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No. 495

PROCLAMATION

PROCLAMATION

No. 19 (Premier's), 1998

by the Premier of the Province of Gauteng

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GAUTENG INTERIM MINIBUS TAXI-TYPE SERVICES ACT, 1997 (ACT NO. 11 OF 1997)

In terms of section 59(1) of the Gauteng Interim Minibus Taxi-Type Services Act, 1997 (Act No. 11 of 1997), I hereby determine 22 May 1998 as the date on which the said Act shall come into operation.

Given under my hand at Johannesburg this 19th day of May 1998 in the year One Thousand Nine Hundred and Ninety-Eight (1998).

M. S. Motshekg  
MATHOLE S. MOTSHEKGA  
Premier, Gauteng Province

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# GENERAL NOTICE

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## NOTICE 1211 OF 1998

### DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

#### GAUTENG INTERIM MINIBUS TAXI-TYPE SERVICES ACT 11 OF 1997

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#### GAUTENG INTERIM MINIBUS TAXI-TYPE SERVICES REGULATIONS

The Member of the Executive Council for Transport and Public Works (MEC) of Gauteng Province has made the regulations in the Schedule to this notice in terms of the Gauteng Interim Minibus Taxi-Type Services Act, 1997 (Act No. 11 of 1997) (the Act).

#### SCHEDULE

##### **PART 1: DEFINITIONS**

1. In these Regulations, a word or expression to which a meaning has been assigned by the Act, shall have the same meaning, and

"NaTIS" means the National Traffic Information System;

"primary TPAB" means the TPAB which receives an application for a permit regarding minibus taxi-type services where the journey(s) concerned originate(s) in its area;

"the Act" means the Gauteng Interim Minibus Taxi-Type Services Act, 1997 (Act No. 11 of 1997).

##### **PART 2: REGULATIONS REGARDING REGISTRATION OF TAXI ASSOCIATIONS, MEMBERS AND NON-MEMBERS**

**Applications for registration by taxi associations and non-members, and annual registration fees (section 6(2)(d) and 7(1) of the Act)**

2. Applications for registration of associations and non-members must be made on the forms prescribed by the Registrar. These applications must be submitted to the Registrar with the prescribed application fee (if applicable). Information provided in response to each question in the application form must be given fully. Applications that lack required information may be rejected.
3. The application fee payable for registration of an association shall be R1000 per application, but no application fee is payable if the association has applied for registration on or before 28 February 1997.

4. The application fee payable for registration of a non-member shall be R200.
5. An annual fee of R200 shall be payable by all registered associations and a fee of R50 by all registered non-members. This fee shall be payable within 30 days of the anniversary dates of initial registration and annually thereafter.

**Requirements for registration (sections 5(3), 5(4) and 6(2) of the Act)**

6. The Registrar must register a primary association that meets the requirements of section 5(4) of the Act, namely that-
  - (a) it has been in existence for the minimum period prescribed by Regulation 8;
  - (b) that the number of members meets the minimum prescribed by Regulation 9;
  - (c) that the constitution and code of conduct submitted by the association has been signed and accepted as binding by each member;
  - (d) that the said constitution and code of conduct are consistent with and encompass the provisions of the prescribed Standard Minimum Constitution;
  - (e) that the association enjoys the support of the metropolitan authority in the province in whose area the association is based;
  - (f) that each member of the association holds a valid permit for each motor vehicle that he or she operates and that his or her operations are within the authority of the permit, and
  - (g) that all of the information required by the Registrar in terms of that section has been provided and this information has been verified in the manner prescribed.
7. If a primary association fails to comply with the requirements set out in Regulation 6, it may be registered conditionally if it meets the requirements set out in section 5(3) of the Act, namely that-
  - (a) it has been in existence for the minimum period prescribed by Regulation 8;
  - (b) the number of members of the association meets the minimum prescribed by Regulation 9, and
  - (c) all of the information required by the Registrar has been provided and has been verified in the manner prescribed by the Act or these Regulations.
8.
  - (a) In order to be registered in terms of section 5(3) or 5(4) of the Act, minibus taxi associations must have been in existence on 1 October 1994, subject to sub-regulation (b).
  - (b) The Registrar shall have a discretion to register an association that does not comply with sub-regulation (a) at the request of the relevant forum or metropolitan authority, or if the Registrar is satisfied that there is no other association operating on the route or routes in question.
9.
  - (a) The minimum number of members that a taxi association must have before it may be registered is 30 members. Where an association ceases to have the required applicable membership, the Registrar must re-examine the situation, and must deregister the association unless it can show good cause for not being deregistered.
  - (b) The Registrar shall have a discretion to register an association that does not

- comply with sub-regulation (a) at the request of the relevant forum or metropolitan authority, or if the Registrar is satisfied that there is no other association operating on the route or routes in question.
- (c) Where an association is deregistered, it must surrender to the Registrar all registration certificates issued to it, and its members shall be obliged to surrender all registration certificates issued to them, for cancellation, provided that-
- (i) no deregistration may be effected unless the parties concerned have been given 30 days' notice to show cause to the Registrar why the deregistration should not take place;
  - (ii) where the Registrar is satisfied that any shortcoming or default can be rectified, he or she may allow a defaulting party a period not exceeding 30 days to do so and deliver proof thereof;
  - (iii) no association or member shall be entitled to the indulgence set out in sub-paragraphs (i) and (ii) more than twice in any calendar year.
10. The members referred to in Regulation 9, and non-members wishing to be registered, must each operate at least one vehicle and be in possession of a valid permit authorising the operations on the route(s) being operated by the vehicle, or, in the case of conditional registration, must have applied to the Board for such a permit. Each member or non-member must also be in possession of a valid certificate of fitness or roadworthy certificate for each vehicle operated.
11. For the purposes of the Act, to qualify for registration, the association or non-member concerned must have given the information required by the Act and relevant regulations to the Registrar, who must have verified—
- (a) that the registration number and other vehicle particulars provided on the application form are in accord with records in NaTIS, that the vehicle exists and is registered in the name of the member or non-member concerned and that a valid certificate of fitness or roadworthy certificate, as required by the Board, has been issued in respect of the vehicle;
  - (b) that the particulars of the operator provided on the application form for registration are in accord with records in the Permit Administration System and that a valid permit is held for the route concerned;
  - (c) that persons signing on behalf of an association are authorised to do so, by obtaining specimen signatures;
  - (d) other determinable information to his or her satisfaction.
12. Where the verification process outlined in Regulation 11 reveals inconsistencies, the Registrar must not register the association, member or non-member until the matter has been cleared up to the satisfaction of the Registrar.
13. Where conditional registration has been granted to an association in terms of section 5(3) of the Act and the association has not been registered within six months, the Registrar must notify the association in writing that its conditional registration will lapse if it does not supply the Registrar with proof within 30 days of the date of the notice of substantial progress towards being fully registered, which must at least include-

- (a) that at least seventy-five percent of its members hold valid public permits authorizing the minibus taxi services in question; and
  - (b) that it has submitted its constitution to the Registrar for comparison with the Standard Minimum Constitution.
14. Where the Registrar is satisfied, in his or her discretion, that there has been substantial progress towards registration, he or she may extend the conditional registration of the association for a maximum of a further three months. On expiry of this period, the Registrar must deliver a further notice by hand or send it by registered post to the association stating that its conditional registration will lapse if it has not obtained registration within 30 days of the date of the notice. Where the Registrar is not so satisfied, the conditional registration will lapse in terms of section 5(3) of the Act and the Registrar must notify the association accordingly by written notice delivered by hand or sent by registered post, and cancel the conditional registration.

**Register of Taxi Associations, Members and Non-Members (section 5(10) of the Act)**

15. The Registrar must establish and maintain a Register of Taxi Associations, Members and Non-Members.
16. The Register must contain the following information regarding conditionally registered associations:
- (a) the name of the association;
  - (b) postal address;
  - (c) physical address;
  - (d) telephone number and facsimile number (if any);
  - (e) the date the association was established;
  - (f) number of operating members;
  - (g) joining fee and annual membership fee per member;
  - (h) name of secondary association to which the association is affiliated (if applicable);
  - (i) date on which a decision to affiliate was taken;
  - (j) the detailed route(s) or network(s) on which the relevant transport will be undertaken and the points of origin and destination, all intermediate points where passengers will be picked up and set down and ranks and other facilities that will be used;
  - (k) particulars of each member, namely-
    - (i) identity number or business registration number, name, postal address and physical address;
    - (ii) particulars of public permits (if any) held by each member, namely permit number and vehicle or vehicles to which the permit relates and a copy of the permit;
    - (iii) particulars of the vehicle or vehicles operated by each member, namely vehicle registration number, vehicle identification number, certificate of fitness or roadworthiness certificate number, date of expiry of certificate of fitness or of roadworthiness certificate;
    - (iv) the particulars mentioned in paragraph (j);
  - (l) the date of conditional registration;
  - (m) a list of the names, identity numbers, addresses and telephone numbers of

the members of the executive committee of the association.

17. The Register must contain the information specified in Regulation 16 as well as the following information regarding registered associations:
  - (a) the date of registration of the association;
  - (b) a copy of the constitution and code of conduct of the association if different from the Standard Minimum Constitution;
  - (c) an affidavit made by an authorized office bearer of the association stating that all members of the association in respect of whom application for registration is made holds a valid public permit for each vehicle that he or she operates and that the operations are legally within the authority of the permit.
18. The Register must contain the following information regarding non-members:
  - (a) name and identity number or business registration number;
  - (b) postal address;
  - (c) physical address;
  - (d) telephone number and facsimile number (if any);
  - (e) particulars of public permit or permits held by the non-member, namely permit number and vehicle or vehicles to which the permit relates and a copy of the permit;
  - (f) particulars of the vehicle or vehicles operated by the non-member, namely vehicle registration number, vehicle identification number, certificate of fitness or roadworthiness certificate number, date of expiry of certificate of fitness or of roadworthiness certificate, and, if applicable, permit number and the particulars set out in Regulation 16(j);
  - (g) a statement by the non-member that he or she is aware of and will abide by the prescribed Code of Conduct for Non-Members.
19. The Registrar must ensure that information supplied is consistent with information in the Permit Administration System and NaTIS, and enter the information into the RAS.
20. Interested persons may obtain statistical information from the RAS on payment of a fee of R50 per item of information.

**Registrar's inquiry into misconduct by registered and conditionally registered taxi associations and non-members (section 6(2)(b), 8(1), 8(3), 8(5) of the Act**

21. The Registrar must inquire into complaints, accusations or allegations of misconduct contemplated in section 8(1) of the Act, which may include, but are not confined to-
  - (a) route infringements by an association or by a non-member;
  - (b) harassment or intimidation of government officials or members of other associations or other non-members or members of the public;
  - (c) failure to arrange special general meetings when these are requested by members in the proper manner;
  - (d) systematic or frequent operational irregularities, such as operating without

- (e) permits, operating unroadworthy vehicles and infringing traffic laws;  
failure to comply with the Standard Minimum Constitution or Code of Conduct for Non-Members, as the case may be,

but may not include-

- (f) misconduct of individual members, which must be dealt with under the disciplinary procedures of the Standard Minimum Constitution;
  - (g) members' complaints against their own associations, which must be dealt with under the grievance procedures in the Standard Minimum Constitution;
  - (h) violence in the taxi industry.
22. (a) Before the Registrar institutes an inquiry into misconduct as contemplated in section 8(1) of the Act, he or she must address a written notice by hand or by registered post to the concerned association or non-member by hand or by registered post, setting out a brief outline of the alleged misconduct or infringement and stating that the association or non-member must submit a written reply to the allegations within 14 days of the date stated in the notice.
- (b) Failure to submit a written reply will entitle the Registrar to regard the failure as an admission of the facts set out in the notice.
23. The Registrar may also request persons or institutions with a real or direct interest to furnish him or her with written comments or recommendations regarding the allegations within a reasonable period stated in the notice.
24. (a) On consideration of the complaint in question, the written reply contemplated in Regulation 22 and any comments or recommendations received in terms of Regulation 23, the Registrar must decide whether-
- (i) an inquiry is inappropriate in the circumstances; or
  - (ii) the matter should be referred to some other person or institution, such as the South African Police Services, for further disposal; or
  - (iii) an inquiry should be held.
- (b) The Registrar must notify the MEC, the complainant and the relevant association or non-member of his or her decision, and of the date and venue of the inquiry, if applicable.
25. (a) If the Registrar proceeds with an inquiry, he or she must give at least 14 days' notice to the Executive Committee of the association and any member thereof involved in the inquiry or the non-member, as the case may be, and the complainant(s) and other relevant persons, to attend a formal hearing at the time and place stated in the notice.
- (b) Interested persons may be represented at the hearing.
- (c) The Registrar may for the purpose of an inquiry-
- (i) allow a person affected by or interested in the matter, or that person's representative, to appear before him or her and-
    - (aa) to give evidence or make oral representations relevant to the matter; or

- (bb) to call witnesses and lead evidence on a question relevant to the matter; or
    - (cc) to question a person who testified as a witness in the matter;
  - (ii) by written notice require a person to appear before him or her to give evidence or to produce a document in his or her possession or under his or her control;
  - (iii) question a person appearing before him or her as a witness;
  - (iv) administer an oath or affirmation to a person appearing before him or her.
  
- 26.
  - (a) Where a person has been notified by the Registrar to attend a hearing and fails to do so, the hearing may proceed in his or her absence.
  - (b) Decisions taken pursuant to the hearing shall be binding on such a person notwithstanding his or her absence, if the Registrar is satisfied that the person received the notice to attend the hearing and that there are not good reasons for the failure to attend.
  
- 27.
  - (a) For the purposes of a hearing mentioned in Regulation 25, the Registrar and at least two of the members of the Panel of Assessors constitute a committee of inquiry.
  - (b) The Registrar must chair the committee.
  - (c) The Registrar may co-opt not more than two additional persons whom he or she considers suitable, by virtue of their qualifications or experience, to sit on the committee of inquiry.
  
- 28.
  - (a) During the inquiry the committee of inquiry must-
    - (i) give representatives of the Executive Committee of the association and any affected member thereof or of the non-member, or the non-member him- or herself, a proper opportunity to be heard;
    - (ii) give the Executive Committee, any affected member thereof or non-member an opportunity to produce evidence, either in person or in writing, and to call witnesses in this regard, and to correct or contradict allegations made against them with the right to cross-examine accusers or hostile witnesses and to re-examine his, her or its own witnesses, which rights shall also extend to an accuser and his, her or its witnesses;
    - (iii) listen fairly to both sides and observe the rules of natural justice;
    - (iv) discharge its duties in an open and impartial manner.
  - (b) The chairperson of the Committee may invite or allow other persons to make representations to the committee, either in person or in writing. A person whose deposition is in writing may be called by an involved party or by the Committee to appear before the Committee to give evidence in person, and the failure of such a person to appear will entitle the Committee to disregard the written deposition.
  
- 29.
  - (a) The Registrar must cause a record of proceedings before the committee of inquiry to be kept.
  - (b) A note of the findings of the committee, together with the facts on which its decisions were based, must be made available within 14 days after the



- hearing.
- (c) The findings and facts must be conveyed in writing to-
- (i) the MEC;
  - (ii) the relevant association or non-member;
  - (iii) the complainant(s);
  - (iv) where appropriate, the Gauteng Permit Board and relevant government departments or institutions;
  - (v) other involved parties on request;
  - (vi) the media, where the matter is one of public concern.
30. Pursuant to the inquiry, the Registrar may-
- (a) impose a fine not exceeding R5000; and/or
  - (b) serve a written order of temporary suspension of the relevant certificate of registration for a period not exceeding one year; or
  - (c) serve a written order withdrawing the relevant certificate of registration,
- as contemplated in section 8(3) of the Act.
31. A person dissatisfied with a decision of the Registrar may appeal to the MEC within 30 days of the decision, as contemplated in section 8(5) of the Act.
32. (a) An appeal in terms of section 8(5) of the Act must-
- (i) clearly and fully set out the act, direction or decision forming the subject of the appeal and the date on which it took place;
  - (ii) clearly set out and motivate the grounds of appeal and elaborate on such grounds;
  - (iii) be in writing and be delivered by hand within 14 days after the act, direction or decision appealed against took place, to the Office of the MEC for Transport and Public Works and to the Registrar;
  - (iv) be accompanied by a fee of R1000 rand,
- provided that the appellant may not place before the MEC evidence, statements or other material that was not and should have been placed before the Registrar.
- (b) The Registrar must, not later than 21 days after receiving the appeal, forward to the MEC relevant documents and written reasons for the act, direction or decision appealed against. The MEC may extend this period on request being made by the Registrar.
  - (c) The MEC may request the Registrar to collect information on matters arising from the appeal and submit it to the MEC, or to specify reasons for the act, direction or decision against which the appeal has been brought in greater detail.
  - (d) The MEC may-
    - (i) uphold the appeal in whole or in part, and, where appropriate, amend the decision of the Registrar;
    - (ii) reject the appeal; or
    - (iii) refer the matter back to the Registrar for reconsideration,

- provided that the fee must be refunded where an appeal is wholly or partially successful or the matter is referred back to the Registrar.
- (e) The MEC must convey his or her decision in writing to the appellant and to all other parties who, in the opinion of the MEC, are affected by the decision.

### **PART 3: APPLICATIONS REGARDING PERMITS FOR MINIBUS TAXI-TYPE SERVICES**

#### **Applications for permits for minibus taxi-type services (section 16(1), 42(1)(a)(ii), 42(1)9b(i), 21(1) of the Act)**

33. (a) An application for the granting, renewal, amendment or transfer of a permit must be submitted to the relevant TPAB on the form prescribed by the Board and must be accompanied by the fees prescribed by Regulation 35, subject to sub-regulation (b).
- (b) An application for transfer or renewal of a permit will be considered only if the applicant has stated on the application form that the services authorised by the permit have been actively provided for at least six months before the application was made and the Board is satisfied that this is the case.
- (c) Information provided in response to each question in the application form must be given fully.
- (d) Applications that lack the required information may be rejected.
34. (a) The following information must be submitted with an application contemplated in Regulation 33, provision for which must be made on the application form:
- (i) the name and identity number or business registration number of the applicant;
  - (ii) postal address;
  - (iii) physical address;
  - (iv) telephone number and facsimile number (if any);
  - (v) particulars of permits held by the applicant, if applicable, namely permit number and vehicle or vehicles to which such permit relates, as well as a copy of each such permit;
  - (vi) particulars of the vehicle or vehicles operated or to be operated by the applicant (if available), namely vehicle registration number, vehicle identification number, certificate of fitness or roadworthiness certificate number and date of expiry of certificate of fitness or of roadworthiness certificate;
  - (vii) the detailed route(s) or network(s) on which the relevant transport will be undertaken and the points of origin and destination, all points where passengers will be picked up and set down and ranks and other facilities that will be used;
  - (viii) particulars of convictions of the applicant for offences contemplated in Regulation 49.
- (b) The application form must also contain a recommendation from the relevant, registered taxi association, if applicable. Where a person wishing to apply for a permit approaches an association for recommendations, the association shall be obliged to respond within seven days.

35. (a) A person who lodges an application in terms of the Act for or pertaining to a permit must with the application pay to the TPAB a non-refundable fee of R200.

(b) The MEC may increase this fee from time to time by notifying the Board.

36. The TPAB receiving an application must-

(a) ensure that the application form has been properly completed and verify information submitted by the applicant by checking it against the RAS and NaTIS;

(b) in the case of an application with reference to a permit authorizing minibus taxi-type services for-

- (i) the granting of the permit;
- (ii) the granting of additional authorization;
- (iii) the amendment of a route,

publish the following particulars in respect of the application in the manner prescribed in section 21(1) of the Act:

- (aa) the name of the applicant;
- (bb) the place where the applicant conducts business and his, her or its postal address;
- (cc) the type of application (i.e. whether it is under paragraph (a)(i), (ii) or (iii));
- (dd) the type of vehicle and its passenger carrying capacity;
- (ee) the detailed route(s) or network(s) on which the relevant transport will be undertaken and the points of origin and destination, all intermediate points where passengers will be picked up and set down and ranks and other facilities that will be used;

(c) in the case of an application with reference to a permit authorizing minibus taxi-type services for-

- (i) the renewal of the permit;
- (ii) the transfer of the permit;
- (iii) the change of the name of the permit holder;
- (iv) the replacement of a vehicle;
- (v) the amendment of vehicle particulars,

publish the particulars in respect of the application stated in paragraph (a), with the necessary changes, in the manner provided for in section 21(1) of the Act;

(d) refer the application back to the applicant where particulars are incomplete or are inconsistent with the RAS or NaTIS.

**Procedure for evaluating applications (section 42(1)(a)(ii), 18(5), 21(3) of the Act)****Intra-metropolitan services**

37. (a) Where an application is for the authorization of or for a change of authorization relating to minibus taxi-type transport that is entirely within a metropolitan area, the TPAB must-
- (i) receive the completed application form with annexures and the application fee and verify that the application form has been properly completed and that all of the necessary accompanying documentation has been submitted and is valid and acceptable;
  - (ii) enter details of the application into its data base;
  - (iii) where relevant, verify that the person signing the recommendation from the applicant's taxi association is authorized to do so;
  - (iv) submit the application to its metropolitan authority for comment and recommendations as to whether the application is in accordance with relevant planning affecting public transport, where any planning has been undertaken. The metropolitan authority must supply these recommendations within 60 days;
  - (v) at the same time submit the application to its metropolitan forum and to the local taxi liaison committees (LTLCs) in its area for comment and recommendations. The forum and each LTLC must respond to the TPAB within 30 days.
38. A metropolitan authority receiving an application under Regulation 37(a)(iv) must refer the application to each local authority/substructure in its area, for recommendations within 14 days, who must respond within 30 days of receipt of the application.
39. (a) The TPAB must place the matter on the Board's roll for hearing so that it may be heard within 60 days of receipt of the application.
- (b) The TPAB must submit the required representations with the application form and other supporting documentation to the Board within three days of expiry of all of the time limits for recommendations.
- (c) Where a body fails to provide representations within the required time the TPAB and Board may proceed without that body's input.

**Inter-metropolitan services**

40. (a) In the case of an authorization for inter-metropolitan minibus taxi-type services within Gauteng, i.e. where passengers will be picked up or set down in more than one metropolitan area in Gauteng, the primary TPAB must take the steps outlined in Regulations 37 and 39, and in addition forthwith refer the application to the TPAB(s) situated in the other metropolitan areas concerned.
- (b) The latter TPAB(s) must take the steps outlined in Regulation 37, and the other metropolitan authority or authorities must take the steps outlined in

Regulation 38. The other TPABs must then submit recommendations from the relevant bodies in their areas to the primary TPAB.

#### Inter-provincial services

41. (a) In the case of an authorization for inter-provincial minibus taxi-type services, where Gauteng is the province where the journey originates, the relevant TPABs and metropolitan authorities must take the steps outlined in Regulations 37 to 40, if applicable.
- (b) (i) In addition, when it receives the application, the primary TPAB must refer the application to the Board for referral to the permit issuing authorities in the other province or provinces where passengers will be picked up or set down for comments and recommendations.
- (ii) The Board must request those other authorities to reply within 60 days.
42. Where no response is received from the board of another province within sixty days, the Board must refer the matter to the National Transport Commission within 14 days of expiry of that period.
43. Where the Board receives a request for recommendations from the permit issuing authority of another province, it must refer the request to the TPAB(s) concerned, who must take the steps outlined in Regulation 37 to 40, as applicable, and then refer the relevant recommendations to the Board within seven days after completion of these steps to enable it to respond to the request.

#### Representations from interested persons

44. (a) Whenever an interested person wishes to make recommendations to the Board as contemplated in section 21(3) of the Act, these must be in writing and be lodged with the Board not later than 21 days after the date on which the particulars were published in the *Provincial Gazette* or in a newspaper, whichever date is the later.
- (b) Where these representations object to the application, they must-
- (i) set out particulars of the interested person's transport services or interests that are affected by the application; and
- (ii) specify to what extent and in what manner such services or interests are affected by the application.
- (c) The Board must send a copy of the representations to the applicant concerned by fax or registered post within two days of receipt thereof.

#### **Issuing of permits (section 24(1) and 42(1)(b)(iii) of the Act)**

45. (a) The Board must issue a permit granted, renewed, amended or transferred by it under the Act together with a distinguishing mark, and forward them to the primary TPAB for collection by the permit holder.
- (b) All permits issued must be signed by the chairperson of the Board.

- (c) The MEC must determine the form of permits and distinguishing marks after consultation with the Board and the Registrar.
  - (d) The Board must notify the Registrar of permits granted, renewed, amended or transferred by it.
46. Where a permit issued under Regulation 45 is for an amendment or transfer, the TPAB must issue a new permit, which may not be handed to the holder until the replaced permit is lodged with the TPAB.
47. The fee for issuing a permit shall be R50 per permit. The MEC may increase this fee by notice to the Board.

**Certificates of fitness and roadworthy certificates (section 24(2)(b) of the Act)**

48. (a) The original certificate of fitness or roadworthy certificate mentioned in section 24(2)(b) of the Act relating to the motor vehicle in respect of which the permit is granted must be delivered by hand to the relevant TPAB not later than 60 days after the applicant was notified of the granting of the permit. Permits may not be issued until such certificates have been submitted.
- (b) The date of issue of the certificate of fitness or roadworthy certificate submitted under paragraph (a) may not be earlier than 180 days from the date that the permit was granted.
- (c) If the Board has doubts as to the authenticity or worth of a certificate of fitness or roadworthy certificate, it may insist that a certificate from a municipality designated by the Board, be obtained.

**Offences (section 16(7) and 42(1)(a)(vi) of the Act)**

49. Convictions for offences that must be considered in terms of sections 16(7) and 42(1)(a)(vi) of the Act are the following:
- (a) offences created by the Act;
  - (b) offences created by the Road Traffic Act, 1989 or similar legislation for which a fine of more than R200 or imprisonment for more than six months was imposed;
  - (c) an offence listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
  - (d) possession of an unlicensed firearm, explosives, or a dangerous weapon;
  - (e) a conspiracy, incitement or attempt to commit an offence mentioned above.

**Duplicate**

50. (a) If the holder of a permit satisfies the Board by affidavit that the permit has been lost or destroyed, or produces a permit that has been so damaged that the letters and figures on it are no longer clearly legible, the Board must on application by the holder issue a duplicate permit, clearly endorsed "duplicate".

- (b) The charge for a duplicate permit shall be R200.

**Ad hoc authorizations (section 26(2) and (4) of the Act)**

51. Ad hoc authorizations must be issued in a series of five authorizations per issue in the form prescribed by the Board, which must contain at least the following information:
- (a) the reason for the ad hoc trip(s) concerned, e.g. funeral or sports event;
  - (b) the route(s) to be taken, with origin and destination and, if applicable, places where passengers will be loaded en route;
  - (c) the number(s) of the applicant's permit(s).
52. Ad hoc authorizations must be completed fully in duplicate.
53. Operators may apply for subsequent sets of ad hoc authorizations when previous sets are used up, provided that the Board is satisfied that the operator has not abused the previous sets. A used up set must be returned with the application for a subsequent set of ad hoc authorizations.
54. The fee for each series of five authorizations shall be R200. The MEC may increase this fee by notice to the Board.

**Special permits for educational transport**

55. A special permit contemplated in section 17(k) and (l) of the Act, in the case where a vehicle is set apart for the use of a school or educational institution in terms of an agreement, must be applied for by the school or educational institution concerned. The minibus taxi operator concerned must complete the application form prescribed by the Board. The form must be accompanied by a copy of the relevant agreement and provide for the following information, in addition to the information specified in Regulation 34:
- (a) the name and telephone number of the accountable person in respect of the scholars or students concerned;
  - (b) particulars of public liability insurance held by the applicant.
  - (c) regarding the information contemplated in Regulation 34(a)(viii), an affidavit from the applicant stating whether or not he or she, or in the case of a juristic person, whether any of its directors or members, has been convicted of an offence listed in Regulation 49, and if so, listing the date and detailing the type of the conviction.
56. A permit contemplated in Regulation 55 may be granted in the Board's discretion if it is satisfied that-
- (a) the applicant holds a valid permit to undertake minibus taxi-type services; and
  - (b) the applicant has submitted full particulars as required by regulation 54; and
  - (c) the school or educational institution holds adequate public liability insurance from a registered insurer, in the discretion of the Board, and
  - (d) is a fit and proper person to carry the relevant scholars or students.

- (e) a valid certificate of fitness or roadworthy certificate for the vehicle in question has been submitted, as required by the Board.

#### **PART 4: INTRA-PROVINCIAL APPEALS**

- 57. An appeal in terms of section 32 of the Act must be in writing and be delivered by hand to the commission and must-
  - (a) clearly and fully describe the act, direction or decision appealed against;
  - (b) specify the date of the act, direction or decision appealed against;
  - (c) clearly and fully set out the reasons for and grounds of the appeal;
  - (d) be accompanied by the fee prescribed in Regulation 58.
- 58. (a) A person who appeals in terms of section 32 of the Act must deposit with the Commission an amount of R1000.
  - (b) If-
    - (i) the Commission rejects an appeal, the appellant will forfeit this amount;
    - (ii) the Commission upholds the Appeal, this amount must be refunded to the appellant;
    - (iii) the Commission partly upholds an appeal or the appellant withdraws the appeal, the full amount or a part thereof may be refunded to the appellant at the Commission's discretion;
    - (iv) the Commission refuses an application for the condonation of the late filing of an appeal in terms of section 32(4)(a) of the Act, the full amount must be refunded to the appellant;
    - (v) the Commission sets aside an act, direction or decision against which the appeal is brought and remits it to the Board in terms of section 32(4)(c) of the Act, the full amount must be refunded to the appellant.
- 59. (a) The Board must comply with the Commission's request and forward the appeal with copies of all documents relating to the appeal and written reasons for the act, direction or decision appealed against within 21 days of being requested to do so.
  - (b) The Commission must also forward the appeal to other affected persons within 14 days of receiving the notice of appeal.
  - (c) The appellant may not place before the Commission evidence, statements or other material that was not and should have been placed before the Registrar.
- 60. If an application for the suspension of the operation of an act, direction or decision of the Board is granted under section 32(4)(b) of the Act after a permit has been issued in pursuance of that act, direction or decision, the Commission or Board may require the holder of the permit to submit it by hand to the Board, in which case the holder shall be obliged to do so within 48 hours.



61. In considering appeals the Commission must consider all of the information submitted to it by the Board and may in its discretion-
- (a) inspect places or objects relating to the appeal;
  - (b) direct the Board to collect information on a matter arising from the appeal and submit it to the Commission, or to specify the reasons for its decision in greater detail.
62. The Commission must convey its decision in writing to the appellant and to all parties who are affected by the decision.

#### **PART 5: REGISTRATION AND RE-ISSUING OF PERMITS**

63. For the purposes of section 25 of the Act, all holders of permits authorising minibus taxi-type services issued in Gauteng, may lodge applications for the registration and re-issuing of the permits, and must do so by 1 July 1999, which date may be extended by the MEC.
64. Persons applying for registration and re-issuing of permits under section 25 of the Act must complete an application form prescribed by the Board and lodge it by hand with the Board within the required period, accompanied by—
- (a) the original permit;
  - (b) the identity document of the holder, or, in the case of a company, its certificate of incorporation, and in the case of a close corporation, its founding statement, or a copy certified by a commissioner of oaths;
  - (c) a valid certificate of fitness or roadworthy certificate for the vehicle(s) concerned.
  - (d) evidence that the holder is a member of an association registered under section 7 of the Act or is registered as a non-member under that section.
65. (a) On receiving an application contemplated in Regulation 64, the Board must make a copy of the permit and hand the permit back to the person lodging the application, together with a receipt.
- (b) The Board must then verify the information contained in the application, as follows:
- (i) the particulars of the vehicles concerned must be verified against the NaTIS system;
  - (ii) particulars of the holder must be verified against the RAS system or, in the case of a holder registered in another province, with the registrar's information system of that province;
  - (iii) ensure that the holder is a member of an association registered under section 7 of the Act or is registered as a non-member under that section.
- (c) In converting the authorization in a permit from a radius or area base to a route base, the Board may require the holder of the permit by written notice to appear before the Board to answer questions relating to—

- (i) clarification of the routes which are actually operated;
- (ii) whether or not the services authorised by the permit are actually being operated;
- (iii) any other inconsistencies or questions the Board may have,

and section 21 of the Gauteng Interim Road Transport Act, 1998 (Act No. 2 of 1998) shall apply in such a case.

- (d) For the purposes of paragraph (c), the Board must adhere to the route identification system determined by the relevant metropolitan authority in consultation with the Department, the Board and the Registrar.
- (e) The Board must update its information and data bases where necessary, after the verification process.
- (f) If satisfied that the information provided by the holder of the permit is correct, the Board must re-issue the permit, with a distinguishing mark for the vehicle concerned, in the format determined by the MEC after consultation with the Board and Registrar. The Board must stipulate a date from which the new distinguishing mark must be displayed.

#### **PART 6: ASSISTANCE PROVIDED BY THE PROVINCIAL GOVERNMENT**

66. For the purposes of section 6(2)(c) of the Act, only persons and associations registered under the Act shall be entitled to—
- (a) training funded wholly or in part by the Department;
  - (b) assistance that may be allocated for the purpose of establishing co-operatives for taxi operators;
  - (c) forms of economic assistance that may be allocated to assist the members of co-operatives;
  - (d) eligibility to become a member of a co-operative;
  - (e) other forms of assistance that may be provided for minibus taxi operators and associations.

#### **PART 7: PROVINCIAL TAXI REGISTRAR'S PANEL OF ASSESSORS**

67. The regulations concerning the Provincial Taxi Registrar's Panel of Assessors published in Notice 3373 of 1997 (*Provincial Gazette* No. 406 of 5 November 1997) shall remain in force.

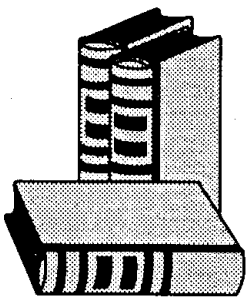
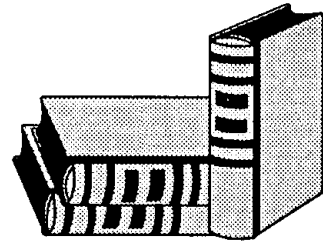
#### **PART 8: STANDARD MINIMUM CONSTITUTION FOR MINIBUS TAXI ASSOCIATIONS AND CODE OF CONDUCT FOR NON-MEMBERS**

68. The Standard Minimum Constitution for Minibus Taxi Associations and Code of Conduct for Non-Members published in Notice 3374 of 1997 (*Provincial Gazette* No. 406 of 5 November 1997) shall remain in force.

**PART 9: SHORT TITLE**

69. These regulations shall be called the Gauteng Interim Minibus Taxi-Type Services Regulations, 1998.

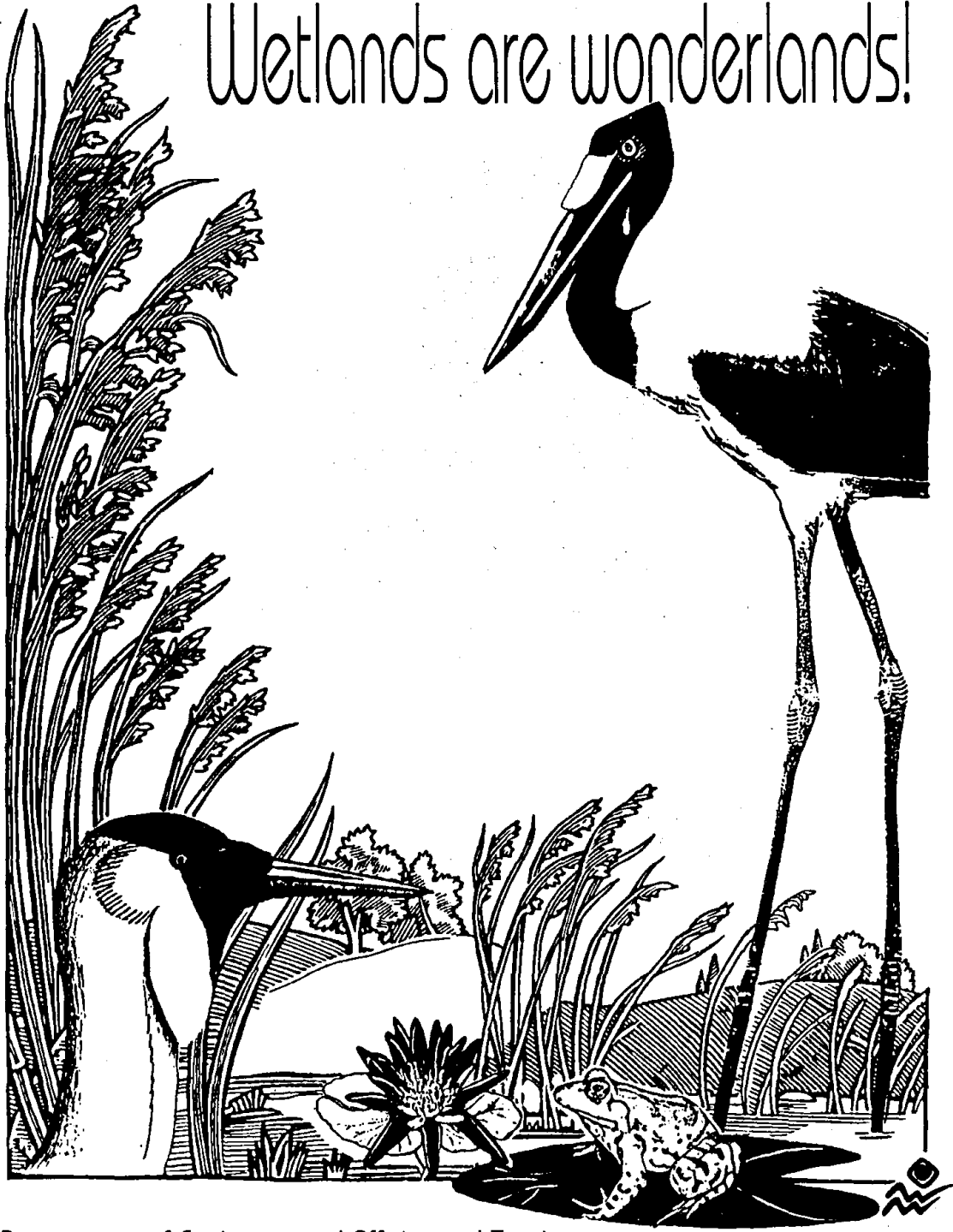
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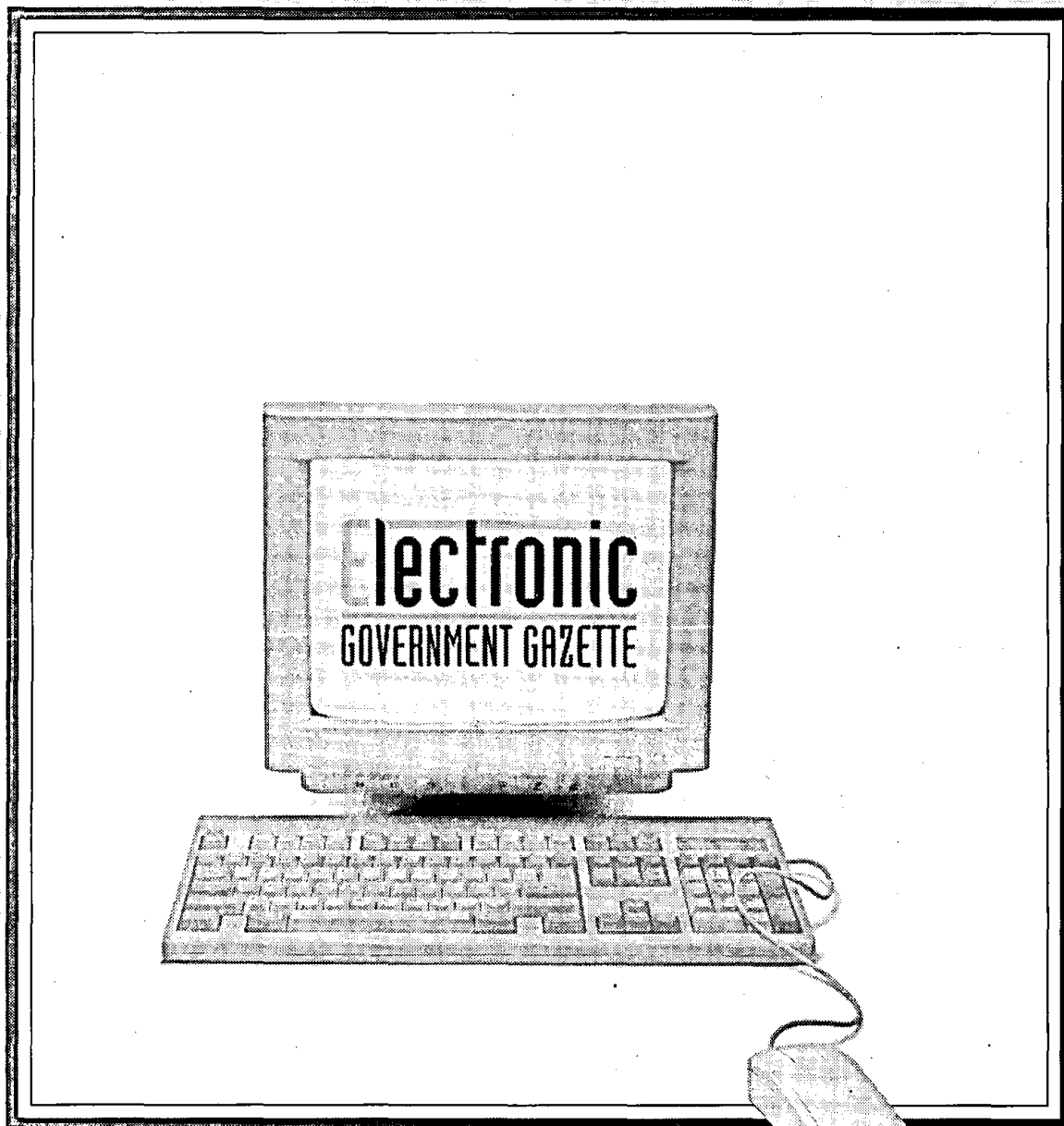
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**CONTENTS**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
<b>PROCLAMATION</b>		
19 Gauteng Interim Minibus Taxi-type Services Act (11/1977): Coming into operation .....	1	495
<b>GENERAL NOTICE</b>		
1211 Gauteng Interim Minibus Taxi-type Services Act (11/1977): Gauteng Interim Minibus Taxi-type Services Regulations	2	495

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