ya senamelwa seo se senyegilego, go ya lefelong la tokio goba poloko, goba batho bao ba bego ba sepetšwa ka sefatanaga seo se ilego sa senyega go leba lefelong leo goba lengwe, ge fela tshepedišo ya batho bao nakong ya ge senamelwa sa bona se senyega se be se wela ka legorong la dinamelwa tša mmileng, tshepedišo e dumeletšwe ka tumelelo, mme tshepedišo ya sefatanaga seo e sepetšwa go ya ka tumelelo, mme tumelelo e fiwa sefatanaga sa mathomo gore e laetšwe ge e kgopelwa ke mohlanka wa molao;
- (f) tshepedišo ya batho bao ba begilwego go tilhaloso ya "sehlopa sa lifiti" go karolo 1 ya Molao wa Sekhwama sa Kotsi Mebileng, 1996 (Molao 56 wa 1996);
- (g) hotele yeo e sepetšago baeti ba yona le meholana ya bona magareng ga hotele le seteišene sa kgauswi, boemaofane goba boemakepe, ka gare ga senamelwa seo se hlaotšwego go ya ka tumelelo ya taolo yeo e lego taolong ya hotele;

- (h) tshepedišo, mabakeng a intasitiri goba kgwebo, ya batho (go sa akaretšwe tshepedišo ya mošomedi magareng a lefelo la gagwe la mošomo le gae) ka senamelwa ge go se moputso woo o amogelwago go seo;
- (i) motho yoo a sepetšago intasitiri goba kgwebo, a sepetša bašomedi go tloga lefelong leo ba šomago go lona intasitiring goba kgwebong yeo go leba lefelong lengwe leo ba tlago šoma go lona, ka senamelwa seo e lego sa gagwe;
- (j) mošomedi wa Mmušo goba wa Gauteng goba leloko la go thušwa ke Mmušo goba khampane yeo Mmušo goba Gauteng e lego leloko le moswaradikabelo goba masepala yoo, go ya ka tshepetšo ya mošomo wa gagwe, a sepetsago senamelwa seo e lego sa mongmošomo morerong woo, moo e lego gore o lebanwe ke go hwetša moputso go tšwa go Mmušo goba Gauteng goba leloko leo le thušwago ke Mmušo goba khampane goba masepala;
- (k) tshepedišo ya matšatši a sekolo a bana ba sekolo le barutiši go ya le go boa sekolong seo ba tsenago/šomago go sona, mmogo le tshepedišo ya bana ba sekolo le barutiši mabakeng a papadi goba boithabišo goba boikhutšo, go etela naga goba maeto a thuto ka senamelwa seo e lego sa sekolo. Moo senamelwa se beelwa thoko go šomišwa ke sekolo go ya ka kwano, sekolo se tla tsoma tumelelo ye ikgethago yeo e dumeletšwego ke taolo;
- (l) tshepedišo ka yunibesithi, theknikone, kholetšhe ya theknikhale goba kholetšhe ya tlhahlo ya barutiši (yeo ka morago e tla bitšwago institute ya thuto) ya barutwana le bašomedi morerong wa thuto, setšo goba dipapadi ka senamelwa sa institute yeo ya thuto. Moo senamelwa se beetšwego thoko gore se šomišwe ke institute ya thuto go ya ka tumelelano, e tla tsoma tumelelo yeo e ikgethago yeo e dumeletšwego ke taolo;

- (m) tshepedišo ya go hwetša moputso ka motho yoo a laetswego go tlo hlatsela molatong wa bosenyi, wa motho yoo a biditšwego go ema bjalo ka hlatseloo goba wo mongwe, e ka ba lefelong le tee, letšatšing le tee, goba lefelong le lengwe, goba letšatšing le lengwe, go ya goba go tšwa lefelong leo monamedi a biditšwego go tlo itšweletša pele, ka sefatanaga seo motho wa mathomo e lego mong;
- (n) tshepedišo go hwetša moputso, ka motho yoo a laetšwego go ipega go tlo fa bohlatse pele ga komišene, go ya ka Molao wa Komišene, 1947 (Molao 8 wa 1947), goba pele ga lekgotla leo le hlomilwego go ya ka molao, lekgotla leo le filwego maatla a go bitša batho go tlo ipega pele ga lona go fa bohlatse, go ya goba go tšwa lefelong leo motho a laetšwego go ipega go lona, motho yo mongwe yoo a laetšwego go ipega pele ga komišene goba lekgotla go fa bohlatse ka letšatši le tee le lefelong le tee, ka senamelwa seo motho wa go bolelwa la mathomo e lego mong;
- (o) tshepedišo ya motho yoo a tlamegilego go sepedišwa ka go sepetšwa ga batho, tshepedišo yeo go ya ka temana (a) go fihla go (n) e sa akaretšego ditirelo tša ditaxi.

8. Dinamelwa tša magareng a diprofense

- (1) Bakgopedi ba ditumelelo tša bohole tše di amago dinamelwa tša magareng a diprofense ba swanetše go lebiša dikgopelo go Poto ge fela senamelwa seo se lebišitšwego se thoma Gauteng, goba Gauteng le profense ye nngwe.
- (2) Boemong bja karolo ye, dinamelwa tša mmileng di tla tšewa gore di thoma fao batho ba namelago dinamelwa moo dinamelwa tša mmileng di angwago, gore di išwe lefelong le lengwe, mme di felele lefelong leo.

- (3) Ge go na le pelaelo ya gore senamelwa se thoma kae, kgopelo e swanetše go lebišwa profenseng yeo senamelwa seo se ngwadišitšwego gona.
- (4) Poto e ka no se fe kgopelo go tumelelo ya go dumelala dinamelwa tša mmileng tše di thomago profenseng ye nngwe, goba mpshafatšo goba phetišetšo ya tumelelo yeo, goba phetošo ya tumelelo yeo e amago tshepetšo ya dinamelwa tša mmileng ka gare ga profense ye nngwe, ntle le tumelelano ya poto yeo e hlometšwego diprofense tše dingwe.
- (5) Boipiletšo bjo bo amago ditirelo tša magareng ga diprofense, bo swanetše go lebišwa go Komišene ya Dinamelwa ya Boditšhabatšhaba go ya ka Molao wa Dinamelwa tša Mmileng, 1977 (Molao 74 wa 1977), goba go Banyakišiši go ya ka molao wa bosetšhaba, goba nngwe le nngwe ya tše yeo e lebanego.
- (6) Moo Poto e palelwago go hwetša diphetolo tša maleba go tšwa go poto ya profense ye nngwe go seo se laeditšwego go karolwana (4), goba tumelelano ya poto ye nngwe nakong yeo e dumelitšwego, taba yeo e tlamegile go lebišwa go Komišene ya Dinamelwa ya Bosetšhaba goba Banyakišiši bao ba boletšwego go karolwana (5), bjalo ka boipiletšo.

9. Dinamelwa tša Dinamelwa

- (1) Bakgopedi ba ditumelelo tša bohole tše di amago dinamelwa tša boditšhabatšhaba ba tlamegile go lebiša kgopelo ya bona go Komišene ya Dinamelwa ya Bosetšhaba go ya ka Molao wa Dinamelwa tša Mmileng, 1977 (Molao 74 wa 1977) goba Komiti ya Ditaolo go ya ka Molao wa Dinamelwa tša Mmileng tša Tshelamollwane tša bosetšhaba.

(2) Batho bao ba šetšago boipiletšo bjo amanago le le dinamelwa tša boditšhatšhaba ba tlamegile go lebiša seo go Komišene ya Dinamelwa ya Bosetšhaba go ya ka Molao wa Dinamelwa tša Mmileng, 1977 (Molao 74 wa 1977) goba Banyakiši go ya ka molao wa bōsetšhaba.

10. Peokgakala ya kgopelo go ya ka tumelelo ya bohole

(1) Go ya ka ditšweletšo tša Molao wo, Poto, ka thušo ya TPAB e tlamegile go amogela le go šetša kgopelo ya go fa, go mpshafatša, go fetoša goba go fetišetša tumelelo ya bohole yeo e diretšwego yona, gomme ka morago, ka boikgopolelo bja yona, e ka no fa kgopelo yeo ka botlalo goba seripa ka tlase ga mabaka ao e bonago a hlokega, goba e ka gana kgopelo.

(2) (a) Poto e ka no gana go šetša kgopelo ya go fa, go mpshafatšo, phetošo goba phetišetšo ya tumelelo ge eba e šetše e šeditše goba e ganne kgopelo ya pele, yeo go ya ka kgopoloy a yona e swanago goba e na le moko wa kgopelo ya pele, lebakeng la nywaga ye meraro pele ga letšatši leo kgopelo ya pele e dirilwego ka lona.

(b) Poto e ka gana go šetša kgopelo ya go fa, go fetoša goba go fetišetša tumelelo ya bohole goba boemedi bjoo bo ganetšago kgopelo ge eba mokgopedi goba motho yoo a romelago dikemelo tšeo, ga a lefela tefelo yeo e dumelatšwego, goba boemedi bjoo.

(c) Poto e ka no se šetše kgopelo ya go mpshafatša tumelelo ya bohole yeo e filwego lebakeng leo le theilwego ntle le ge Poto e amogetše kgopelo, mmogo le tefelo yeo e dumelatšwego pele ga letšatši leo tumelelo e felago ka lona.

(d) Poto e ka gana go šetša kgopelo ya go fa, go mpshafatša, go fetoša goba go fetišetša tumelelo ya bohole ge eba foromo ya kgopelo ga ya tlatšwa ka botlalo ka tsela yeo e dumelatšwego.

- (e) Poto e ka no se šetše kgopelo ya go fa tumelelo ya bohole ya senamelwa moo tumelelo ya bohole e šetšego e filwe motho yo mongwe ntle ga mokgopedi.
- (f) Ga go motho yoo a ka dirago boipiletšo go Komišene kgahlanong le legato, taetšo goba sephetho seo se tšerwego goba se dirilwego ke Poto ka tlase ga temana (a).

11. Phatlalatšo ya kgopelo ya tumelelo ya bohole

(1) Poto -

- (a) e tlamegile, pele e šetše kgopelo ya go fa, go fetoša (ntle ga go fetoša go go lebišitšwego temaneng (b) goba phetišetšo ya tumelelo ya bohole;
- (b) pele e ka šetše kgopelo ya -
 - (i) mpshafatšo ya tumelelo ya bohole; goba
 - (ii) phetošo bjalo ka ge e begilwe go karolo 23 ya tumelelo yeo; goba
 - (iii) phetošo ya tumelelo yeo go dumelela peobakeng ya go ya go ile ya senamelwa seo se hlaotšwego go tumelelo yeo, ge eba ke pese, palo ya banamedi, goba ge e le sefatanaga, badudi e ka bago ba, goba ba ka tlase ga, goba ba se fete ba palo ya sefatanaga seo se begilwego la pele, e sa fetego dipresente tše 20,

e ka phatlalatša go *Provincial Gazette* (Khasete ya Profense) ditaba tša kgopelo tše di ka dumelwago gomme ya bea pego ya kgopelo potong ya dipego ofising ya Poto le TPAB ya maleba, ka tsela yeo e dumelšwego.

(2) Motho yoo a nago le kgahlego, a ratago go tliša boemedi go Poto, a gananago goba a thekgago kgopelo yeo e phatlaladitšwego ka tlase ga karolwana (1), a dire seo ka tsela le nako yeo e dumelitšwego ke Poto, gomme Poto -

- (a) e tlamegile go dumelala motho yoo, nakong yeo e dumelitšwego, a tliše boemedi bjoo bo ganetšago kgopelo, go hlahloba ntle ga tefišo, le go dira dikhopi tša foromo ya kgopelo yeo e tladitšwego ka botlalo ya mokgopedi, mmogo le ditokumente tše mokgopedi goba boemedi bo di rometšego le foromo ya kgopelo, ofising ya Poto; gomme
- (b) ka taelo ya motho yoo a romelago kemedi, bo ka fiwa dikhopi tša foromo ya kgopelo le ditokumente tše dingwe, ge tefelo yeo e dumelitšwego e lefilwe.

(3) Ge e le kgopelo yeo e phatlaladitšwego ka tlase ga karolwana (1), Poto e tlamegile go dumelala mokgopedi go hlahloba boemedi bjoo bo lego kgahlanong goba bo thekgago kgopelo go ofisi ya Poto, mme, ka taelo ya mokgopedi, e ka mo fa dikhophi tša boemedi bjo bo lebišitšwego, ge tefelo yeo e dumelitšwego e lefša.

(4) Pele e efa tumelelo ya bohole yeo e dumelago tshepedišo yeo e tlwaelegilego ya batho ka go ba lefiša lefelong la wona la maatlataolotoka la masepala, goba le fetoša tumelelo ka go fetoša mafelo goba ditsela tseo senamelwa seo se filwego tumelelo se ka šomišwa go dinamelwa tša mmileng, Poto e tlamegile go fa masepala woo o amegago sebaka sa go tšweletša boemedi, ka tsela le nako tše di dumelitšwego, mabapi le mafelo goba tsela goba ditsela tseo moswaratumelelo a kago šomiša senamelwa sa gagwe, mmogo le sebaka se sengwe seo se ka šomago go tumelelo.

12. Ditaba tše Poto e tlamegilego go di šetše ge e bea kgakala kgopelo ya tumelelo ya bohole

- (1) Ka tlase ga ditšweletšo tša Molao wo, Poto e tlamegile go šetša tše latelago ge e tše a sephetho gore na kgopelo e fe, e mpshafatše, e fetoše goba e fetišetše pele tumelelo ya bohole, goba e se fiwe, le mo go beeng seemo seo tumelelo ya bohole e tla ahlaahlwago:
- (a) bokgole bjoo senamelwa se lego bohlokwa goba se nyakegago go ya ka kgahlego ya bohole;
 - (b) Go tsomega ga senamelwa ke setšhaba lefelong leo goba tseleng goba lefelong leo mokgopedi a ratago go otela go lona;
 - (c) dinolofatši tše di lego gona tša dinamelwa go setšhaba lefelong leo goba tseleng yeo goba lefelong le lengwe;
 - (d) tirelo ye mpsha ya seporo yeo e beakantšwego, goba e naganwago go ka sepetša batho lefelong goba tseleng goba magareng ga dintlha tše tše pedi;
 - (e) tšhomisano ya mehuta ka moka ya dinamelwa, go akaretšwa dinamelwa tša seporong, tše di sa turego le tše di kgahlagi setšhaba;
 - (f) bokgoni bja mokgopedi go tšweletša dinamelwa tše tumelelo e nyakelwago tšona ka tsela yeo e kgotsofatšago;
 - (g) go swarwa pele ga mokgopedi ga maleba molatong go ya ka Molao goba bjalo ka ge go dumeletšwe, le bošaledi bongwe bja mokgopedi go ba mootledi wa senamelwa sa mmileng;
 - (h) go ba gona ga thibelo, tlhaelelo goba kiletšo yeo e beilwego ke molao tšomisong ya senamelwa lefelong goba mokgotheng goba mmileng woo mokgopedi a ratago go otela go wona;

- (i) boemedi bjo bo tlisitšwego go ya ka kgopelo;
 - (j) mabaka a mangwe ao, go ya ka kgopolu ya Poto a ka amago potšišo ya gore na go bohlokwa go fa kgopelo goba go kgomaretša goba go fapantšha boemo.
- (2) (a) Ge mokgopedi a dira kgopelo ya tumelelo ya bohole ya go šomiša dinamelwa tša mmileng lefelong goba mmileng goba magareng ga lefelo goba a mabedi ao a šetšego a šomišwa ke dinamelwa tše dingwe, go tla tšwa go mokgopedi go fa bohlatse bja gore -
- (i) tirelo ya dinamelwa yeo e šetšego e le gona ga e kgotsofatše mme ga ya lekana go thuša setšhaba ka dinamelwa lefelong goba mmileng goba magareng ga dintlha tšeо tše pedi; gomme
 - (ii) o na le bokgoni bja go thuša ka tsela yeo e kgotsofatšago setšhaba seo a tsomago tumelelo ya go se hola; gomme
 - (iii) ka go šetša seemo, e be gore go tla hola setšhaba go fa tumelelo.
- (b) Ge mokgopedi a dira kgopelo ya tumelelo ya bohole ya go šomiša dinamelwa mabakeng ao a sego a bolelwa go temana (a), go tšwa go mokgopedi go fa bohlatse bja gore -
- (i) go na le tlhokego ya dinamelwa lefelong goba mmileng goba magareng ga dintlha tše pedi, tšeо a ratago go šomiša tirelo ya dinamelwa; gomme
 - (ii) o na le bokgoni bja go thuša ka tsela yeo e kgotsofatšago thušo ya dinamelwa tšeо a nyakago tumelelo mabapi le tšona.
- (3) Mabakeng a karolo ye dinamelwa di tla tšewa go ba le bokgoni bja go tswalanywa le tirelo ya dinamelwa yeo e šetšego e le ntshe ge dinamelwa di tšweletšwa go ya goba go tšwa lefelong leo le lego kgauswi ga tsela, goba le akareditšwego lefelong, leo le direlwago ke dinamelwa tšeо di šetšego di le gona.

13. Nako ya tumelelo ya bohole

- (1) Poto e ka fa goba ya mpshafatša tumelelo ya bohole ka kgopolo ya yona nakong yeo e ka e beago.
- (2) Ge eba ka letšatši leo tumelelo ya bohole yeo e fiwago lebakeng leo le lekanyeditšwego e a fela, kgopelo ya go e mpshafatša e a tsomega pele ga Poto. Tumelelo e tla tšwela pele go fihlala ge Poto e beile kgopelo sebakeng.

14. Kgopelo ya tumelelo ya motlaoswere le go e bea kgakala

- (1) Motho yoo a ratago go šoma ka dinamelwa tša mmileng nakwana, o tlamegile go lebiša kgopelo go Poto ka tsela yeo e dumeleng ka TPAB ya maleba gore a fiwe tumelelo ya nakwana yeo e dumelago senamelwa sa mmileng letšatšing le itšego goba mabapi le tiragalo ye itšego. Go tla tšwa go mokgopedi go laetša gore go bohlokwa go ba le tirelo ya dinamelwa yeo a e naganago.
- (2) Go ya ka ditšweletšo tša Molao, Poto e tlamegile go amogela le go šetša kgopelo ya go fa, go mpshafatša, go fetoša goba go fetišetša tumelelo yeo e dirilwego go yona, mme ka morago ga fao, ka kgopolo ya yona, ya fa kgopelo ka botlalo goba ka karolo ya yona go ya ka mabaka ao e a bonago a hlokega, goba ya ganetša kgopelo yeo.
- (3) Poto e ka no se fe kgopelo ya tumelelo ya motlaoswere, ge e gopola gore dinamelwa tše lekanego di gona go thuša batho bao mokgopedi a dirago kgopelo go ba thuša.
- (4) Poto e ka fa tumelelo ya motlaoswere nakong yeo e theilwego, e sa fetego matšatši a 14 ao e ka a beago.

(5) Go sa lebalwe seo se ka thulanago le tše di lego ka gare ga Molao wo, maatla le mošomo wa Poto go ya ka karolo ye, mabakeng ao, goba go ya ka magoro a dikgopelo a ditumelelo tša motlaoswere bjalo ka ge go dumeletšwe, a ka phethwa legatong la yona ke moswaramarapo goba leloko goba mohlanka yoo a kgethilwego go phetha seo ke moswaramarapo.

15. Go fa tumelelo le ditšweletšo tša seo

(1) Ka tlase ga ditšweletšo tša karolwana (2), Poto ka thušo ya maleba ya TPAB e tlamegile go fa, ka tsela yeo e dumeletšwego, tumelelo yeo e filwego, e mpshafaditšwego, e fetotšwego goba e fetišeditšwego go ya ka Molao wo.

(2) Poto e ka no se fe tumelelo ya bohole yeo e filwego, e mpshafaditšwego, e fetotšwego goba e fetišeditšwego ke yona go ya ka Molao wo, ntle le fela ge

(a) e kgotsofetše gore dinamelwa ka moka tše di amanago le tumelelo yeo e filwego, e mpshafaditšwego, e fetotšwego goba e fetišeditšwego, di tshwanela dinamelwa tša mmileng tše tumelelo e tlago šomišwa go tšona.; gomme

(b) mokgopedi o romela setifikeiti seo se amogelwago sa go laetša setifikeiti sa tokelo goba tumelelommileng, seo se filwego letšatšing goba pele ga letšatši leo le hlaotšwego ke taolo, goba khopi ya setifikeiti seo se beakantšwego ka mokgwa woo o dumeletšwego .

(3) Ditumelelo tše di filwego ke Poto di tlamegile go hlaola tše latelago:

(a) leina le atrese ya mong;

(b) nako yeo e filwego;

- (c) palo ya banamedi yeo e dumelitšwego go rwalwa go ya ka setifikeiti sa maleba sa tokelo goba tumeleommileng, ge fela palogodimo ya banamedi yeo e dumelitšwego ke Poto e ka se fetwe;
- (d) nomoro ya ngwadišo, mohuta, nomoro ya mmele, ngwaga wa tlhamo, thaepe, bogolo bja bodulo bja senamelwa seo Poto e fago tumelelo;
- (e) nomoro ya setifikeiti sa tokelo goba tumeleommileng, le letšatši la gore se fela neng;
- (f) tsela yeo e adilwego goba dikgomaganyo goba lefelo leo go lona senamelwa sa maleba se ka šomišwago go yona, mmogo le dintlha tša mathomo le bofelo bja leeto, dintlha ka moka tšeobanamedi ba ka rwalwago go tšona, goba ba rojwa, le direnke le dinolofatši tše dingwe tšeodi ka šomišwago;
- (g) mokgwa woo ditefešo, ge di amogetšwe goba di beilwe ke Poto, di swanetšego go phatlalatšwa goba go hlagišwa;
- (h) mabaka a mangwe ao Poto ka kgopoloy a yona e ka a beago.

(4) Poto e ka laela moswaratumelelo -

- (a) go otlela senamelwa seo tumelelo e ntšhitšwego ka sona, go ya ka nako ye itšego yeo e amogelwago ke goba e bewago ke Poto nakong ya ge go fiwa tumelelo, goba e fetositšwe nako le nako ka mokgwa woo o dumelitšwego ke taolo;
- (b) go thuša Poto ka leina le atrese la motho ofe kapa ofe yoo a dumelitšwego go itsibiša boemong bja mong;
- (c) go dumelana le dinyakwa goba mabaka ao a beilwego ka tlase ga ditšweletšo tša Molao wo.

16. Direkhoto tša ditumelelo

(1) Poto e swanetše go beya lefelong la yona la kgwebo khopi ya tumelelo ye nngwe le ye nngwe yeo e fiwago go ya ka Molao wo le tša diphetošo tše di dirilwego tša ditumelelo, mme e tlamegile go dumelala motho yoo a angwago ke tumelelo goba phetošo, go e hlahloba le go dira dikhopi tša yona ntle ga tefišo, gomme, ka taelo, a ka fa motho khopi ya tumelelo yeo e lebišitšwego, le phetošo nngwe le nngwe ya seo ge tefelo yeo e dumelitšwego e lefilwe.

(2) Direkhoto tše di beilwego go ya ka karolwana (1) di swanetše go hwetšagala go PAS, Tsela ya Melaetša ya Sephethephethe ya Bosetšhaba (NaTIS le RAS.

17. Bolaodi bjo bo okeditšwego bo abjago ke tumelelo

Godimo ga senamelwa seo se dumelitšwego ke yona, tumelelo e dumelala le tshepedišo ya batho bao ba tlamegilego go sepetšwa go ya ka dinamelwa tše di dumelitšwego.

18. Peobakeng ya motlaoswere ya senamelwa seo tumelelo e se lebišitšego

(1) Moo sefatanaga se šomišwago ka tlase ga tumelelo se senyegilego goba se sa šomišwe lebakanyana ka baka la kotsi, Poto goba leloka la yona leo le kgethilwego ke moswaramarapo, a ka fa tumelelo ya go ngwalwa ya gore senamelwa se sengwe se šomišwe legatong la sona, go ya ka karolwana (2) le (3).

(2) Palomoka ya banamedi bao sefatanaga seo se šomago legatong la sengwe e ka ba rwalago e tlamegile go lekana goba e be ka tlase, goba e se fete dipresente tše 20 tša sefatanago seo tumelelo e lebišitšwego go sona.

(3) Senamelwa seo se dulago bakeng sa sengwe se ka šomišwa lebaka leo le beiwego leo le sa fetego matšatši a 42 go ya le ka fao Poto goba leloko le beago gore ke nako efe yeo e ka oketšwago ka kgopoloy a Poto go kgopelo ya go iša pele.

(4) Senamelwa seo sedulago legatong la sengwe, nakong ya peobakeng, se tla tšewa gore ke seo tumelelo e tšwilego leineng la sona.

19. Mešomo ya moswaratumelelo

(1) Moswaratumelelo o tlamegile -

(a) go rwala tumelelo yeo e ngwetšwego yeo e lebišitšwego go karolo 18, ge e le gona, le tumelelo ka gare ga sefatanaga seo di filwego ka leina la sona, le go di laetša ge di kgopelwa ke mohlanka yoo a dumeletšwego;

(b) go šireletša le go swara tumelelo ka sebopego seo e lego gore mangwalo ka moka le diswantšho di bonala gabotse, gomme ge eba tumelelo e senyegile goba ga e sa bonala gabotse, a kgopele pedifatšo ka tsela yeo e dumeletšwego ke taolo;

(c) lebakeng la tumelelo ya bohole (ntle ga tumelelo yeo e filwego ya mehuta ya dinamelwa tša mmileng tše Poto e ka gopolago go di bea) a laetše leina, atrese le mohuta wa kgwebo ya moswaratumelelo, e bewe senamelweng seo tumelelo e ntšhitšwego ka sona, mo lefelong leo e tlago bonala, ka mokgwa woo o dumeletšwego, goba ka mokgwa wo mongwe woo Poto ka mabaka a mangwe o ka o ngwalago fase;

(d) hlagiša ditlhalošišo tše dingwe tše di dumeletšwego ke Poto go ya ka kgopoloy a yona

(e) mo lebakeng la ge Poto e filego maraka woo o ikgethago, e kgorametše mme e dule e kgorametše ka tsela yeo e dumeletšwego, mo senamelweng goba dinamelweng tša maleba.

(2) Tumelelo yeo e filwego ke Poto ka tlase ga Molao wo e ka se

- (a) dumelele moswaratumelelo go šoma ka dinamelwa tša mmileng tseleng ya bohole ka gare ga lefelo la maatlatalotoka la masepala, ge eba go se molaong go ya ka molawana goba taolo yeo e lego gona lefelong, goba ka baka la magato ao a tšerwego ke masepala ka tlase ga molawana goba taolo, go šomiša senamelwa goba sa mohuta woo mmileng seo tumelelo e lebanego le sona;
- (b) lokolla moswaratumelelo go kiletšo ya go kwana le dinyakwa tše di beilwego ka tlase ga molao wo mongwe, goba ka tlase ga laesense goba tumelelo yeo e filwego ke bolaodi bjo bongwe.

20. Boipiletšo go Komišene kgahlanong le legato, taetšo goba sephetho sa Poto

- (1) Bjale ka ge go begilwe go Molao wo, motho yoo -
 - (a) a dirilego kgopelo go Poto, ya go fa, go mpshafatša, go fetoša goba go fetišetša tumelelo;
 - (b) yoo e lego moswaratumelelo yeo e filwego ke Poto;
 - (c) go ya ka mokgwa le nako yeo e dumelitšwego ke taolo, a ka hlagiša boemedi go Poto a ganetša goba a thekga kgopelo yeo e phatlaladitšwego ka tlase ga karolo 11, mme a angwa ke legato, taetšo goba sephetho sa Poto, ka mokgwa le nako yeo e dumelitšwego, ka morago ga ge Poto e phethile legato goba e file taetšo goba sephetho, bopiletšo kgahlanong le sephetho, taetšo goba sephetho go Komišene.
- (2) Moo Poto e begelago motho taetšo goba sephetho seo se begilwego go karolwana (1) ka go ngwala lengwalo, letšatši la lengwalo leo, ka baka la karolwana (1) le (3), le tla tšewa go ba letšatši leo Poto e filego taetšo goba sephetho.
- (3) Komišene e tlamegile go amogela, go ya ka karolwana (4) le ditaolo, le go šetša boipiletšo bjoo bo dirilwego go yona go ya ka karolwana (1), gomme, go ya ka yona -

- (a) e ka ganetšago boipiletšo ya tiišetša legato, taetšo goba sephetho seo se dirilwego kgahlanong; goba
- (b) ya emiša bopilešo, ya beela thoko legato, taetšo goba sephetho kgahlanong, gomme
- (i) ya bea sebakeng legato, taetšo goba sephetho seo Poto nka bego e se tšere gonba e se file; goba
- (ii) tsoša taba yeo e hlotšego boipiletšo go Poto gore e šetšwe ka lefsa; goba
- (c) swara boipilešo gannyane mme ya fotoša legato, taetšo goba sephetho seo go dirilwego boipilešo kgahlanong le sona.

(4) Moswaramarapo wa Komišene goba leloko la Komišene yoo a kgethilwgo ke moswaramarapo, ka kgopolole ya gagwe ntle le go fa pego goba go theeletša bao ba nago le kgahlego, a ka -

(a) fa kgopelo gore e fetišetšwa pele ya go faelwa ka morago ga nako ga pego goba boipilešo, ge e le gore boipilešo bo dirwa ka tsela yeo e dumelšwego, lebakeng la matšatši a 42 ka morago ga gore Poto e tšee legato, goba e fe taetšo goba sephetho seo boipilešo bo dirilwego kgahlanong le sona, goba e gane;

(b) e fe goba e gane kgopelo ya go fega tšhomiso ya legato, taetšo goba sephetho sa Poto seo boipilešo bo duirilwego kgahlanong le sona;

(c) beeble thoko legato, taetšo, goba sephetho sa Poto seo boipilešo bo dirilwego kgahlanong le sona le go tsoša taba yeo gore Poto e lekole ka lefsa.

(5) Legato, taetšo goba sephetho sa Komišene ka tlase ga karolwana (3)(b)(i) goba (c), ntle le go mabaka a karolwana (1), e tla tšewa go ba legato, taetšo goba sephetho sa Poto.

21. Tshepedišo

(1) Komišene goba Poto, mabakeng a gore e ahlaahle taba yeo e lebanego le yona, go ya ka Molao wo -

(a) ka kgopolو ya yona, efela ka tlase ga karolo 24(2)(b), e ka dumelela motho yoo a angwago goba a nago le kgahlego go taba yeo, goba kemedi yeo e dumeletšwego ya motho yoo, go itšweletša pele ga yona-

(i) go fa bohlatse goba go dira polelokemedi yeo e lebanego le taba; goba

(ii) go bitša dihlatse le go fa bohlatse potšišong yeo e lebanego le taba; goba

(iii) go botšiša motho yoo a itekago bjalo ka hlatse mo tabeng;

(b) ka pego ya go ngwalwa yeo e dumeletšwego ke taolo mme e phethwa ka mokgwa woo o dumeletšwego, go nyaka mōtho gore a itšweletše pele ga yona go fa bohlatse goba go tliša puku, polane goba mangwalo a mangwe goba sengwalwa seo a se swerego goba ka tlase ga taolo ya gagwe;

(c) go bitša motho yoo a lego ntshe lefelong leo Komišene goba Poto e swaranego le taba, goi itšweletša pele ga yona go fa bohlatse goba go tliša puku, polane goba tokumente(lengwalo) goba sengwalwa seo motho a se swerego;

(d) botšiša motho yoo a itšweleditšego pele ga yona bjalo ka hlatse

(e) gana go kwa motho yoo a itšweleeditšego pele ga yona bjalo ka hlatse yoo a ganago go tlangwa goba go tiisetšwa gore ke hlatse.

(2) Motho yoo a etilego pele kopanong ya Komišene goba Poto yeo go yona motho a itšweletšago bjalo ka hlatse bjalo ka ge go begilwe go karolwana (1), a ka fa boitlamo goba tiisetšo go motho yoo a itšweletšago.

(3) Leloko la Komišene goba Poto yoo a šomago ka tlase ga karolo 20(4) maatla goba mošomo wa Komišene goba Poto, mabakeng a maatla goba mošomo, e tla ba le maatla ao e a filwego ke karolo go Komišene goba Poto, motho yoo a etilego pele kopanong ya Komišene goba Poto.

(4) Poto e tlamegile go thuša makgotla ao a nago le kgahlego ka taelo ka mabaka ao a ngwetšwego go sephetho seo e se tšerego.

22. Go thoma go šoma ga koketšo ya ditefišo tše dingwe go se ke gwa fegwa pele ga kahlo kgorotsheko mabapi le dikoketšo

Nako le nako ge tumelelo yeo e dumelago tshepedišo ya batho ka moputso e bega gore tshepedišo e swanetše go ya ka ditefišo tše di beilwego go tumelelo goba kamogelo goba di bewe ke Poto goba Komišene ya Dinamelwa ya Bosetšhaba, le Poto ka morago ga fao, ka go dira kgopelo e fetoš nyakego goba lebaka leo ka go oketša ditefišo tše di amogetšwego goba di beilwego, go thoma go šoma ga ditefišo tše go ka se fegwe pele ga kahlolo ya bofelo ya kgorotsheko mabapi le phetoš yeo.

23. Koketšo ya ditefišo tše dingwe pele ga kgopelo ya phetošo ya tumeleo ya maleba

Nako efe le efe ge tumelelo ya bohole yeo e dumelago tshepedišo ya batho ka go ba lefiša e bega gore moswaratumelelo o tlamegile kwana le lebaka la gore tshepedišo e tlamegile go ditefišo tše di amogetšwego goba di beilwego ke Poto goba Komišene ya Dinamelwa tša Bosetšhaba, moswaratumelelo, nako efe kapa efe, ka morago ga koketšo ya tefo ya petrole ka gare ga Riphabliki, a oketša ditefišo, efela e sego ka godimo ga dipresente tše 10, bjalo ka ge e tla dumelela go hwetša tshenyagalelo ya petrolo yeo e bileyo gona ka baka la koketšo ya tefo ya petrolo, ge e le gore ka sebaka sa matšatši a lesome ka morago ga go šoma ga ditefišo tše di okeditšwego, moswaratumelelo o lebiša kgopelo go Poto go dira phetošo ya maleba ya tumelelo ya maleba ka tlase ga Molao wo.

24. Kgogelomorago, Phego goba phapantšho ya tumelelo

- (1) Ka tlase ga ditšweletšo tša karolwana (2), Poto, nako efe kapa efe, e ka -
- (a) gogela morago goba ya fega, lebaka leo e bonago le lebane, tumelelo ya bohole yeo e filwego ke yona -
- (i) ge eba moswaratumelelo goba mošomedi wa moswaratumelelo o golegetšwe molato ka tlase ga Molao wo goba ka tlase ga molao woo o sepetsanago le dinamelwa goba taolo ya sephethepheth, goba, mo lebakeng la moswaratumelelo yoo a gwebago ka dinamelwa tša mmileng, ka go phoša goba go palelwa ke go kwana le ditšweletšo tša pego, tumelelano, mpho, laesense goba tlogelo yeo e amanago le mogodišo wa mošomo goba diiri tša mošomo tše di sepetsanago le molao woo o tlamago moswaratumelelo bjalo ka mošomedi, le go mošomedi wa moswaratumelelo kgwebong; goba

- (ii) ge eba, go ya ka kgopolu Poto, moswaratumelelo ga a phethagatša mabaka a tumelelo ka botshepegi; goba
- (b) ka kgopolu ya yona e gogela morago, goba e a fega nako yeo e bonago e lebane, tumelelo, ge eba mabaka ao tumelelo e filwego ka tlase ga wona a fetogile; goba
- (c) ge eba Poto e bona go le bohlokwa, e ka phumula goba ya fapantšha mabaka, goba ya oketša lebaka lefe kapa lefe, goba ya hhalosa, ya hhalosisa, fokotša goba ya fetoša, bolaodi bjoo bo lego go tumelelo ya bohole yeo e filwego ke bjona.
- (2) Poto e ka se re ka tlase ga karolwana (1) ya ikgogela morago goba ya fega tumelelo ya bohole, goba ya phumula goba ya fapantšha lebaka goba nyakego, goba ya oketša lebaka, goba ya fetoša, bolaodi bjoo bo lego go tumelelo, ntle le ge -
- (a) Poto e file pego ya go ngwalwa lebaka la matšatši ao e sego ka tlase ga a 10 gore e rata go dira seo, mmogo le mabaka go moswaratumelelo ka poso ya go ngwadišwa; gomme
- (b) Poto e file moswaratumelelo sebaka, ka boyona goba ka kemedi yeo e dumeletšwego, go itšweletša pele ga Poto le go fa bohlatse le go tšweletša boemedi mabapi le magato ao a tlogo tšewa; gomme
- (c) mo mabakeng a tumelelo ya bohole yeo e dumelelago tshepedišo ya letšatši ka letšatši ya batho ka gare go ya goba go boa lefelong la maatlataolotoka la masepala, Poto e fa masepala sebaka sa go tšweletša boemedi, ka mokgwa le nako yeo e dumeletšwego, go Poto mabapi le magato ao a tlogo tšewa.

25. Kgogelomorago goba peobakeng ya tumelelo ya bohole ka morago ga nyakiššo

(1) Nako efe le efe ge MEC a na le mabaka a go dumela gore, maikemišetšo e le go tliša kaonafatšo nolofatšong ya dinamelwa ka gare ga lefelo goba mmileng, goba ka mabaka a šele, go tla bago mohola goi kgahlegong ya setšaba, gore tumelelo ya bohole e gogelwe morago goba tumelelo e gogelwe morago lefelo leo ge tumelelo goba ditumelelo di filwe motho yoo e sego moswaratumelelo, MEC a ka dira nyakiššo ya bohole mabapi le gore Poto e dire eng.

(2) Pego ya nyakiššo e swanetše go fiwa ka tsela yeo e dumeletšwego, mme batho ka moka bao ba nago le kgahlego ba tlamegile go fiwa sebaka sa go tsenela le go theeletšwa nyakiššong.

(3) Poto ka thušo ya institute ya nyakiššo e šetša ditšweletšo tša karolo 12(1).

(4) Ka morago ga go šetša pego yeo e tlišitšwego go yena ka go hlohleletša nyakiššo, MEC, ka tlase ga karolwana (5), a ka laela gore tumelelo yeo e bego e rerwa go nyakiššo-

(a) e gogelwe morago; goba

(b) e gogelwe morago le gore tumelelo e tee goba tše mmalwa di ntšhetšwe motho goba batho, e sego moswaratumelelo, mme taetšo ye e tla thoma ka letšatši leo le tlago bewa ke MEC mme la begwa ka go ngwalela batho bao ba angwago, e se be ka tlase ga kgwedi e tee goba ka godimo ga dikgwedi tše lesomepedi ka morago ga letšatši la tsebišo.

(5) Ge tumelelo e gogelwa morago, MEC a ka se fe taetšo ka tlase ga karolwana (4) ntle le ge -

(a) ge go se na tumelelo ya bohole yeo e ntšhetšwago go motho yo mongwe, motho goba batho (bao ba tlago kgethwa ke MEC) yoo a thušago ka senamelwa ka gare ga lefelo goba mmileng woo senamelwa se filwego ke motho yoo tumelelo e gogelweago morago; goba

(b) ge e tee goba tše mmalwa tša ditumelelo tša bohole di ntšhetšwa motho goba batho ba bangwe, motho goba batho bao, ba file boithapo go kgotsofatša MEC go phumulamegokgo motho yoo

tumelelo ya gagwe e gogelwago morago go tahlegelo yeo e ka mo welago ka baka la go gogela morago tumelelo.

(6) Monamodi goba banamodi bao ba kgethilwego ka tsela yeo e dumeletšwego ba tlamegile go bea phumulamegokgo yeo e lefelwago go ya ka karolwana (5), ge go se na tumelelano magareng ga makgotla a mabedi ao a amegago, ka molnamoledi go ya ka Molao wa Bonamoledi, 1965 (MOlao 42 wa 1965), efela e ka se akaretša tefelo ya tahlegelo ya dipoelo ya lebaka la go feta dikgwedi tše lesomepedi go latela letšatši la kgogelomorago ya tumelelo yeo go bolelwago ka yona.

26. Phelo ya ditumelelo tše dingwe

(1) Ge Poto e nyaka, ka go ngwala pego yeo e rometšwego ka posongwadišo, moswaratumelelo ya bohole, nako efe kapa efe ka morago ga go fiwa tumelelo, go thoma senamelwa sa mmileng go ya ka go fiwa tumelelo yeo e bolelwago, pele ga letšatši leo le laeditšwego go pego goba letšatši morago ga fao leo Poto e ka le dumelelago ka go ngwala, tumelelo yeo go bolelwago ka yona e tla fela letšatšing leo le laeditšwego, goba morago ga fao, ntle le ge Poto e ngwala gore e kgotsofetše gore moswaratumelelo o thomilego šoma ka dinamelwa tša mmileng pele ga letšatši leo le bolelwago.

(2) (a) Ge motho a eba le kgahlego ya taolo go khamphane ka morago ga gore khampane fiwe tumelelo ya bohole, ntle le go amogelwa pele ke Poto, e hweditšwe ka tsela yeoe e amogelwago, go fiwa ga tumelelo go tla fedišwa go sa lebalwe ditšweletšo tšas karolo 15,

goba tumelelo yeo e filwego e tla fedišwa go tloga ka letšatši la go hwetša kgahlego ya taolo.

- (b) Tumelelo yeo e fedišitšwego go ya ka temana (a), mmogo le leswa leo le e kgethago le tsomegago go ya ka senamelwa seo tumelelo e filwego sona, lebakeng la matšatši a šupa ka morago ga gore tumelelo e fedišwe, ya bošetšwa morago go khampane yeo e filwego ka posongwadišo go Poto.
- (c) Go šetšeng kgopelo go dumeleng go hwetša kgahlego ya taolo go khampane yeo tumelelo ya bohole e filwego, Poto e swanetše go šetša gore -
- (i) ge eba go hwetša go ka hlola pušonoši yeo e ka se kgahlego setšhaba;
 - (ii) kgahlego yeo mokgopedi a nago le yona tshepetšong ye nngwe ya dinamelwa;
 - (iv) kgahlego yeo mokgopedi a nago le yona go dikhampane, setswalle, intasitiri, le dikgwebo tše dingwe;
 - (v) ditšwetšo tša karolo 12(1);
 - (vi) mabaka a mangwe ao go ya ka kgopolo ya Poto a ka amago potšišo ya gore na go bohlokwa go fa kgopelo.
- (d) Khampane yeo e thulanago le ditšweletšo tša temana (b) e tla bonwa molato mme ya lebanwa ke kotlo ya tefišo yeo e sa fetego R1000.
- (e) Ka baka la temana (a) polelo ya gore 'kgahlaego ya taolo', go ya ka khampane, e šupa kgahlego yeo e lego gona go khampane yeo ke khampane ye nngwe, ka go šetša gore khampane yeo ye nngwe, mabapi le khampane yeo e begilwego la mathomo, khampane yeo e laolago bjalo ka ge e hlalositšwe go Molao wa Dikhampane, 1973 (Molao 61 wa 1973, mme e akaretša kgahlego ye e swanago le yona e lego gona go khampane yeo ka motho wa nama.

27. Ditaolo

(1) MEC a ka dira ditaolo -

(a) ka go šetša -

(i) melaetša yeo bakgopedi ba tlamegilego go e lebiša le kgopelo go Poto go fa, go mpshafatša, go fotoša le go fetišetša pele tumelelo;

(ii) tsela yeo Poto e tlamegilego go latela e tlamegile go latela kgopelo;

(iii) melaetša yeo moipiletši e tlamegilego go e romela le boipiletšo go Komišene kgahlanong le legato, taetšo goba sephetho sa Poto;

(iv) melaetša yeo Poto e tlamegilego go e lebiša go Komišene goba go moipiletši mabapi le boipiletšo, le mokgwa woo le nako yeo mealetša yeo e tlamegilego go laetšwa;

(v) tsela yeo e tlamegilego go latelwa ke Komišene ka go šoma ka kgopelo;

(b) go nyaka tefelo mabapi le -

(i) kgopelo go Poto ya go fa, go mpshafatša, go fotoša goba go fetišetša tumelelo; goba

(ii) boipiletšo go Komišene kgahlanong le legato, taetšo goba sephetho sa Poto; goba

(iii) go fiwa tumelelo ke TPAB, leswao la go ikgetha goba tokumenete goba khopi ya seo, le go dumelela bogolo bja tefišo, mabaka ao tefišo e lefšago e tla lobja goba ya bušetšwa morago ka moka goba ka karolo, bogolo bja karolo ya tefopušetšo le mabaka a gore bogolo bja tefišo yeo go ya ka kgopoloy a Poto e lobje ka moka goba e bušetšwe morago ka botlalo goba ka karolo;

(c) e nyakago tefelo ya tefišo ya ngwaga ka ngwaga mabapi le tumelelo yeo e filwego goba e mpshafaditšwego lebaka leo le sego la laolwa goba lebaka leo le fetago dikgwedi tše lesomepedi, le go bea bogolo bja tefelo le dinako tše e tlamegilego go lefša ka tšona;

- (d) dumelala ditlhao lo le dinyakwa tše o senamelwa seo se šomišwago mmileng go sepetša batho e tlamegilego go kwana le tšona, le go thibela tšomiso ya dinamelwa tša mmileng mabakeng ao a senamelwa ao a sa kwanego le tlhaolo goba dinyakwa;
- (e) dumelala mokgwa woo leswao la go hlaola, kgetholla, tumelelo, pego goba tukumente ye nngwe goba go ngwala goo go tsomegago go laetšwa goba go tšweletšwa senamelweng go ya ka Molao wo, goba lebaka leo le beiwego, e tlamegile go laetšwa goba e tšweletšwe sefataganageng fao e swanetšego;
- (f) go bušetša morago go Poto tumelelo, ka tlase ga mabaka ao a hlaotšwego, goba ka taelo ya Poto, ga tumelelo yeo e fedilego goba e gogetšwego morago goba e fegilwego go ya ka Molao wo, goba yeo ditšweletšo di sa sepetšanego le bolaodi bjo bo lego sephetho sa Poto, goba yeo bolaodi bo fotošitšwego;
- (g) dumelala direkhoto go bolokwa ke motho yoo a swaranego le dinamelwa tša mmileng, mme dipelo le melaetša di tlišwe ke motho go Poto goba mohlanka wa Gauteng;
- (h) dumelala tlhago le mokgwa wa leswao la tlhaolo, boikgetollo, tumelelo, pego, foromo, sebopego, saese le mmala, le melaetša yeo e swanetšo go ba ka gare ga leswao la tlhaolo, boikgethollo, tumelelo, pego goba tukumente ye nngwe goba go ngwala, goba go fa Poto maatla a go dumelala foromo yeo;
- (i) go dumelala tefelo goba kamogelo tše o di lefelwago motho yoo a laetšwego ka tlase ga karolo 18 go itšweletša pele ga Komišene goba Poto go fa bohlatse goba go tšweletša puku, polane goba tukumente ye nngwe goba sengwalwa;
- (j) dumelala goba go sohla taba yeo go ya ka Molao wo e nyakegago go dumelwa goba e šogwe ke ke taolo.

(2) MEC a ka se re ka tlase ga karolwana (1)(b),(c) goba (i) a dumelela tefo goba diemo tšeо ditefelo di tlamegilego go ba di kago bušetšwa morago, goba bogolo bja pušetšotefišo goba bogolo bja pušetšotefišo, ntle le ge e le ka kwano ya MEC yoo a ikarabelago go tšelete.

(3) Ditaolo tšeо di dirilwego ka tlase gas karolwana (1) di ka dumelela tshelo ya molao ya seo goba go palelwa go kwana le seo, dikotlo tšeо di sa fetego di dumelšwego ke karolo 35.

(4) Ditaolo tše fapanego di ka dirwa ka tlase ga karolwana (1) go ya ka ditumelelo tše fapanego, mafelo, mehuta ya dinamelwa, diforomo, mehuta ya dinamelwa tša mmileng, mabaka le makge ao senamelwa se šomišwago mmileng.

28. Peo ya bahlahlobi

Hlogo ya Lefapha a ka bea bahlanka goba bašomedi ba Lefapha bjalo ka bahlahlobi ba dinamelwa.

29. Maatla a bahlanka bao ba dumelšwego

(1) Mohlanka yoo a dumelšwego a ka tlogela ka taelo ya Poto, tumelelo yeo e fedilego goba e gogetšwego morago goba e fegilwego go ya ka Molao wo.

(2) Mohlahlobi goba leloko la Ditirelo ya Sephodisa ya Afrika Borwa a ka amoga senamelwa seo se belaelwago ka mabaka ao a kwagalago gore se šomišitšwe ntle le tumelelo ya dinamelwa tša mmileng, gomme MEC a ka dira ditaolo tša gore sefatanaga sa go amogwa ka tsela yeo se dirwe eng pele ga go bonwa molato kgorong ya tsheko go ya ka dinamelwa tša mmileng tšeо di sego tša dumelwya.

(3) Ntle ga mešomo le maatla ao a lebištswego go Molao wo, mohlanka yoo a dumelitšwego ka go sepetšana le dinamelwa tša mmileng, a ka -

(a) dira gore senamelwa se emišwe ka -

(i) leswaoema sa sebopego seo se dumelitšwego;

(ii) klaxon yeo e nameditšwego senamelweng sa mohlanka yoo a dumelitšwego; goba

(iii) lebone leo le gašago mahlasedi a talaleratadima mathokong ohle leo lenameditšwego senamelweng sa mohlanka yoo a dumelitšwego,

mme a tsena ka gare ga senamelwa mme a se lekola mmogo le ditukumente tše di dumelago senamelwa, maikemišetšo e le go kgonthišiša gore na senamelwa se šomišwa go ba senamelwa sa mmileng goba go laetša maatla a molao, goba go phetha mošomo goba go tšea legato leo le dumelitšwego;

(b) nyaka gore mootledi wa senamelwa a fe leina le atrese le tokumente ya bohlatse ya go thekga leina le atrese ya mong senamelwa, mmogo le ditatofatši tša kgwebo mabapi le tšomis̄o ya senamelwa;

(c) laela gore mootledi goba motho yoo a lego taolong ya senamelwa a bontšhe ditukumente gore di hlahlobje, goba direkhoto tše dingwe sefataganeng tše a nago le tšona mme di tswalana le batho bao ba sepetšwago ka senamelwa seo;

(d) laela gore motho yoo a lego senamelweng seo go kgodišago gore se šomišwa bjalo ka senamelwa sa mmileng, goba motho yoo a sa tšwago senamelweng, a laetše leina la gagwe ka botlalo le atrese le ditukumente tša bohlatse bja go thekga seo mme motho yoo a bolele le gore o lefile goba o tlamegile go lefela go sepetšwa ka senamelwa seo, le gore a bolele leina le atrese ya motho yoo tefelo e tlamegilego go lebišwa go yena;

- (e) laela gore direkhoto di bewe go ya ka Molao wo gore di laetšwe ke mootledi wa senamelwa goba ka mothušamootledi ge a le gona, gore di hlahlobje;
- (f) tsena lefelong ka nako yeo e kwagalago go dira dinyakišišo go ya ka bokgole bja mošomo bjalo ka mohlanka yo a dumelšwego, gomme a ka botšiša motho yoo a mo gopolelagore a ka mo fa melaetša yeo e hlokegago, gomme a ka mo laela gore a mo fe dipuku ka moka le ditukumente tše o gopolago gore e ka ba bohlatse bja gore o dirile phošo goba phošo yeo e gopolelwago go ya ka Molao wo, gomme a ka lekola puku goba tokumente gomme a dira ditsopolwa goba dikhopi ge eba mmotšišwa o fiwa o na le tokelo ya motho mang le mang yoo a lego boemong bja kgoro ya tsheko a ka laelago go e fiwa;
- (g) laela gore mootledi goba motho ofe le ofe yoo a nago le maikarabelo a senamelwa seo se šomišwago bjalo ka senamelwa sa mmileng a laetše ditukumente tše o filwego ke Poto mabapi le senamelwa seo goba senamelwa seo di šomišetšwago, gomme di tsongwa ke molao gore di bolokwe senamelweng seo;
- (h) laela gore mootledi goba motho ofe kapa ofe yoo a nago le maikarabelo a senamelwa seo se šomišwago bjalo ka senamelwa sa mmileng, seo se senyegilego kudu go ka ba kotsi go batho le dithoto, a tliše tumelelo yeo, mmogo le maswao a go ikgetholla ao a sepetšanago le senamelwa, le gore o tla tlogela morero wa gagwe go fihlela bofokodi bja senamelwa bo alafša;
- (i) ka taelo ya Poto a ka amoga tumelelo nngwe le nngwe yeo e laetšwego ka lenaneo mme a e tšweletša go Poto.

(4) Ntle le merero le maatla a hlaotšwego go Molao wo, mohlahlobi, le leloko la Tirelo ya Maphodisa a Afrika Borwa, a ka amoga senamelwa seo se belaelwago gore se be se šomišwa bjalo ka senamelwa sa mmileng seo se sego tumelelong.

(5) Ka morago ga go amoga senamelwa go ya ka karolwana (3), motho yoo a se amogilego a ka lebiša senamelwa seo setešeneng sa maphodisa, moo taba ya sona e ka sohlwago go ya ka Molao wa Lenaneo wa Bosenyi, 1977 (Molao 51 wa 1977).

30. Melato le dikiletšo tše di amanago le dinamelwa tša mmileng

- (1) Motho yoo -
- (a) a šomago ka dinamelwa tša mmileng ntle ga bolaodi bja tumelelo yeo e dumelago seo; goba
 - (b) e lego moswaratumelelo, a šomago ka dinamelwa tša mmileng, yeo e sa sepetšanego le ditšweletšo tša tumelelo, goba go ya ka karolwana 23, o tshela goba o kgahlanong le mabaka a tumelelo goba karolwana 19; goba
 - (c) e lego moswaratumelelo ya bohole yeo e dumelago tshepedišo ya batho ka go hwetša moputso
 - (i) a gana ntle ga mabaka ao a kwagalago (mme teko ya bohlatse bja seo e le go yena) go sepetša motho yoo tumelelo e mo dumelago go mo rwala; goba
 - (ii) go ya ka ditšweletšo tša karolo 23; o lefiša banamedi, mme seo se sa sepetšane le ditifišo tše di beilwego go tumelelo, goba tše di bego di tlamegile go phatlalatšwa go ya ka tumelelo; goba
 - (iii) kgopela goba amogela tefišo ntle ga tšelete; goba
 - (d) e le moswaratumelelo, a e fago motho yo mongwe gore a e šomiše go dinamelwa tša mmileng etšwe a se a dumelwa go ya ka Molao wo, o tla bonwa molato go seo.

(2) Moswaratumelelo a ka se latofatšwe go ya ka karolwana (1)(c)(i) ge a gana go nametša, ge eba ka nako ya ge a gana, o fedišitše go šomiša dinamelwa tša mmileng tše di dumelelwago ke tumelelo, goba karolo ya seo ka morago ga go fa tsebišo yeo e dumeletšwego.

(3) Ga go motho, ntle ga bolaodi bja go ngwalwa ke Poto, a tlago bega ka go phatlalatša kuranteng goba ka tsela ye nngwe-

(a) gore o rata go šoma ka dinamelwa tša mmileng, ntle le ge fela e le moswaratumelelo yeo e dumelelago tshepedišo; goba

(b) motho yo mongwe o rata go šoma ka dinamelwa tša mmileng, ntle le ge motho yoo e le moswaratumelelo yeo e dumelelago tshepedišo, mme motho yoo a begilwego mathomong a dumeletšwe ke motho wa bobedi go dira pego yeo, mme pego yeo e tšweletša leina la modirapego.

(4) Motho yoo a tshelago karolwana (3), o tla pharwa molato wa go tshela molao.

31. Melato ka kakaretšo

Motho o tla ba le molato ge -

(a) ka maikemišetšo a go aketša, a ingwalela tumelelo goba tokumente nngwe le nngwe yeo e fiwago go ya ka Molao wo, goba a fetolago goba a oketšago sengwe go tumelelo goba tokumente efe kapa efe e fiwago go ya ka Molao wo; goba

(b) a tseba gore sengwalwa ga se tumelelo goba tokumente yeo e filwego go ya ka Molao wo, goba tumelelo goba tokumente yeo e filwego go ya ka Molao wo e fetotšwe, goba e okeditšwe go thulana le temana (a), a bolela sengwalwa, tumelelo goba tokumente goba a e šomiša go ya ka Molao wo;

- (c) ntle le ge go laeditšwe go Molao wo, a fetešetša tumelelo goba leswao leo le kgethollago, ntle ga kwano ya go ngwala ya Poto, go senamelwa goba motho yoo e sego senamelwa goba motho yoo go lebišitšwego go yena goba sona, goba yoo leina la gagwe le lego go tumelelo, goba go leswao leo le ikgethollago; goba
- (d) ge e se mohlahlobi, ka mantšu, a ka sepetsa goba a sola maitekelo a go ipea mohlahlobi; goba
- (e) kgetha go thibela goba go šitiša mohlahlobi go phetha morero wa gagwe go ya ka Molao wo; goba
- (f) a hloka mabaka ao a kgotsofatšago (go tšwa go yena go laetša seo) a palelwa goba a gana go ipega pele ga Komišene goba Poto ka morago ga gore a laelwe go ya ka karolo 21(1)(b) goba
- (c) go dira seo, goba ka morago ga go ipega, a palelwa goba a gana go araba dipotšiša tša semolao ka tsebo le bokgoni, goba a hlolwa ke go laetša puku, polane goba ditumente tše dingwe goba sengwalwa seo a laetšwego go se laetša; goba
- (g) mabapi le kgopelo, boipiletšo, nyakišišo ka tlase ga Molao wo, a dira setatamente seo se fošagetsego, e ka ba ka go bolela goba ka go ngwala, etšwe a tseba gore se fošagetshe; goba
- (h) a hwetša tumelelo ya bohole go tšwa go Poto a tseba gore tumelelo ya bohole e šetše e filwe mothotsoko go senamelwa seo se amegago.

32. Molao goba tlogelo ya molaodi, moemedi goba mošomedi wa moswaratumelelo

- (1) Nako efe kapa efe ge molaodi, moomedi goba mošomedi wa moswaratumelelo a phetha goba a sa phethe molao, woo go ya ka Molao, e tla bago phošo ge o se wa phethwa goba o phethilwe, gona, ntle le ge moswaratumelelo a hlatsela gore -
- (a) ga a na tsebo ya goba go dumelala tiragalo goba tlogelo; gomme
- (b) o ile a tšea magato ka moka ao a kgodišago go thibela tiragalo goba tlogelo ya tiro yeo; goba

(c) tiragalo goba tlogelo, e ka ba ya semolao goba yeo e sego molaong, ya mohuta wa tiro goba tlogelo yeo e dirilwego, ga e wele taolong ya goba boemong bja mošomo wa molaodi, moemedi goba mošomedi, moswaratumelelo o tla bonwa molato wa tiro goba tlogelo mme a swanelwa ke go latofatšwa le go pharwa molato go ya ka seo. Go ya ka temana (b), gore o phethile tiragatšo goba o e tlogetše, go ka se tšewe bjalo ka bohlatse bjo bo kgodišago bja gore o phethile goba o tlogetše go phetha.

(2) Nako efe kapa efe ge molaodi, moemedi goba mošomedi wa moswaratumelelo a phetha goba a tlogela go phetha tiro yeo e tla bago molato go ya ka Molao wo go moswaratumelelo go e phetha goba go e tlogela, molaodi, moemedi goba mošomedi wa moswaratumelelo o tla lebanwa ke go latofatšwa go ya ka seo tše e kego ke yena moswaratumelelo.

33. Dikotlo

Motho yoo a latofaditšwego go ya ka Molao wo, mme go se na kotlo yeo e begilwego, o tla lebanwa ke kotlo ya go se be ka godimo ga R20000, goba go golegwa lebaka leo le sa fetego nywaga ye mebedi, goba a lefišwa tšhelete a be a golegwa.

34. Tahlegelo

(1) Kgoro yeo e latofatšago motho go bošaedi go ya ka Molao wo, mabapi le go dumelela dinamelwa tša mmileng, e ka laela senamelwa seo se šomišwago goba ditokelo tša motho yoo a latofaditšwego sefatanageng, di se sa šoma Profenseng ya Gauteng: ge eba kahlolelo yeo e ka se ame tokelo efe kapa efe yeo motho yo mongwe fela, esego molatofatšwa, a bego a sa tsebe gore

senamelwa se goba se be se šomišwa bjalo ka senamelwa sa mmileng seo se dumneletšwego, goba
a ka se kgone go thibela go šomišwa ga senamelwa seo

(2) Karolo 35(4) ya Molao wa Lenaneo wa Bosenyi, 1977 (Molao 51 wa 1977) e tla šoma le
diphetogo tša yona tše di tsomegago mabapi le go tatlhegelo go ya ka karolwana (1)

35. Phetho ya tatofatšo ya bobedi goba ye e latelago ya melato ye mengwe

(1) Tatofatšong ya bobedi goba ye e latelago ya motho go molato wo o amago dinamelwa tša
mmileng tše di dumeletšwego, Poto e ka -

(a) ka pego ya go ngwalwa yeo e rometšwego ka poso yeo e ngwadišitšwego, ka boripana e ka
gogela morago tumelelo yeo e swerwego ke motho yoo mme e filwe ke Poto; gomme
(b) lebakeng leo Poto e ka bona go lebane, go sa šetšwe gore tumelelo yeo e swerwego ke motho
yoo e gogetšwe morago go ya ka temana (a), a ka gana go šetša kgopelo ya go fa goba go
fetišetša tumelelo go yena goba go khampane yeo e lego mookamed, goba mpshafatšo ya
tumelelo yeo e swerwego ke yena goba khampane.

(2) Ka baka la karolwana (1) tatofatšo ya khampane go bošaedi bjoo bo begilwego karolwaneng
yeo e tla tšewa bjalo ka tatofatšo ya mang le mang yoo e kilego ya ba mookamed wa khampane
yeo ka nako yeo ya ge molato woo o dirwa.

36. Kgopolelo le bohlatsa bja dintha tše dingwe

(1) Tatofatšong go ya ka Molao wo -

- (a) motho yoo a sepeditšego motho yo mongwe ka senamelwa, goba a dumeletšego tshepedišo ka motho ka motho mmogo le mootledi wa senamelwa, o tla tšewa gore o šomišitše dinamelwa tša mmileng, ntle le ge bohlatse bja kganetšo ya seo bo ka laetšwa;
- (b) ge go ka laetšwa bohlatse bja gore motho o nameditšwe senamelwa kgahlanong le karolo 30(1)(a) ka senamelwa se se itšego, mong wa senamelwa seo o tla tšewa gore o sepeditše motho yoo, ntle le ge a ka fa bohlatse bja gore e be e se mootledi wa senamelwa seo nakong ya tshepedišo yeo go bolelwago ka yona gomme ga a dumelela tšomisjo ka senamelwa seo;
- (c) motho yoo a swerego tokumente ya bofora yeo e kego ke tumelelo ya go fiwa go ya ka Molao wo, goba yoo a swerego tumelelo yeo e fetotšwego, e sentšwego goba e okeditšwego mme seo se le kgahlanong le Molao wo, o tla tšewa gore o dirile tokumente, goba o e fetotše, goba o e sentše goba o e okeditše, ntle le ge bohlatse kgahlanong leo seo bo ka laetšwa.

(2) Tokumente yeo e šomišwago bjalo tumelelo yeo e filwego ka Molao wo, goba khopi ya tumelelo yeo e tiišeditšwego go ba khopi ya makgonthe ke motho yoo a ipitšago mohlanka wa Poto, e tla re ge e ntšhwa ke motho yoo a latofatšwago ka tlase ga Molao wo, ya amogelwa bjalo ka bohlatse mme ya tsewa gore ke bohlatse bjoo bo laeditšwego ka tlas ga Molao, goba ke khopi ya nneta ya tumelelo, le gore setatamente sengwe le sengwe se nepagetše.

(3) Tokumente yeo e rego senamelwa seo se hlaloswago go yona, ka tlase ga molao wa maleba woo o amanago le ngwadišo ya dinamelwa, e ngwadišitšwe ka leina la motho yoo a ngwetšwego go yona, yeo e rego e filwe ke bolaodi bjo bo nago le maatla a go ngwadiša dinamelwa lefelong leo senamelwa se ngwadišitšwego go lona, e tla re ge e laetšwa ke molatofatšwa ka tlase ga Molao wo, ya amogelwa bjalo ka bohlatse bja nneta bja setatamente.

37. Maatlataolotoka

Kgoro ya magistrata e tla ba le maatlataolotoka a go bea kotlo go Molao wo.

38. Thaelelo ya Dikoloto

Ga go ditshepetšo tša segae goba tša bosenyi tše di tlago hlangwa goba tša tšwetšwa pele kgorong ya tsheko ya molao kgahlanong le mohlanka yoo a dumelšwego goba mongmošomo wa mohlanka yo a dumelšwego go ya ka Molao.

39. Tšelete

Ditšelete ka moka tše di amogetšwego ke Komišene goba Poto ka tlase ga Molao wo di tlamegile go lefša go Sekhwama sa Ditseno sa Profense, mme ditshenyagelo ka moka tše di bilego gona tshepetšong ya Molao wo, di šutušetšwe go ditšelete tše di lebanego tša Sekhwama ke Mmušo wa Profense: ge eba tshenyagelo tše di bilego gona ka baka la ge mohlanka yo a dumelšwego a phetha morero wa gagwe, di tla šutišetšwa ke mongmošomo wa mohlanka yoo a dumelšwego.

40. Tswalano ya Molao le melao ye mengwe

Ditšweletšo tša Molao wo e tla ba dikoketšo go, e sego go šuthiša melao ye mengwe yeo e nyalelanago le dinamelwa.

41. Phedišo

(1) Molao wa Dinamelwa tša Mmileng, 1977 (Molao 74 wa 1977) o a fedišwa go ya le ka fao o ſomago Profenseng ya Gauteng.

(2) Ditšweletšo tša Molao wa Dinamelwa wa Naga wa Bosetshaba, 1998 o ka se sa šoma Gauteng fao o thulanago le Molao wo goba Molao wa Gauteng wa Motlaoswere wa go Laola Ditirelo tša Ditaxi, 1997 (Molaowa 1997).

42. Ditšweletšo tša Phetošo

(1) (a) Ka tlase ga ditšweletšo tšo tša karolwana (2) le (3), peo, kabo, taolo, pego goba tokumente yeo e dirilwego, e phatlaladitšwe goba e filwe, goba sengwe se dirilwe, ka tlase ga ditšweletšo tša Molao wa Dinamelwa tša Mmileng, 1977, goba molao wa go etša woo, o tla tšewa gore o beilwe, wa hlongwa, wa phatlalatšwa, wa ntšhwa goba wa dirwa ka tlase ga ditšweletšo tša Molao wo tše di sepetšago le seo.

(b) Go temana ye ya (a) -

(i) tumelelo yeo e filwego ka tlase ga Molao wa Dinamelwa tša Mmileng, 1977, goba molao wo o swanago le woo, go ya ka tlhago ya senamelwa sa mmileng seo se dumelšwego ke wona, e ka fiwa ka tlase ga Molao wo, bjalo ka tumelelo ya bohole, e tla tšewa go ba tumelelo ya bohole yeo e filwego ka tlase ga ditšweletšo tša maleba tša Molao wo; gomme

(ii) kgopelo ya go fa tumelelo yeo e se šogo ya hlagišwa mathomong a Molao wo, e tla tšewa go ba kgopelo ka tlase ga molao wo ya go fa tumelelo ya maleba.

(2) MEC, a šoma go ya ka tumelelo ya Poto, nako efe kapa efe ka go tsebiša go *Provincial Gazette*, go tloga letšatšing leo le hlaotšwego go tsebišo, a ka fediša mohola wa tumelelo efe kapa efe yeo e begilwego go karolwana (1)(b) yeo e filwego lebaka la go ya go ile yeo e welago mohuteng goba legorong la ditumelelo tše di laeditšwego go tšwa go tsebišo.

(3) Poto, ka go ngwala tsebišo yeo e rometšwego ka poso ya go ngwadišwa go oswaratumelelo yoo a begilwego go karolwana (1)(b) (go sa šetšwe gore e filwe lebaka leo le theilwego goba go ya go ile) e ka gogela morago tumelelo go tloga ka letšatši leo le laeditšwego go tsebišo.

(4) Poto, ge eba e bona go swanelo go dira seo, e ka -

(a) nakong ya ge tumelelo yeo e begilwego go karolwana (1)(b) yeo mohola wa yona o fedisitšwego ke tsebišo ka tlase ga karolwana (2), goba yeo e gogetšwego morago ke pego ka tlase ga karolwana (3), ka taelo ya go ngwalwa ya moswaratumelelo yeo e dirilwego pele ga letšatši leo le laeditšwego go pego ya maleba bjalo ka letšatši la phedišo goba kgogelomorago, goba lebakeng la ka morago ga letšatši leo go ya le ka fao Poto e ka dumelelago; goba

(b) ka taelo ya go ngwalwa ya moswaratumelelo yeo e begilwego, e dirilwego nako efe kapa efe; goba

(c) ka morago ga go šetša ka šedi, go ya ka ditšweletšo tša Molao wo, kgopelo ya mpshafatšo, go fetoša goba go fetišetša tumelelo yeo go bolelwago ka yona go fa, e le go šuthuša tumelelo yeo e bolelwago, ka tumelelo ya maleba, go ya ka mabaka ao Poto e ka bonago a swanelo, tše o karego taelo goba kgopelo, e be e le kgopelo ya go fa taelo goba kgopelo, go fa tumelelo yeo e dirilwego, e phatlaladitšwego mme e šeditšwego go ya ka ditšweletšo tša maleba tša Molao wo.

(5) Ditšweletšo tša karolwana (2),(3) le (4) di ka se tšewe go hlaetša maatla ao a filwego MEC goba Komišene goba Poto mabapi le tumelelo ka ditšweletšo tše dingwe tša Molao wo, goba bjalo ka ditaelo tša go fa pego pele, goba sebaka sa go theeletšwa, go motho yoo a angwago ke kgopelo, le gore mohola wa tumelelo o fedisitšwe go ya ka karolwana (2), goba tumelelo e gogetšwe

morago go ya ka karolwana (3), e ka se štiše kgopelo ya gore go fiwe tumelelo go mokgopedi yoo e bego e le moswaratumelalo yeo go bolelwago ka yona.

43. Hlogokopana le thomo

- (1) Molao wo o tla bitšwa Molao wa Dinamelwa tša Mmileng wa Motlaoswere wa Gauteng, 1997, mme o tla thoma go šoma letšatšing leo le beilwego ke MEC ka go tsebiša go *Provincial Gazette*.
- (2) Molao wo o tla fedišwa ka letšatšing la mathomo a molaso wa dinamelwa tša banamedibohle wa profense woo o butšwitšego.

PILI YA DINAMELWA TŠA MMILENG YA MOTLAOSWERE YA GAUTENG

Memorantamo go ya ka Molao 134 wa Melao yeo e Šomago ya Mmušo wa Profense ya Gauteng

1. MABAKA A PILI

Profense ga bjale e kalokana le go ngwala drafote ya molao wa go šetša ditaba tša dinamelwa. Ye nngwe ya dipili tše di gopotšwego ke Pili ya Dinamelwa tša Mmileng tša Banamedibohle go swaragana le le dinamelwa ka moka tša banamedibohle tša mmileng. Ka baka la go tsomega ka tšhoganetšo go ahlaahla mathata a intastiri ya ditaxi tše nnyane Gauteng, go tliša kwano le boitsetsepelo go intasitiri, le go fediša dintwa tša ditaxi, Pili ya nakwana ya go Laola Ditaxi (Pili ya Ditaxi ya Motlaoswere) e ile ya akamywa e le motlapele go Pili ya Banamedibohle. Pili ya Ditaxi ya Motlaoswere e tla fediša Molao wa Dinamelwa tša Mmileng, 74 wa 1977 (RTA), woo ga bjale o thušago taolong go dinamelwa tša banamedibohle tša mmileng wa Gauteng ka go fa ditumelelo, tše di sepetšanago le ditirelo tša ditaxi. Pili ya Naga ya Bosetšhaba yeo e akantšwego, yeo e letetšwego go tšweletšwa mathomong a ngwaga wa 1988, o tla fediša, mme wa tlogela sekgoba molaong wa dinamelwa tša banamedi wa motlaoswere profenseng. Go Pili ya Motlaoswere ya Ditaxi yeo e tlogo tšweletšwa, go itlwaetša le photoš ya RTA bjalo ka ge e šoma gó Profense, e bohlokwa go thuša dipeakanyong tša nakwana, tše di dirilego gore tlhokego ya Pili ye e be gona. Ditšweletšo tša Pilio ye di tlamegile go balwa mmogo le tša Pili ya Ditaxi ya Motlaoswere.

Ka baka la nakwana ya Pili, ke fela diphetogo tše di lego bohlokwas tše di dirilwego go ditšweletšo tša bjale tša Molao. Diphetogo tše kgolo tše di dirilwego ke tše latelago:

- Ditšweletšo tša bjale di tsoma "go hlwekišwa" gore di kwane le diphetogo le kgolo ya molaotheo wo mofsa. Ka tsela ye, go fa mohlala, ditšhupo ka moka tša go laetša "magoro a batho" di phumutšwe.

- Ditšweletso ka moka tše di amanago le dinamelwa tša thoto di phumutšwe go ba dinamelwa tša thoto. Ga di sa laolwa ke tsela ya tumelelo, ntle le ditirelo tša boditšhabatšhaba tše di tlago laolwa ke molao wa bosetšhaba.

-Boipiletšo mabapi le dinamelwa tše di sepelago Gauteng fela di tla hlagišwa pele ga ga Khomišene ya Dinamelwa ya Profense yeo e hlomilwego ke Pili ya Ditaxi ya Motlaoswere, sego pele ga Khomišene ya Dinamelwa ya Bosetšhaba.

-Molao wo o fetišitše diphetogo tša tšhoganetšo go RTA ka Juni 1997 go thuša ka magato a nakwana a tšhoganetšo go lwantšha ntwa ya ditaxi, le go swaya dinamelwa tša ditaxi. Diphetogo tše di tšweleditšwe go Pili ya Ditaxi ya Motlaoswere.

-Makgotla a Kamogelo a Tumelelo ya Dinamelwa ao a hlomilwego ke Pili ya Ditaxi ya Motlaoswere le diofisi tša kamogelo tša Poto ya Tumelelo di tla šomišwa go sepetša dikgopelo tša ditumelelo ka baotledi bao e sego baotledi ba ditaxi le baotledi ba ditaxi.

- ditšweletšo le ditlhoso tše dingwe tša RTA di tsoma go bewa gotee le Molao wa Ditaxi wa Motlaoswere.

Sephetho se se tšerwe go phetha drafote ya RTA ya nakwana, sebakeng sa go fetoša RTA ya bjale, ka baka la diphetogo tše kgolo.

2. THULANO YA TIKOLOGO

Ga e gona.

3. KAMANO YA TŠHELETE YA PILI

Bjalo ka ge Pili e tšweletša RTA, e hloia go se be gona ga koketšo ya kamano ya tšelete.

4. GO NTŠHA MAIKUTLO GO GO AMOGETŠWEGO GO GO PHETHILWEGO

Drafote ya Pili ya Ditaxi ya Motlaoswere e phatlaladitšwe gore batho ba ntšhe maikutlo ka ga yona go *Provincial Gazette* kaJanaware 1997. Maikutlo a mantši a batho a amogetšwe go tloga go batšeakarolo, mme a ile a šetšwa a be a amogelwa moo go lebanego.

Ka baka la gore Pili ka boyona ga e tliše diphetogo ka bottalo, le ka baka la gore ke ya nakwana fela, ga ya phatlalatšwa gore batho ba ntšhe maikutlo ka yona, goba ya ahlaahlwa ka botelele. Le ge go bjalo, go dikahlaahlo tše mmalwa tšwa Pili di dirilwe le bahlanka ba Lefapha la Dinamelwa la Gauteng le Mešomo ya Bohle, Poto ya Ditumelelo ya Gauteng gomme e ile ya ama baotledi ba dinamelwa tša bohle.

5 TLHALOSO MANTŠU KA MANTŠU

c.1: Mantšu a mangwe ao a šomištšwego go Pili a hlaoswa karolong ye. Ga go diphētogo tše bonagalago tše di dirilwego go Molao wa Dinamelwa tša Mmileng, 1977 (RTA), wa bjale. Phetogo e tee ke tlošo ya tlhaloso ya "legoro" mabapi le batho, yeo e bego e beilwe go Molao wa pele go kgonthišiša kgethollo ya merafe.

c.2: Mantšu a a tšweletša go hlongwa ga Poto ya Tumelelo ya Dinamelwa ya Gauteng (Poto) go duia legatong la Poto ya Dinamelwa tša Mmileng yeo e hlotšwego ke RTA. Phetogo yeo e bonalago ke fela leina la Poto. Lekgotla la Dikeletšo la Poto le Mekgatlo ya Kamogelo ya

Tumelelo ya Dinamelwa go thuša Poto go boamogetši (e tee go lefelo la toropokgolo

Profenseng) di hlongwa ke Pili ya Ditaxi ya Motlaoswero.

c.3: Poto e na le maatla a go nyakiša ditaba tša dinamelwa, mme ya kalokana le dikgopelo go fa, go mpshafatša, go fetoša goba go fetišetša ditumelelo, mmogo le go fa ditumelelo.

c.4: Mantšu a a tšweletša go fediswa a ofisi, le go emišwa ofisi bjalo ka go ba maloko a Poto mabakeng a mangwe.

c.5: Mantšu a a laola dikopano le dipheto tša Poto.

c.6. Mang le mang yo a ratago go sepetša dinamelwa tša mmileng ntle ga ditirelo tša ditaxi, o tlamegile go lebiša kgopelo ya gagwe go Poto go hwetša tumelelo ge eba leeto leo le amegago le thoma Gauteng.

c.7: Mantšu a tšweletša mehuta ya dinamelwa tša mmileng tše di tlago hlaolwa go hwetšeng tumelelo. Se se mpshafaditšwe, mme ditšweletšo ka moka tše e sego tša maleba, tše di amanago le dinamelwa tša thoto, di tlošitšwe.

c.8: Go ya ka tumelelano yeo e fihleletšwego ka Protšeke ya Diphetošo ya Molaotheo, baotledi ba tla swanelwa ke go hwetša ditumelelo tša gore ba tla otela profenseng, efela ba tla lebiša dikgopelo go profense yeo leoto le thomago gona. Poto e tlamegile, le ge go le bjalo, go hwetša kwano ya dipoto tša diprofense tše dingwe mabapi le senamelwa seo se tlogago diprofenseng tše dingwe.

c.9: Bakgopedi ba ditirelo tša boditšhabatšhaba ba tla lebiša dikgopelo tša bona go Komiti ya Ditaolo ya Boemedi bja Tshelamollwane bjo bo hlomilwego ke molao wa bosetšhaba. Pele ga ge Boemedi bjo bo ka hlongwa, dikgopelo di tla tšwela pele go lebišwa go Komišene ya Dinamelwa ya Bosetšhaba ka tlase ga RTA.

c.10: Poto, ka thušo ya TPAB ya maleba, e tlamegile go amogela dikgopelo tša go fa, go mpshafatša, go kaonafatša goba go fetišetša ditumelelo. Poto e ka no gana go amogela

dikgopelo mabakeng a itšego. Go fa mohlala moo kgopelo ya go etša yeo e dirwago e ganeditšwe dikgweding tše tshela tše di fetilego.

- c.11: Dipeco tše dikgopelo di tlamegile go phatlalatšwa go *Provincial Gazette* mme e bewe go potong ya dipeco ya Poto le TPAB ya maleba, go kgontšha batho bao ba nago le kgahlego go tšweletša boemedi bja go thekga goba go ganetša kgopelo. Bomasepala bao mafelong a bona dinamelwa di tla bago gona ba tlamegile go fiwa sebaka sa go hlagiša boemedi.
- c.12: Poto e tlamegile go tšeela hlogong ditaba tše di beilwego lenaneng ge e lekodiša dikgopelo. Bjalo ka magato a nakwana, go nyakego ya go fa bohlatse bja tlhokego ya tirelo, go amogetšwe.
- c.13: Poto e itšeela sephetho ka ga nako le mohola wa tumelelo.
- c.14: Poto goba mohlanka wa Poto a ka ntšha ditumelelo tše nakwana lebaka leo le sa fetego matšatši a 14 mo ditiragalang tše itšego, bjalo ka dikopano tše dipapadi.
- c.15. Moo Poto e filego tumelelo, dinyakwa tše dingwe di tlamegile go kgotsofatšwa pele ga ge TPAB tumelelo e ka ntšhwa, bjalo ka go laetša setifikeiti sa go dumelwa mmeleng.
- c.16: Poto e tlamegile go ntšha rekhoto yeo e tlago thekga le go kgona go tšweletša ditsela tše melaetša tše profense le bosetšhaba.
- c.17: Ditumelelo di bile di dumelala go rwala batho ka senamelwa seo se lebišitšwego, bjalo ka bathošamootledi.
- c.18: Moo senamelwa se sa šomego lebakanyana, se ka dulelwa legatong ke sengwe, ge fela bogolo bja senamelwa seo se dulago legatong la sengwe, bo sa fapani le senamelwa seo ka 20%.
- c.19: Mantšu a bolela ka merero ya baswaratumelelo, go fa mohlala go rwala ditumelelo dinamelweng tše di e filwego.

c.20: Mang le mang yoo a angwago ke sephetho sa Poto mme a se a kgotsofatšwa ke sephetho, a ka lebiša kgopelo ya gagwe go Komišene ya Dinamelwa ya Profense, mabapi le senamelwa seo se sepelago fela ka gare ga Profense. Mabapi le mantšu a go 8 le 9, boipiletšo bjo bo amago dinamelwa tše di tshelago mellwane ya profense, le ao a amago dinamelwa tša boditšhabatšhaba, di tla phethwa ke Lekgotla la Boipiletšo la Dinamelwa leo le tlago hlongwa ke molao wa bosetšhaba.

c.21: Komišene ya Dinamelwa ya Profense, le Poto di ka no theeletša bohlatsé mme tša gapeletša batho go ipega pele ga tšona bjalo ka dihlatsé le go tla le ditukumente theetšong. Poto e tlamegile go tšweletša batho bao ba nago le kgahlego mabaka a go tšea sephetho le go laela. Tlhamo ya PTC le mabaka a mantši a merero ya yona, di hwetšwa go go Molao wa Ditaxi wa Motlaoswere.

c.22: Moo tumelelo e begago ditefišo, mme Poto e dumelletsé koketsé ya ditefišo, mootledi a ka no oketsé ditefišo le ge go na le boipiletšo bo sa fegilwe kgorong ya tsheko mabapi le kgopelo.

c.23: Moo tefelo ya petrole e okeditšwego, moswaratumelelo a ka oketsé ditefišo semeetseng, ka tšhelete ye e sa fetego 10%, ge fela moswaratumelelo a lebiša kgopelo ya gagwe go Poto mabapi le koketsé ya ditifišo lebakeng la matšatši a lesome.

c.24: Poto e ka gogela morago, ya fega goba ya fapantsha ditumelelo mabakeng a mangwe, go fa mohlala ge moswaratumelelo a robile molao.

c.25: Moo mabaka a fetogilego lefelong, MEC a ka dira nyakišo ya gore ke ditumelelo dife tše di kago gogelwa morago, gomme, moo go lebanego, tša lebišwa go batho ba bangwe goba mohuteng wo mongwe wa dinamelwa. Mo mabakeng ao, baotledi ba go tšwa mafelong a mangwe, goba batho bao ditumelelo tše mpsha di lebisitswego go bona, ba tlamegile go phumula megokgo ya baswaratumelelo bao ba lahlegetšwego ke ditumelelo.

- c.26: Ditumelelo di tla fela mabakeng a mangwe, go fa mohlala moo moswaratumelelo a sà šomiše senamelwa seo se dumeletšwego ke tumelelo.
- c.27: MEC a ka no bea ditaolo mabakeng a maleba go hiomeng Molao, bjalo ka go tumelelo, ditsela tša kgopelo le ditefelo.
- c.28: Hlogo ya Lefapha la Dinamelwa le Mešomo ya Bohle e ka thwala bahlanka go Lefapha bjalo ka bahlahlobi ba dinamelwa go gatelela molao woo o sepetšanago le ditumelelo. "Bahlahlobi" ba wela ka gare ga tlhaloso ya "bahlanka bao ba dumeletšwego", bao maatla a bona a boletšwego mantšung 29.
- c.29: Mantšu a bolela ka melato le dikiletšo tše di amanago thwii le dinamelwa mmileng, go fa mohlala, gore ke molato go otela ntle ga tumelelo.
- c.31: Mantšu a bolela ka melato ya kakaretšo.
- c.32: Mabakeng a mangwe, moswaratumelelo a ka ba bonwa molato ka molato woo o hlotšwego ke bašomedi goba dikemedi tša gagwe, ntle le ge moswaratumelelo a ka laetša bohlatse, go fa mohlala, bja gore ga a amege ka selo molatong woo.
- c.33: Mantšu a a tšweletša dikotlo tša godimo.
- c.34: Dinamelwa tše di šomišwago go dinamelwa tše di sego tša dumeelwa di ka lobja tša tšewa ke Profense ka morago ga kotlo ya boraro goba ye e latelago.
- c.35: Tumelelo e ka gogelwa morago ka morago ga kotlo ya bobedi goba ya go latela ya moswaratumelelo mabapi le melato ye mengwe.
- c.36: Mantšu a bolela ka dikakanyo tše dingwe le bohlatse go tšweletša kgatelelo ya molao.
- c.37: Kgoro ya magistrata e tla ba le maatlataolotoka go tšweletša dikotlo ka tlase ga Molao.
- c.38: Bahlanka bao ba dumeletšwego ba ka se amege magatong ao a phethilwego ka moyo o mobotse.

- c.39: Tšhelete ye e amogetšwego ka tlase ga Molao e tlamegile go lefelwa go Sekhama wa Matlotlo sa Porfense, gomme tshenyagelo ka tlase ga Molao e tlamegile go lefelwa go Sekhwama.
- c.40: Molao ke koketšo ya melao ya dinamelwa ye mengwe, gomme ga e fetole.
- c.41: RTA e phumutšwe, gomme tšweletšo e dirile Kgaolo 2 ya Pili ya Dinamelwa ya Naga ya Bosetšhaba yeo e akanywago, le bolaodi bjo bo tswalanago le seo.
- c.42: Mantšu a a bolela ka mabaka a phetošo.
- c.43: Mantšu a a bolela ka hlogokopana le go thoma ga Molao.

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