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GAUTENG**



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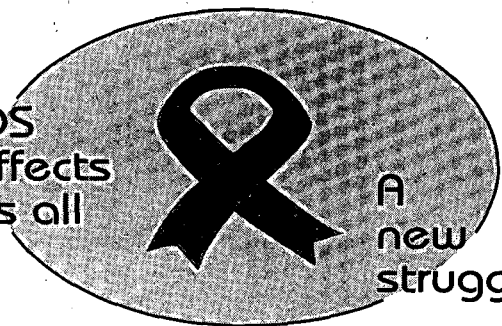
Vol. 7

**PRETORIA, 2 AUGUST
AUGUSTUS 2001**

No. 147

We all have the power to prevent AIDS

**AIDS
affects
us all**



**A
new
struggle**

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

CONTENTS

No.	Page No.	Gazette No.
GENERAL NOTICE		
4596 Gauteng Public Passenger Road Transport Bill, 2001: For general information and comment.....	3	147

GENERAL NOTICE

NOTICE 4596 OF 2001

DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS**GAUTENG PROVINCIAL GOVERNMENT****GAUTENG PUBLIC PASSENGER ROAD TRANSPORT BILL, 2001**

I, **ELIAS KHABISI MOSUNKUTU**, Member of the Executive Council for Public Transport, Roads and Works, hereby publish the above legislation. I intend introducing the bill into the legislature on 13 August 2001.

The above bill is published in English, Afrikaans, North Sotho and Zulu, in the Gauteng Provincial Gazette No.....on Monday 30 July 2001, for general information. Persons who wish to comment on the bill may send their comments before 13 August 2001 to:

The Secretary
Gauteng Provincial Legislature
Private Bag X52
MARSHALLTOWN
2107

Copies of the Gazette may be obtained from the Department, 9th Floor South, Corner Simmonds and Pritchard Streets, Johannesburg.

**GAUTENG DEPARTMENT OF PUBLIC
TRANSPORT, ROADS AND WORKS**

**GAUTENG PUBLIC PASSENGER ROAD
TRANSPORT BILL, 2001**

(AS INTRODUCED)

by

**(MEC FOR PUBLIC TRANSPORT, ROADS AND
WORKS)**

BILL

To change the law governing public passenger road transport in Gauteng, and for that purpose-

to provide for a public passenger road transport system as part of an integrated system of land transport for Gauteng, compatible with the national land transport system and the land transport systems of the other provinces;

to provide for the planning of public passenger road transport operations and infrastructure integrated with land use planning;

to provide for the regulation and control of public passenger road transport by provincial and local government;

to establish institutional structures to achieve these objectives;

to repeal the Gauteng Interim Minibus Taxi-Type Services Act, 1997 (Act No. 11 of 1997) and the Gauteng Interim Road Transport Act, 1998 (Act No. 2 of 1998);

to bring provincial public passenger road transport legislation into line with Chapter 2 of the National Land Transport Transition Act, 2000 (Act No. 22 of 2000) and to replace Chapter 3 of that Act as regards provincial public passenger road transport matters; and

to provide for matters connected therewith.

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

CONTENTS

PART 1: INTRODUCTORY PROVISIONS

1. Purpose of this Act
2. Definitions

PART 2: PUBLIC PASSENGER ROAD TRANSPORT SERVICES

3. Principles for specifying public passenger road transport services in transport plans
4. Exemptions
5. Provisions relating to drivers and vehicles
6. Categories of services
7. Tuk-tuk services
8. Metered taxi services
9. Minibus taxi-type services

10. Bus-type services
11. Education services
12. Tourist services
13. Charter services
14. Staff services
15. Courtesy services
16. Coach-type services
17. Shuttle services
18. Categories of vehicles

PART 3: POWERS AND DUTIES OF THE MEC AND MUNICIPALITIES

19. Powers of the MEC
20. Duties of the MEC
21. Regulations
22. By-laws
23. Information requirements and reporting systems
24. Delegation

PART 4: PUBLIC PASSENGER TRANSPORT PLANNING

25. Principles for public passenger road transport planning
26. Public transport plans
27. Duties of transport authorities, core cities and municipalities relating to planning
28. Transitional matters relating to planning

PART 5: THE GAUTENG TRANSPORT OPERATING LICENCE BOARD

29. Establishment and constitution of Gauteng Transport Operating Licence Board
30. Resignation, vacation of and removal from office of Board members
31. Powers of the Board
32. Meetings and decisions of the Board
33. Establishment of advisory panel to the Board
34. Establishment of Transport Operating Licence Administrative Bodies

PART 6: OPERATING LICENCES

35. Conversion of permits to operating licences
36. Contracts for services
37. Lapsing and cancellation of operating licences and permits in relation to contract
38. Applications concerning operating licences
39. Disposing of an application for an operating licence
40. Interprovincial transport
41. Cross-border road transport
42. Publication of an application in respect of an operating licence
43. Period and renewal of an operating licence
44. Issue of an operating licence and provisions thereof
45. Records of operating licences
46. Temporary replacement of a vehicle to which a permit or operating licence relates
47. Duties of the holder of a permit or operating licence
48. Authority conveyed by an operating licence
49. Withdrawal, suspension or variation of a permit or operating licence
50. Cancellation of operating licences not brought into use
51. Withdrawal of surplus operating licences or permits

- 52. *Ad hoc* authorizations
- 53. Special circumstance operating licences
- 54. Increase of certain tariffs prior to application for amendment of relevant permit or operating licence

PART 7: GAUTENG PUBLIC PASSENGER APPEAL BOARD OR REGISTRAR

- 55. Establishment, constitution and functions of Gauteng Public Passenger Appeal Board
- 56. Resignation, vacation of and removal from office of Appeal Board members
- 57. Powers of the Appeal Board
- 58. Meetings and decisions of the Appeal Board
- 59. Appeal to Appeal Board against decision of Board or Registrar

PART 8: GAUTENG TRANSPORT REGISTRAR AND REGISTRATION OF ASSOCIATIONS AND OPERATORS

- 60. Appointment of Gauteng Transport Registrar and panel of assessors
- 61. Resignation, vacation of and removal from office of Registrar and assessors
- 62. Duties of the Registrar
- 63. Powers of the Registrar
- 64. Meetings and decisions of the Registrar and assessors
- 65. Application for registration
- 66. Issuing of certificates and distinguishing marks upon registration
- 67. Associations, members and non-members undertaking inter-provincial transport
- 68. Reservation of privileges for registered associations and operators

PART 9: REGISTRATION OF MINIBUS TAXI ASSOCIATIONS AND OPERATORS

- 69. Compulsory registration of associations, members and non-members in respect of minibus taxi-type services
- 70. Associations and operators registered under Act 11 of 1997
- 71. Elections and referendums
- 72. Registration of associations
- 73. Registration of members of registered associations
- 74. New members of registered associations
- 75. Registration of non-members
- 76. Disciplinary measures

PART 10: REGISTRATION OF METERED TAXI ASSOCIATIONS AND OPERATORS

- 77. Registration of metered taxi associations, members and non-members
- 78. Registration of metered taxi associations
- 79. Registration of non-members operating metered taxi services
- 80. Special requirements for drivers of vehicles engaged in metered taxi services

PART 11: REGISTRATION OF BUS-TYPE AND COACH-TYPE ASSOCIATIONS AND OPERATORS

- 81. Registration of associations, members and non-members operating bus-type and coach-type services
- 82. Registration of associations of operators of bus-type and coach-type services
- 83. Registration of non-members operating bus-type and coach-type services

PART 12: TRANSPORT FORUMS

84. General provisions
85. Provincial Public Passenger Transport Forum
86. Functions of the Provincial Public Passenger Transport Forum
87. Metropolitan transport forums
88. Functions of metropolitan transport forums
89. Metropolitan taxi forums
90. Functions of metropolitan taxi forums
91. Local taxi liaison committees
92. Establishment and functioning of other metropolitan or local liaison forums

PART 13: LAW ENFORCEMENT

93. Special emergency measures
94. Offences
95. Penalties
96. Designation of inspectors
97. Impounding and forfeiture of vehicles
98. Presumptions
99. Other powers of authorised officers
100. Demerit system

PART 14: GENERAL

101. Compulsory insurance for operators
102. Measures to support public passenger road transport
103. Transitional provisions
104. Repeal of laws and exclusions
105. Act binds State
106. Short title and commencement

SCHEDULE A: CATEGORIES OF VEHICLES/TYPES OF PUBLIC PASSENGER TRANSPORT SERVICES

SCHEDULE B: CATEGORIES OF PUBLIC PASSENGER TRANSPORT SERVICES IN RELATION TO PRINCIPLES OF PLANNING (FUTURE)

SCHEDULE C: CATEGORIES OF PUBLIC PASSENGER TRANSPORT SERVICES IN RELATION TO PRINCIPLES OF PLANNING (TRANSITION)

PART 1: INTRODUCTORY PROVISIONS**1. Purpose of this Act**

- (1) The purpose of this Act is to promote and provide for an effective public passenger road transport system for Gauteng. This can be achieved by fulfilling the primary objects of the Act, which are to-
 - (a) implement provincial and national government policy relating to public passenger road transport services and facilities, monitor the implementation of such provincial policy, conduct investigations into issues arising from the implementation of such policy and make necessary policy adjustments;
 - (b) promote and facilitate the increased utilisation and development of public passenger road transport in the Province;
 - (c) use the planning and development of public transport as a tool for

restructuring society so as to-

- (i) enable and encourage workers to reside nearer to their places of work, especially where locational disadvantages were created by previous discriminatory policies;
 - (ii) encourage residential areas to be located nearer to work areas;
 - (iii) promote easier movement of persons in the Province;
 - (iv) promote urban renewal, densification and mixed land uses;
 - (d) integrate and co-ordinate public passenger transport modes and transport planning with land use and development planning to improve mobility through an efficient public passenger road transport system;
 - (e) take the necessary steps to promote co-ordination between transport authorities and other planning authorities in the province, or between such authorities and the Province, with a view to avoiding duplication of effort;
 - (f) promote co-ordination between modes of public passenger road transport and the seamless movement of passengers in the system;
 - (g) undertake public consultation and participation before taking any decision or performing any official act and to prescribe the procedures to be followed in that regard;
 - (h) control and regulate public passenger road transport services through issuing operating licences to operators of those services, and excluding persons without valid and specific operating licences from operating such services;
 - (i) permit motor vehicles to be used for public passenger road transport services only in relation to the types of services offered;
 - (j) provide for the registration of operators providing certain types of public passenger road transport services and associations of those operators;
 - (k) promote the safety and interests of passengers using public passenger road transport services;
 - (l) establish institutional structures to support the objectives of this Act;
 - (m) promote effective and efficient enforcement of laws relating to public passenger road transport, including road traffic and road safety laws;
 - (n) promote professional operating practices by the operators of public passenger road transport services;
 - (o) promote the co-ordinated provision of adequate and accessible public passenger transport infrastructure, subject to specific legislation dealing with roads, railway lines and other transport infrastructure;
 - (p) promote a system where users pay for the services they receive, except where subsidies are needed to enable affordable transport and effective land use, to provide for the accessibility and mobility of special categories of passengers or for other sound policy reasons, and to ensure that services are subsidised only in those circumstances;
 - (q) provide for competitive tendering for subsidised public passenger road transport services;
 - (r) provide for effective and integrated data bases and management information systems for public passenger road transport operations;
 - (s) provide for a demerit system for operators of public passenger road transport services; and
 - (t) promote small, medium and micro enterprises and operators previously disadvantaged by unfair discrimination.
- (2) This Act replaces Chapter 3 of the National Act with regard to matters dealt with in this Act.

2. Definitions

In this Act, unless the context indicates otherwise-

"adapted light delivery vehicle" means a light delivery vehicle where the vehicle and any of its conversion components have been manufactured or adapted for the conveyance of persons by a registered manufacturer in compliance with the National Road Traffic Act;

"ad hoc authorization" means an authorization to undertake public passenger road transport services on an ad hoc basis as provided for in section 52;

"ambulance" means a motor vehicle specially constructed or adapted for the purpose of conveying sick or injured persons to or from a place for medical treatment and which is registered as an ambulance in terms of relevant road traffic legislation;

"Appeal Board" means the Gauteng Public Passenger Appeal Board referred to in section 55;

"association" means a grouping of persons operating public passenger road transport services -

- (a) whose object is not to make profit;
- (b) whose object is to promote the interests of its members; and
- (c) whose funds are to be applied in promoting those interests;

"authorised officer" means-

- (a) an inspector;
- (b) a member of the South African Police Service, including a member of a municipal police service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (c) a person in the service of the Department or a municipality, whose duty is to inspect motor vehicles, motor vehicle licences or control traffic;
- (d) a road transport inspector referred to in section 39 of the Cross Border Road Transport Act, 1998 (Act No. 4 of 1998);

"Board" means the Gauteng Transport Operating Licence Board established by section 29;

"bus-train" means a motor vehicle which-

- (a) consists of two sections connected to form a unit;
- (b) can swivel in a horizontal plane at the connection between such sections;
- (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons;
- (d) has a continuous passageway over its length;

"bus-type service" means a scheduled public passenger road transport service for more than eight passengers, operating on specified routes or networks according to published tariffs, which must be approved in the case of services subsidised by government, referred to in section 10;

"capacity" means the lawful number of passengers that may be conveyed by a vehicle, excluding the driver, as indicated on a roadworthy certificate issued in respect of the vehicle;

"charter service" means a public passenger road transport service involving the hire of a vehicle and a driver at a charge, for a journey arranged beforehand with the operator, where-

- (a) neither the operator nor the driver charges the passengers individual fares;

- (b) the person hiring the service has the right to decide the route, date and time of travel; and
- (c) the passengers are conveyed to a common destination;

"coach" means a luxury motor vehicle with air conditioning facilities, a public address system and other attributes that may be prescribed by regulation or by the Board;

"coach-type service" means a scheduled public passenger road transport service, using a coach operating on pre-determined routes and tariffs referred to in section 16;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"contract" means a subsidised service contract, unsubsidised service contract, current tendered contract or interim contract;

"contracting authority" means-

- (a) the National Department of Transport;
 - (b) the Department;
 - (c) a transport authority;
 - (d) a municipality or core city,
- bound to a contract or concession agreement concluded with an operator;

"core city" means a municipality designated under section 4 of the Urban Transport Act, 1977 (Act No. 78 of 1977), as the core city of a metropolitan transport area, and includes any municipality which, after the commencement of this Act, is so designated;

"courtesy service" means a complementary transport service for customers or clients provided by an organisation which is not an operator, where the organisation provides its own vehicle or where a vehicle is provided by an operator in terms of a contract with that organisation with no direct charge to the passengers for the transport ;

"cross-border road transport" means international cross-border transport as defined in the Cross Border Road Transport Act, 1998 (Act No. 4 of 1998);

"current tendered contract" means a contract entered into before the commencement of the National Act for the operation of a public passenger road transport service between the National Department of Transport and the Province on the one hand and an operator on the other hand, to whom a tender for the provision of a service was awarded by the State Tender Board or the Gauteng Tender Board established in terms of the Gauteng Tender Board Act, 1994 (Act No. 2 of 1994) and which is still binding, the term of which expires only after the commencement of this Act, and includes a contract which is binding between the operator and the Province due to such National Department assigning its rights and obligations to the Province irrespective of whether the assignment occurred before or after the commencement of the National Act ; or

- (b) operator and a transport authority, municipality or core city to which the Province, after the commencement of the National Act-
 - (i) may have assigned its rights and obligations; or
 - (ii) as the case may be, may have further assigned the rights and obligations assigned to it by the National Department in terms of paragraph (a);

"Department" means the Department in the Province responsible for public transport;

"double decker bus" means a motor vehicle with two decks with a capacity of not more than 110 passengers;

"education service" means a public passenger road transport service restricted to the scheduled conveyance of learners, students, pre-school children, and supervisors between their places of residence and educational institutions and on unscheduled trips to and from their educational institution, that are concerned exclusively with education-related activities, as referred to in section 11;

"Gauteng Interim Mini-bus Taxi-Type Services Act", means the Gauteng Interim Mini-bus Taxi-Type services Act, 1997 (Act No. 11 of 1997);

"Gauteng Tourism Act", means the Gauteng Tourism Act, 1998 (Act No. 18 of 1998);

"Gazette" means Provincial Gazette;

"holder" means the holder of a valid permit or operating licence;

"Income Tax Act" means the Income Tax Act, 1962 (Act No 58 of 1962);

"inspector" means an inspector designated under section 96;

"integrated transport plan" means an integrated transport plan referred to in section 27 of the National Act;

"interim contract" means a contract, not being a current tendered contract, for the operation of a subsidised scheduled service, the term of which expires after the date of commencement of the National Act and which-

- (a) was entered into before that date between the Province and the National Department of Transport on the one hand and the operator who is to operate that service on the other hand, and is still binding between them or only binding between the Province and that operator; or
- (b) is binding between that operator and any transport authority, core city or municipality due to the assignment to it, after the commencement of this Act, of the rights and obligations of the Province under the contract referred to in paragraph (a);

"interprovincial transport" means a public passenger road transport service operating between two or more provinces;

"intraprovincial transport" means a public passenger road transport service operated within the boundaries of the Province;

"limousine" means a luxury motor vehicle approved by the Board as a limousine with a capacity of four to eight passengers;

"long distance service" means a scheduled or unscheduled public passenger road or rail transport service other than a service for commuting, that is provided beyond the boundary of the area covered by a transport plan, where passengers are charged fares individually;

"metered-taxi service" means a public passenger road transport service operated by means of a motor vehicle which is designed, or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, to carry fewer than nine seated persons, including the driver, where that vehicle-

- (a) is available for hire by hailing, by telephone or otherwise;

- (b) may stand for hire at a rank; and
- (c) is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable;

"metropolitan authority" includes a metropolitan municipality or district municipality, as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"midibus" means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, to carry from 19 to 35 seated persons, excluding the driver;

"minibus" means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, to carry from nine to 18 seated persons, excluding the driver;

"minibus taxi-type service" means an unscheduled public passenger road transport service operated on a specific route or routes, or where applicable, within a particular area, by means of a motor-car, minibus, midibus or adapted light delivery vehicle;

"motor car" means a motor vehicle, other than a motor cycle, motor tricycle or motor quadracycle as defined in the National Road Traffic Act, designed or lawfully adapted by a registered manufacturer in compliance with that Act to carry not more than eight persons, excluding the driver;

"motor vehicle" and **"vehicle"** means a motor vehicle as defined in section 1 of the National Road Traffic Act;

"municipality" includes all municipalities referred to in section 155(6) of the Constitution, and in the case of a category C municipality referred to in section 155(1)(c) thereof, also includes the Category B municipalities referred to in section 155(1)(b) in its area;

"National Act" means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"non-contracted service" means a public passenger road transport service other than one operated in terms of an unsubsidised service contract, subsidised service contract, current tendered contract or interim contract;

"non-member" means any person, whether a natural person or a juristic person, who is not a member of an association;

"open double decker bus" means a double decker bus specially designed or adapted by a registered manufacturer in compliance with the National Road Traffic Act, for tourist or charter services and which conforms to prescribed safety standards and has been approved by the Board for that purpose;

"operating licence" means a public transport operating licence required by section 33 of the National Act, granted and issued in accordance with Part 6;

"operator" means a public transport operator as defined in the National Act, being a person

carrying on the business of operating a public passenger road transport service;

"organ of state" means an organ of state as defined in section 239 of the Constitution;

"permit" means a public road carrier permit or similar authority issued under a previous law, as defined in the National Act, and which is in force at the commencement of this Act in terms of section 78 of the National Act;

"prescribed" means prescribed by regulation;

"Province" means the Province of Gauteng;

"Provincial Public Passenger Transport Forum" means the Provincial Public Passenger Transport Forum established in terms of section 85;

"public passenger road transport", subject to section 4, means a service for the carriage of passengers by road, whether the service is subject to a contract or not, and where the service is provided for a fare or other consideration or reward, including any service that is-

- (a) a tuk-tuk service;
- (b) a metered taxi service;
- (c) a minibus taxi-type service;
- (d) a bus-type service;
- (e) an education service;
- (f) a tourist service;
- (g) a charter service;
- (h) a staff service;
- (i) a courtesy service;
- (j) a coach-type scheduled service;
- (k) a shuttle service;

"registered manufacturer" includes a manufacturer, importer or builder of motor vehicles registered under section 5 of the National Road Traffic Act;

"Registrar" means the Gauteng Transport Registrar appointed under section 60;

"scheduled service" means a public passenger road transport service operated on a particular route or routes in accordance with a timetable;

"semi-trailer" means a semi-trailer as defined in section 1 of the National Road Traffic Act;

"services" means public passenger road transport services;

"shuttle service" means a public passenger road transport service provided in a limited area or on fixed routes which may be scheduled on demand or unscheduled, as referred to in section 17;

"staff service" means a public passenger road transport service provided by means of a vehicle owned by an employer or a vehicle provided by an operator in terms of a contract with the employer, when used exclusively for the conveyance of the employer's employees between their places of residence and work, or for work-related trips and free of direct charges;

"standard bus" means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, with a capacity of 36 to 70

seated passengers and the number of standing passengers authorised by the relevant road worthy certificate;

"subsidised service contract" means an agreement, other than an interim contract or a current tendered contract, concluded between the Department, a transport authority, a municipality or a core city on the one hand, and an operator on the other hand, to operate a scheduled service and in terms of which the operator, in addition to the passenger fares paid, receives financial support in terms of a tendered contract;

"this Act" includes regulations;

"Tourism Act" means the Tourism Act, 1993 (Act No 72 of 1993);

"tourist service" means a public passenger road transport service for the carriage of tourists to or from tourist attractions, where the tourists are accompanied by a tour guide registered under section 21 of the Tourism Act);

"Transport Appeal Tribunal Act" means the Transport Appeal Tribunal Act, 1998 (Act (Act No.39 of 1998);

"transport authority" means an authority referred to in section 10(1) of the National Act;

"transport operating licence administrative body" means a transport operating licence administrative body referred to in section 34;

"transport plan" means a plan provided for in section 19 of the National Act;

"tuk-tuk" means a three-wheeled motor vehicle with a capacity of less than four passengers;

"tuk-tuk service" means an unscheduled public passenger road transport service for not more than three passengers, operating on prescribed urban routes or networks within confined areas, at a speed less than 45 kilometres per hour as referred to in section 7;

"unauthorised public passenger road transport" means public passenger road transport not authorised by an operating licence or permit and includes such transport undertaken by the holder of an operating licence or permit otherwise than in accordance with the terms and conditions of the operating licence or permit;

"unscheduled service" means a public passenger road transport service operated on a particular route or routes, or, where applicable, within a particular area, without a time table, where passengers are charged fares individually;

"unsubsidised service contract" means a commercial service contract referred to in the National Act, being an agreement entered into between a contracting authority and an operator, in terms of which the-

- (a) operator is to operate a public passenger road transport service, provided for in a transport plan;
- (b) operator's consideration consists of fares payable by the passengers that are carried and, where passengers pay concessionary fares, also of the reimbursement made by the contracting authority to that operator; and

- (c) operator does not receive any subsidy or other financial support from any organ in any sphere of government and for the purposes of this paragraph, reimbursements made to the operator in respect of concessionary fares will not be regarded as a subsidy or other form of financial support.

PART 2: PUBLIC PASSENGER ROAD TRANSPORT SERVICES

3. Principles for specifying public passenger road transport services in transport plans

- (1) Strategies must be promoted to achieve integration of modes, transport that is accessible for persons with disabilities, transformation and development of small business enterprises and persons previously disadvantaged by unfair discrimination.
- (2) Each transport authority, core city and municipality must determine and specify the public passenger road transport services that will be provided in its transport plans in terms of-
 - (a) subsidised service contracts for scheduled services;
 - (b) unsubsidised service contracts for-
 - (i) scheduled services;
 - (ii) unscheduled services;
 - (iii) area services;
 - (c) non-contracted services for-
 - (i) scheduled services;
 - (ii) unscheduled services;
 - (iii) area services;operating without subsidy.
- (3) A person undertaking a public road transport service must - have the necessary permit, operating licence or ad hoc authorisation; and be registered in terms of this Act in the case of minibus taxi- type, metered taxi, bus-type and coach-type services subject to section 69, section 77 and section 81.
- (4) An association may not be the holder of a permit or operating licence.
- (5) Only one operating licence may be issued for any motor vehicle.

4. Exemptions

For the purposes of this Act, the definition of "public passenger road transport" is deemed to exclude the following:

- (a) the conveyance by means of an ambulance of a patient to or from a place where such a patient is to receive medical treatment;
- (b) the conveyance of persons by a motor car as part of a lift club, where every member has a turn to convey or cause to be conveyed the other members or persons designated by those other members to or from a specified place for a specified purpose and where no direct or indirect payment is made for the conveyance.

5. Provisions relating to drivers and vehicles

- (1) The MEC may prescribe codes of conduct for drivers of vehicles used for the various types of public passenger road transport services and such drivers must at all times while those services are undertaken-
 - (a) be clean and neatly dressed;

- (b) not smoke; and
 - (c) have a good knowledge of the area in which the services are operated.
- (2) Subsection (1) shall not apply to staff services in cases that are clearly inappropriate.

The MEC may impose requirements that drivers of vehicles used for public passenger road transport services must attend training courses.

The Board-

- (a) must approve the type and condition of vehicles to be used for particular public passenger road transport services;
 - (b) or an authorised officer may require an applicant for an operating licence to submit a vehicle for retesting where it suspects that the vehicle is not roadworthy, notwithstanding that a valid roadworthy certificate has been issued in respect of the vehicle; and
 - (c) may refuse to issue an operating licence if in its opinion a vehicle is not roadworthy.
- (5) Vehicles used for public passenger road transport services must be clean when they leave a depot, both inside and out, in accordance with prescribed guidelines, if any, or, in the case of a contract, guidelines stipulated in the contract.
- (6) In addition to the requirements of the National Road Traffic Act, vehicles used for public passenger road transport services must be kept in a good condition both inside and outside.
- (7) (a) A vehicle used for public passenger road transport services must be equipped with at least one fire extinguisher in working condition and a first aid box containing the articles as prescribed.
- (b) The fire extinguisher and first aid box must be placed or fixed in the prescribed manner and place in the vehicle, and fire extinguishers must be replaced at prescribed intervals.

6. Categories of services

- (1) Operating licences for public passenger road transport services are issued in respect of the following services:
- (a) a tuk-tuk service referred to in section 7;
 - (b) a metered taxi service referred to in section 8;
 - (c) a minibus taxi-type service referred to in section 9;
 - (d) a bus-type service referred to in section 10;
 - (e) an education service referred to in section 11;
 - (f) a tourist service referred to in section 12;
 - (g) a charter service referred to in section 13;
 - (h) a staff service referred to in section 14;
 - (i) an accessible transport service;
 - (j) a shuttle service referred to in section 17;
 - (k) a courtesy service referred to in section 15;
 - (l) a coach-type scheduled service referred to in section 16.
- (2) The MEC may, by notice in the Gazette and after consultation with the Provincial Public Passenger Transport Forum, add services to, alter or remove services from the list provided in subsection (1).
- (3) The categories of service listed in subsection (1) in relation to the principles referred to in section 3 for the future are shown in Schedule B, and those for the transitional period are shown in Schedule C.

7. Tuk-tuk services

A tuk-tuk service may -

- (a) not carry more than three passengers;
- (b) be provided only by a tuk-tuk vehicle, where the Board prescribes in the relevant operating licence-
 - (i) an urban route or road network on which or an area within which it may operate; and
 - (ii) a maximum speed of operation of 45 kilometres per hour.

8. Metered taxi services

- (1) A metered taxi service may be provided only by a motor car or minibus, but-
 - (a) the vehicle must be equipped with a sealed meter in good working order that complies with prescribed requirements, to measure the cost of the trip;
 - (b) in the case of a minibus, the type and capacity of the vehicle must be approved by the Board after consultation with the metered taxi associations operating in the area;
 - (c) the Board must prescribe the maximum number of passengers that may be carried, which must be less than nine, and which may be less than the capacity of the vehicle;
 - (d) the Board may prescribe defined areas for picking-up passengers;
 - (e) where more than four persons are carried, the vehicle must have a shared meter facility;
 - (f) the vehicle must be marked in the prescribed manner.
- (2) The Board may determine minimum or maximum fares for metered taxi services which must be published in the *Gazette*.
- (3) The MEC may prescribe a grading system for metered taxi services and determine special markings to be displayed by the various grades of metered taxis and where such a determination is made, it must be stated in the relevant operating licence.
- (4) Metered taxis may leave their defined areas of operation if -
 - they carry the same passengers to and from their destinations;
 - the taxi returns empty; or
 - they are required to do so in terms of a contract approved by the Board.
- (5) Despite subsection (1), a metered taxi may be operated at a fare not determined by the meter if the fare for the particular journey is agreed before the journey begins.

9. Minibus taxi-type services

- (1) Minibus taxi-type services may be provided only by motor cars, minibuses, midibuses or adapted light delivery vehicles.
- (2) The operating licence granted for a minibus taxi-type service must provide that the service is route or network based, except in the special circumstances allowed by this Act.
- (3) Minibus taxi-type services are unscheduled public passenger road transport services for not more than 35 passengers that are not subject to restrictions in respect of fares and time tables.

10. Bus-type services

- (1) Bus-type services may be provided only by minibuses, midibuses, standard buses, semi-trailers, double decker buses or bus-trains.
- (2) In the case of a double decker bus or bus-train the Board may restrict the service in the operating licence to specified areas or road networks.
- (3) Bus-type services must be scheduled services operating on specified routes or networks according to published tariffs and timetables which, in the case of subsidised services, must be approved by the authority paying the subsidy.

11. Education services

- (1) Education services must be scheduled for the conveyance of learners, students, pre-school children, and supervisors between their places of residence and education, but may include unscheduled trips to and from the educational institution in question if these are concerned exclusively with education-related activities.
- (2) Education services may be provided by motor cars, minibuses, midibuses, standard buses, double decker buses, bus trains or adapted light delivery vehicles.
- (3) Before considering an application for the granting, renewal, amendment or transfer of an operating licence for education services, the Board must submit the application to the relevant school or other educational institution for comments and recommendations in the prescribed manner, and must consider any such comments and recommendations that are received.

12. Tourist services

- (1) Tourist services must be pre-booked services catering for leisure travel where the tourists are accompanied by a tour guide registered under section 21 of the Tourism Act.
- (2) No operating licence authorising tourist services may be granted unless the Board has obtained and considered recommendations from a tourism authority recognised by the MEC, but the Board may proceed without such recommendations where such authority has not supplied them in the time specified in the Board's request.
- (3) In granting an operating licence for tourist services the Board may impose conditions that the vehicle must be equipped with a sound system, air conditioning, kitchen equipment or other equipment determined by the Board, or a toilet where sections of journeys will exceed 200 kilometres, or other conditions.
- (4) The Board may prescribe a maximum number of passengers that may be carried by a vehicle used for tourist services, notwithstanding that the capacity of the vehicle is greater.
- (5) Where appropriate, the Board may prescribe defined areas or routes for the operation of a tourist service.
- (6) The driver of a vehicle used for tourist services must at all times while such services are undertaken comply with requirements imposed by tourism legislation and as prescribed.
- (7) Tourist services may not be provided by bus trains.

13. Charter services

- (1) Charter services may only be provided where passengers are conveyed to a common destination and where the destination, date and time of departure are pre-determined by the person or organisation booking the trip.
- (2) Charter service may not be provided by tuk-tuks.

14. Staff services

Staff services may be provided using vehicles approved by the Board, excluding a tuk-tuk, if the operating licence granted for the staff service stipulates that the service is route or network based or area bound.

15. Courtesy services

Courtesy services may not be provided by a double decker bus or a bus train.

16. Coach-type services

- (1) A coach-type service may be provided only by means of a coach but-
 - (a) seats must be provided for all passengers;
 - (b) the vehicle must be equipped with a toilet where passengers will be conveyed for sections of journeys exceeding 200 kilometres;
 - (c) the service must operate on a scheduled basis on pre-determined routes and with pre-determined tariffs.
- (2) The Board may prescribe additional attributes for coaches.

17. Shuttle services

- (1) A shuttle service may be provided only by means of a limousine, motor car, minibus, midibus, standard bus, double decker bus or coach.
- (2) Shuttle services must include a predetermined tariff per route which is advertised in any manner approved by the Board.
- (3) The Board may prescribe a maximum number of passengers that may be carried by a vehicle used for a shuttle service, despite the fact that the capacity of the vehicle is greater.
- (4) The Board must prescribe for a shuttle service-
 - (a) a limited area or fixed routes for the operation of a shuttle service; and
 - (b) whether the service is unscheduled on demand or a scheduled service.
- (5) In granting an operating licence for a shuttle service, the Board may impose conditions that the vehicle must be equipped with air conditioning or other equipment determined by the Board.

18. Categories of vehicles

- (1) The following types of motor vehicles may be used for public passenger road transport services, only to the extent and in the manner indicated in Schedule A or as otherwise provided in sections 7 to 17:
 - (a) tuk-tuks;
 - (b) limousines;
 - (c) motor cars;
 - (d) minibuses;

- (e) midibuses;
 - (f) standard buses;
 - (g) double decker buses;
 - (h) bus-trains;
 - (i) adapted light delivery vehicles;
 - (j) semi-trailers;
 - (k) coaches.
- (2) The MEC may by notice in the *Gazette* and after consultation with the Provincial Public Passenger Transport Forum, add, alter or remove vehicles from the list provided in subsection (1).
- (3) The categories of motor vehicles in relation to types of services are shown in Schedule A.
- (4) A light delivery vehicle may be used for public passenger road transport services only if it is an adapted light delivery vehicle.

PART 3: POWERS AND DUTIES OF THE MEC AND MUNICIPALITIES

19. Powers of the MEC

Apart from the powers mentioned elsewhere in this Act, and in the National Act, the MEC may in consultation with the MEC for Finance-

- (a) finance research on public passenger road transport services;
- (b) finance demonstration or pilot projects on such services;
- (c) disseminate information on such services by means of the press, radio, television or other media;
- (d) assist municipalities which do not have the necessary staff or capacity in the execution of the functions assigned to them under this Act;
- (e) finance training for operators, drivers and administrators of such services;
- (f) give guidance to associations or bodies of persons working towards the promotion of public passenger road transport;
- (g) enter into agreements with other provinces regarding the interprovincial movement of vehicles used for public passenger road transport services and related matters;

20. Duties of the MEC

The MEC must-

- (a) monitor the implementation of provincial public passenger road transport policy, conduct investigations into issues arising from the implementation of the policy and make necessary policy adjustments;
- (b) promote and facilitate the increased utilisation of public passenger road transport in the Province;
- (c) take the necessary steps to promote co-ordination between transport authorities and other planning authorities in the Province, or between such authorities and the Province, with a view to avoiding duplication of effort;
- (d) encourage efficient and commercial conduct on the part of operators in their provision of public passenger road transport services, and encourage competitive tendering for contracts and concessions;
- (e) where this Act requires public consultation and participation before taking any decision or performing any official act, prescribe the procedures to be followed in this regard;

- (f) strive to ensure that funding provided by the Province and transport authorities for public passenger road transport is applied in an efficient, cost effective, equitable and transparent way;
- (g) promote the development of passenger transport in a way that-
 - (i) takes into account national and international benchmarks and best practice;
 - (ii) furthers, within overall land transport objectives, the safety of passengers;
 - (iii) encourages efficient, competitive and commercial behaviour in the provision of public passenger road transport;
 - (iv) furthers a strategic and integrated approach to the provision of public passenger road transport through the integration of public passenger transport facilities, infrastructure and services;
 - (v) furthers energy efficiency and reduces adverse environmental impact;
- (h) promote public passenger road transport so as to achieve-
 - (i) effectiveness in meeting demand;
 - (ii) efficiency in the use of resources;
 - (iii) the highest quality and accessibility of service, and effective infrastructure consistent with reasonable cost; and
 - (iv) operational safety of passengers and other road users;
- (i) facilitate co-ordination and integration within and between public passenger road transport modes to promote accessibility and convenience and reduce travel times.

21. Regulations

- (1) The MEC may make regulations prescribing-
 - (a) the information to be submitted with an application for the granting, renewal, amendment or transfer of an operating licence;
 - (b) the manner and form in which applications regarding operating licences must be made;
 - (c) the procedure to be followed by a transport operating licence administrative body or the Board in dealing with an application;
 - (d) the information to be submitted with an appeal to the Appeal Board against an act, direction or decision of the Board or Registrar;
 - (e) the information to be supplied by the Board or Registrar to the Appeal Board or the appellant in connection with an appeal, and the manner in which and time within which the information must be supplied;
 - (f) the procedure to be followed by the Appeal Board in dealing with an appeal;
 - (g) the offences that the Board should take into account in considering applications for operating licences under section 38;
 - (h) the numbering of routes and allocation thereof to particular associations or holders, and the form and issuing of distinguishing marks in that regard;
 - (i) rules for undertaking education services;
 - (j) conflict resolution and arbitration procedures between associations or operators;
 - (k) a grading system for operators or drivers involved in public passenger road transport services;
 - (l) norms and standards for public passenger road transport in the Province;

- (m) the preparation, revision, updating and implementation of transport plans, in addition to regulations and requirements prescribed under the National Act;
- (n) the provision and regulation of the use of public passenger road transport facilities in the Province;
- (o) requirements in respect of-
 - (i) public passenger road transport information;
 - (ii) public hearings and public participation in public passenger road transport planning and policy formulation;
 - (iii) performance auditing of the progress of transport authorities, core cities and municipalities in implementing public passenger road transport policy;
- (p) the effect of non-compliance with a time limit prescribed under this Act;
- (q) specifications and requirements to which a motor vehicle used in public passenger road transport must conform, in addition to those prescribed by road traffic legislation;
- (r) records to be kept by a person engaged in public passenger road transport and returns and information to be submitted by such person to the Board or another person or institution;
- (s) fees or allowances payable to a person who has been required to appear before the Board or Registrar to give evidence or to produce a book, plan or other document or article;
- (t) rules concerning the safety and comfort of passengers on public passenger road transport vehicles and related matters;
- (u) the nature and form of a distinguishing mark, identification, operating licence, notice or other document issued or required in terms of this Act, including the form, shape, size and colour of, and the information to be contained in, such documents, or empowering the Board or Registrar to prescribe the form thereof;
- (v) the manner in which a distinguishing mark, identification, operating licence, 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;
- (w) rules for operational safety of vehicles used in public passenger road transport;
- (x) the form of registration certificates for operators and their associations;
- (y) types of vehicles that may be used for the various types of public passenger road transport;
- (z) the minimum number of members associations must have in order to be eligible for registration;
- (aa) the minimum period for which associations must have existed in order to be eligible for registration;
- (bb) other additional requirements with which an association must comply in order to qualify for registration;
- (cc) determining the method of inquiry into allegations of improper conduct by registered associations, members or non-members;
- (dd) the manner in which an association or non-member must apply for registration, the form in which such applications must be made, the fees payable to the Registrar in respect of an application and annual fees which an association or non-member must pay to the Registrar;

- (ee) the provision of training for drivers or operators undertaking public passenger road transport services;
 - (ff) the transporting of learners and students;
 - (gg) the membership and functioning of local taxi liaison committees referred to in section 91 or local liaison forums referred to in section 92, and procedures for and frequency of their meetings;
 - (hh) requirements and standards for meters to be installed in metered taxis;
 - (ii) annual fees payable by holders of permits or operating licences that are valid for longer than one year;
 - (jj) any other matter that will promote the objects of this Act.
- (2) The MEC may make regulations requiring the payment of fees for-
- (a) an application for the granting, renewal, amendment or transfer of an operating licence;
 - (b) an appeal to the Appeal Board against an act, direction or decision of the Board;
 - (c) the issue by a Transport operating licence administrative body of a distinguishing mark or other document or a duplicate thereof,

and prescribing the amount of the fee, the circumstances in which the fees paid will be forfeited or refunded in whole or in part, the amount of a partial refund and the circumstances in which the fees so paid may in the discretion of the Board or Appeal Board be forfeited in whole or be refunded in whole or in part.

- (3) The MEC may prescribe a Minimum Standard Constitution for associations and a Code of Conduct for non-members, and may make additional rules governing the manner in which-
 - (a) a registered association and its members must conduct their affairs;
 - (b) a registered non-member must conduct his or her business.
- (4) Different regulations made under this section may apply to different areas in Gauteng and for new associations as opposed to established ones.
- (5) Regulations envisaged in this section or any other section of this Act may provide that a person who contravenes a provision thereof or fails to comply therewith is guilty of an offence and liable on conviction to a fine or imprisonment not exceeding six months.
- (6) Any regulation made in terms of a law repealed or excluded by this Act and in force immediately before the commencement of this Act with regard to matters in relation to which the MEC is competent to make regulations in terms of this section, is regarded for the purposes of this Act, as regulations made in terms of this section until the MEC makes a superseding regulation under this section.

22. By-laws

- (1) A metropolitan authority may in accordance with an applicable integrated transport plan-
 - (a) regulate the size or number of motor vehicles used for public passenger road transport services that may enter a specified sector of its area of jurisdiction and determine the time or times when such a vehicle may enter that sector;
 - (b) regulate or prohibit the entry of such a motor vehicle in a specified sector during a set period;
 - (c) prohibit the picking up or dropping off of passengers by such a vehicle in a specified sector during a set period, and determine the time or

- times when the picking up or dropping off may take place.
- (2) A municipality may make by-laws to further the objects of this Act that are not in conflict with this Act or regulations made thereunder, including, but not limited to-
- (a) the numbering of routes and allocation thereof to particular associations or operators undertaking public passenger road transport services, and the form and issuing of distinguishing marks in that regard;
 - (b) the allocation of facilities to particular operators or associations and the charging of fees in that regard;
 - (c) the appointment and conduct of rank marshals;
 - (d) the conduct of drivers of vehicles used for public passenger road transport services, which may include prohibiting touting or hooting to attract passengers.
- (3) A municipality may enter into agreements with persons or institutions regarding the allocation or use of facilities for public passenger road transport services situated on private property, in accordance with regulations or guidelines made by the MEC, if the allocation or use is in terms of relevant transport plans.

23. Information requirements and reporting system

The MEC-

- (a) must develop and maintain an information and reporting system for public passenger road transport in collaboration with municipalities and transport authorities to accumulate information relevant to the objects of this Act or of national or provincial land transport policy;
- (b) may withhold from a municipality or transport authority appropriations or grants from a date determined by him or her, unless the authority is complying with the reporting requirements referred to in paragraph (a);
- (c) must publish requirements or regulations prescribing the system referred to in paragraph (a) in the *Gazette*;
- (d) may undertake the collection of information in connection with public passenger road transport and make it available to interested persons and disseminate information in connection with such transport by means of the press, radio, television or other media.

24. Delegation

The MEC may delegate or assign a power or duty conferred or imposed upon him or her to an officer in the Department, except the power to make regulations, and may withdraw such a delegation or assignment at any time.

PART 4: PUBLIC PASSENGER ROAD TRANSPORT PLANNING

25. Principles for public passenger road transport planning

The following principles shall apply to public passenger road transport planning endeavours in the Province:

- (a) integrated, comprehensive planning must occur within a broader developmental vision that integrates transport and spatial planning;
- (b) transport plans must identify modal options;

- (c) although transport authorities will not be providers of rail services in the short and medium term, rail aspects must be fully integrated into integrated transport plans in consultation with providers of rail services;
- (d) through-ticketing and similar methods must be used to reduce travel times and enhance convenience for passengers;
- (e) appropriate transport plans must indicate what special measures have or will be taken to cater for passengers with special needs, such as persons with disabilities.

26. Public transport plans

- (1) When preparing a public transport plan in terms of section 26 of the National Act the following, among other things, must be considered:
 - (a) all relevant contracts;
 - (b) routes on which both subsidised and unsubsidised services are undertaken.
- (2) Such plans must be based on the following, among other things:
 - (a) routes shown in detail as following specified roads or streets, as opposed to point-to-point routes;
 - (b) time tables for scheduled services;
 - (c) existing capacity determined on such routes;
 - (d) passenger demand on such routes;and must include the types of services listed in section 6 as may be prescribed.
- (3) Such plans must contain the information prescribed by regulation or by other national or provincial legislation.
- (4) Such plans must contain sufficient information to enable the transport authority to determine the supply of and demand for services on each route on which public passenger road transport services are provided.
- (5) In the process of preparing such plans, transport authorities must undertake the prescribed public consultation procedures and must allow interested persons reasonable time to comment and make representations on matters in plans that may affect their interests.

27. Duties of transport authorities, core cities and municipalities relating to planning

- (1) Each transport authority must enter into contracts with operators of services on routes within its area of jurisdiction for services contemplated in provincial and national policy.
- (2) Where there is a need for additional services on a route that have not been and will not be provided in terms of a contract, the authority must invite applications to the Board for operating licences for such services based on its transport plans in accordance with section 38.
- (3) Transport authorities, core cities and municipalities must ensure, as far as possible, by appropriate recommendations to the Board, that the granting of operating licences takes place in such a manner that passengers on the relevant routes are supplied with transport, subject to the availability of funds, and that an oversupply of services is avoided.

Where a transport plan shows an oversupply of services on a route, the transport authority must -

- (a) not invite applications for new operating licences on that route;
- (b) request the Board in writing not to issue any new operating

- licences, or amend any operating licence to authorise additional services on the route; and
- (c) take active steps by law enforcement measures or by withdrawing excess operating licences in terms of section 51 of the National Act read with this Act, or by other prescribed means to bring the oversupply into line with demand.
- (5) In planning contracted services, authorities must consider routes as a whole, i.e. take subsidised and unsubsidised services into account and must where appropriate award contracts that are a combination of subsidised and unsubsidised services.

28. Transitional matters relating to planning

- (1) A transport plan approved under section 6(1) of the Urban Transport Act, 1977 (Act No. 78 of 1977) and any regional passenger transport plan drawn up by a regional services council in terms of the Regional Services Councils Act, 1985 (Act No. 109 of 1985) shall remain in force until amended or replaced by relevant transport plans under the National Act.
- (2) Any current public transport record prepared in terms of section 3 of the National Land Transport Interim Arrangements Act, 1998 (Act 45 of 1998) shall be deemed to be such a record required by section 23 of the National Act.
- (3) For the purposes of practical arrangements arising from subsection (1), the MEC may by agreement allocate responsibilities to particular transport authorities or municipalities by notice in the *Gazette*.
- (4) Where at the commencement of this Act, the Province has been undertaking planning of public transport, other than of services referred to in section 20(4) of the National Act, which in terms of the Constitution should be undertaken by municipalities, the MEC and the planning authorities concerned must make arrangements for the transfer of the planning functions to the planning authorities concerned.

PART 5: THE GAUTENG TRANSPORT OPERATING LICENCE BOARD

29. Establishment and constitution of Gauteng Transport Operating Licence Board

- (1) The name of the Gauteng Transport Permit Board established under section 2 of the Gauteng Interim Road Transport Act, 1998 (Act No. 2 of 1998) is changed to the Gauteng Transport Operating Licence Board and is deemed to be the board referred to in section 30(1) of the National Act.
- (2) The Board must consist of a chairperson and the number of other members determined by the MEC, who shall be persons who possess wide experience of, and have shown ability in, public passenger transport, industrial, commercial, financial or legal matters or in the conduct of public affairs.
- (3) The members of the Gauteng Transport Permit Board appointed before the commencement of this Act shall continue in office as members of the Board until their period of appointment expires, unless the MEC terminates their appointment earlier.
- (4) (a) Before appointing members of the Board, the MEC must publish a notice of intention to do so, and invite applications for membership, in at least one newspaper circulating in the Province, in English and at least one other official language widely spoken in the Province.
- (b) Before appointing any such member, the MEC must publish, in the

same manner, the names of the persons he or she proposes to appoint to the Board, and invite comment and representations in that regard.

- (c) The MEC must give due consideration to any comments and representations so received.
- (5) A person may not be appointed or remain as a member of the Board if he or she-
 - (a) or his or her spouse or partner, immediate family, dependants, business partner or employer, has a financial interest in a business of public passenger road transport or is an elected office bearer in an association, or is engaged in an activity which, in the opinion of the MEC, will interfere with the impartial discharge of the functions of his or her office;
 - (b) is subject to any legal disability;
 - (c) is an unrehabilitated insolvent; or
 - (d) has been convicted of an offence involving dishonesty or has been removed from public office due to misconduct.
- (6) When the appointment of any person as a member of the Board is considered, that person must disclose to the MEC, in writing, any interests which he or she may have in any part of the public passenger road transport industry, and failure to do so will constitute an offence.
- (7) The chairperson of the Board must be appointed for a period not exceeding three years, and other members of the Board for periods not exceeding two years, and, subject to this Act, hold office on conditions as to remuneration and otherwise as the MEC may determine when they are appointed.
- (8) When the office of chairperson of the Board or a Board member is to or has become vacant, the MEC must take immediate steps to fill the vacancy by the appointment, in accordance with this section of a fit and proper person who is not subject to a disqualification mentioned in subsection (5).
- (9) A person whose period of office as a member of the Board has expired, is eligible for re-appointment.
- (10) 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.

30. Resignation, vacation of and removal from office of Board members

- (1) A Board member may resign on two months' written notice to the MEC.
- (2) 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;
 - (b) who has been guilty of improper conduct or has regularly neglected his or her duties as a member of the Board or failed to discharge those duties fairly and impartially;
 - (c) who is unable to perform efficiently his or her duties as a member of the Board;
 - (d) who has failed to attend three consecutive meetings of the Board without good reason.
- (3) A member of the Board must vacate his or her office if the member-
 - (a) becomes subject to any of the disqualifications for appointment mentioned in section 29(5);
 - (b) is removed from office under subsection (2).

31. Powers of the Board

- (1) 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 this Act, an application made to it thereunder-
 - (i) for the granting of an operating licence authorising public passenger road transport within Gauteng;
 - (ii) for the granting of an operating licence authorising such transport which commences in Gauteng and also takes place in another province in agreement with the board of the other province;
 - (iii) for the renewal, amendment or transfer of an operating licence granted by it;
 - (c) issue, in accordance with the provisions of this Act, an operating licence granted, renewed, amended or transferred by it;
 - (d) for the purpose of dealing with a matter before it in terms of this Act -
 - (i) in its discretion allow a person affected by or interested in the matter, or the duly authorised representative of that person, to appear before it and-
 - (aa) give evidence or make oral representations relevant to the matter;
 - (bb) call witnesses and lead evidence on a question relevant to the matter; or
 - (cc) question a person who testified as a witness in the matter;
 - (ii) by written notice as prescribed 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;
 - (iii) call upon a person present at the place where the 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;
 - (iv) question a person appearing before it as a witness;
 - (v) 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 Board at which a person appears as a witness as referred to in subsection (1), may administer an oath or affirmation to the person so appearing.
- (3) The Board must provide interested parties on request with written reasons for a decision it has taken.

32. Meetings and decisions of the Board

- (1) Meetings of the Board must be held according to the prescribed procedures and at the prescribed times and places.
- (2) The chairperson and at least two other members of the Board will form a quorum for meetings of the Board.
- (3) The decision of the majority of the members of the Board present at a meeting shall constitute the decision of the Board in respect of those proceedings and in the event of an equal number of votes, the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.

- (4) If the chairperson of the Board is unable to attend a meeting of the Board, the chairperson may designate another member of the Board to act as chairperson at that meeting.
- (5) No act, direction or decision of the Board may be held to be invalid by reason 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 29(5) 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.

33. Establishment of advisory panel to the Board

- (1) The MEC may, if requested by the Board, establish an advisory panel called the Gauteng Operating Licence Board Advisory Panel to advise the Board.
- (2) The Panel must advise the Board on policy matters and must not participate in individual decisions of the Board unless specifically requested by the Board and if so requested, must provide only advice of a general and policy nature.
- (3) (a) The Panel must consist of the following members, who must be nominated by their respective organizations, if the organisation is either registered in terms of this Act or recognised by the MEC, and appointed by the MEC:
 - (i) one representative from the Department;
 - (ii) one representative from each metropolitan authority;
 - (iii) one representative from the minibus taxi industry;
 - (iv) one representative from the metered taxi industry;
 - (v) one representative from the organized bus industry;
 - (vi) one representative from the emerging or small bus industry;
 - (vii) one representative from the rail commuter industry;
 - (viii) one representative from providers of education services;
 - (ix) one representative each from other types of public passenger road transport services defined in this Act, if so decided by the MEC;
 - (x) not more than three persons capable, in the opinion of the MEC, of representing the interests of passengers, each representing passengers from a different category of service;
 - (xi) not more than three representatives from organised labour relating to the public transport industry, each representing workers from a different category of service.
- (b) If one of the appointed representatives referred to in paragraph (a) is unavailable, the organisation concerned may substitute such representative but such substitution may not be permanent.
- (4) The chairperson of the Board will be the chairperson of the Panel.
- (5) The Panel must designate one of its members to act as chairperson when the chairperson is unable to attend a meeting of the Panel.
- (6) The Panel members shall be called together on an *ad hoc* basis as required by the Board, but must hold at least two meetings per year.
- (7) A member of the Panel who is a member of the public service shall hold office when required to do so by the MEC, and other members must be appointed for a period not exceeding two years and must, subject to the provisions of this Act, hold office on such conditions and on such remuneration as the MEC may, with the concurrence of the Member of the Executive Committee for Finance, determine when the member is appointed.

34. Establishment of transport operating licence administrative bodies

- (1) The Head of Department must designate one or more departmental officials to be stationed at the offices of each metropolitan authority to fulfil the functions of transport permit administrative bodies, in the manner prescribed.
- (2) The transport operating licence administrative body must receive completed application forms for operating licences in respect of services commencing in its metropolitan area together with the application fees, and must check whether the application forms have been properly completed and that all the necessary accompanying documentation have been submitted and is valid and acceptable, and enter details of the applications into the relevant data banks in the manner prescribed.
- (3) The transport operating licence administrative body must then submit the applications to its metropolitan authority, relevant municipalities in the metropolitan area, the relevant forum and relevant liaison committees for recommendations in the prescribed manner.
- (4) In making recommendations, metropolitan authorities must ensure that the application is in accordance with relevant transport plans and other relevant transport and land use plans and consider factors such as demand or needs on a route basis, availability of ranking space and traffic and other metropolitan or local considerations.
- (5) If no forum or liaison committee exists in respect of a route or area at the relevant time, the transport operating licence administrative body must submit the application for comment and recommendations to all relevant associations, unless the association has already provided comments on the application form.
- (6) The transport operating licence administrative body must collect all the representations and submit them with the application form and other supporting documentation to the Board for a decision.
- (7) Where the proposed transport will also take place in the metropolitan area of another Transport operating licence administrative body, the first transport operating licence administrative body must submit the application to the other transport operating licence administrative body, which must take the steps referred to in subsections (3) to (6) and return the application with applicable recommendations to the first transport operating licence administrative body.
- (8) Where a board of another province has referred an application to the Board for comment in respect of an applicant based in another province, the Board must refer the application to the relevant transport operating licence administrative body for the latter to obtain the comments and recommendations referred to in subsection (3).

PART 6: OPERATING LICENCES**35. Conversion of permits to operating licences**

- (1) Permits remain valid until a date determined in terms of section 32 (2) of the National Act.
- (2) Permits must be converted to operating licences issued under the corresponding provisions of this Act by the date mentioned in subsection (1), failing which they will lapse.
- (3) Permits that have not been in use during the period determined by the MEC by notice in the *Gazette* shall not be converted to operating licences and shall lapse on the date specified in such notice.

- (4) In the case of a permit issued for a definite period, the operating licence shall be valid for the unexpired portion of the validity period of the permit.
- (5) In the case of a permit issued for an indefinite period, the operating licence shall be valid for an indefinite period, subject to the provisions of this Act relating to withdrawal, suspension, amendment and lapsing of permits or operating licences.
- (6) A permit may not be converted to an operating licence unless a valid roadworthy certificate is presented for the vehicle concerned and section 5(4) applies in this regard.
- (7) Permits for scheduled services that authorise operation within a defined area must be converted to operating licences that specify each route in detail and the timetables for such routes.
- (8) Permits for scheduled services provided in terms of interim contracts and current tendered contracts must be converted to operating licences specific to such contracts.
- (9) Permits for unscheduled services, excluding metered-taxi services and tuk-tuk services that authorise operation within a defined area or radius must be converted to operating licences that specify the route or routes in detail, but a defined area may be authorised in exceptional circumstances, such as informal settlements where there are no defined roads.
- (10) Permits for metered taxi services must be converted to operating licences that specify a defined area of operation for picking up passengers, subject to section 8.
- (11) The procedure for and manner of lodging applications to be made under subsection (2) will be as prescribed.

36. Contracts for services

- (1) A contracting authority may not enter into a subsidised service contract otherwise than by accepting a tender in accordance with regulations made by the MEC, subject to the National Act.
- (2) Subsection (1) will likewise apply to unsubsidised service contracts, unless the MEC exempts specified services or types of contracts from this requirement by notice in the *Gazette*.
- (3) Contracts must be awarded by the Department or relevant transport authority in accordance with such transport plans, subject to section 39 (5) with the necessary changes.

37. Lapsing and cancellation of operating licences and permits in relation to contracts

- (1) When any contract terminates, all permits or operating licences in terms of which the services were provided under the contract shall lapse on the date of termination and must be surrendered to the Board within seven days of lapsing.
- (2) Where tenders are invited for a subsidised service contract-
 - (a) no operator may tender for such a contract unless the operator surrenders to the Board for cancellation, all permits and operating licences held by such operator authorising services on the routes involved in such services;
 - (b) the Board, at the request of the contracting authority, must withdraw any permit or operating licence authorising services on the routes involved in such contract, provided that the holder is compensated in accordance with the guidelines referred to in section 51(4) of the

National Act.

- (3) No compensation is payable in respect of the cancellation of an operating licence or permit under paragraph (a) of subsection (2).

38. Applications concerning operating licences

- (1) Where a transport plan shows a need for additional services on a route, the transport authority may invite applications to the Board for operating licences to provide public passenger road transport services that are not subject to a contract on that route.
- (2) A person or body wishing to undertake a public passenger road transport service other than a service referred to in section 52(1), must apply to the Board for the granting of the appropriate operating licence.
- (3) A holder may apply to the Board for the renewal or amendment of an operating licence.
- (4) A person or body wishing to take transfer of an operating licence may apply to the Board with the written consent of the holder for transfer of the operating licence.
- (5) Applications under subsections (1), (2), (3) or (4) must-
- (a) be made on the basis of one application per vehicle;
 - (b) be made in the prescribed manner;
 - (c) be made on the prescribed form;
 - (d) be accompanied by the prescribed fee and the costs of publishing the application under section 42, as estimated by the Board but no fee shall be payable where the operating licence will be based on a contract;
 - (e) specify the vehicle to be used for providing the services concerned;
 - (f) in the case of an adapted light delivery vehicle, be accompanied by details of the specifications of the vehicle, as prescribed;
 - (g) include a detailed description of the route or routes on which the applicant operates or intends to operate and all points where passengers are being or will be picked up or dropped off; and
 - (h) be lodged with the transport operating licence administrative body established for the relevant metropolitan area.
- (6) The application form in respect of applications referred to in subsections (1), (2) and (3) in respect of minibus taxi-type services must make provision for recommendations from the taxi association operating on the route, routes or network in question of which the applicant is a member, which must be completed by the association before submission of the application, or a statement to the effect that no association exists or that the applicant is a registered non-member.
- (7) Applicants must state on the application form under oath or affirmation whether they have been convicted of criminal offences of a nature prescribed and if so, list the convictions and state whether they or their spouses, partners or their immediate family members, dependants, business partners or employers are authorised officials or officials of the Public Service or Provincial Administration or of a municipal administration.
- (8) (a) The Board must submit applications for non-contracted services to the relevant metropolitan transport forum referred to in section 87 for recommendations, in the prescribed manner, before disposing of the application.
- (b) Where a council or forum, which is recognised by the MEC, exists for the type of service involved, the metropolitan transport forum must consult it in the prescribed manner before submitting its

recommendations to the Board.

- (9) The Board may issue, on application in the prescribed manner and on payment of the prescribed fee, an interim operating licence for not more than 60 days where a contract has been awarded to the applicant by an organ of state and the relevant operating licence referred in section 39(1) has not been issued on the date of commencement of the contract.
- (10) The Board must issue, on application by the holder of a permit or operating licence in the prescribed manner and on payment of the prescribed fee, a copy of a permit or operating licence, certified by an official of the Board, for use by the holder under section 47(b), where an application for the transfer or amendment thereof has been lodged with the Board and is pending.

39. Disposing of an application for an operating licence

- (1)
 - (a) A tenderer who has been awarded a contract will be entitled to be issued with an operating licence for every vehicle that will operate the services authorised by the contract and must apply to the Board in the prescribed manner for such an operating licence for the period of the contract.
 - (b) No application fee will be payable in respect of such an application.
- (2) An official of the Board designated for the purpose by the Board is entitled to issue operating licences under subsection (1), despite contrary provisions elsewhere in this Act.
- (3) The Board may not grant a new operating licence or amend an operating licence so as to increase the services provided thereunder, unless the relevant transport plans show a need for the service on the route concerned, subject to subsection (5)
- (4) Where a relevant plan shows a need for the service applied for, the Board must grant the application, subject to any conditions imposed in terms of the plan, unless it is of the opinion, with regard to the matters listed in paragraphs (a) to (d) of subsection (7), that the applicant or vehicle is unsuitable or unfit to provide the service.
- (5) Where plans have not been prepared or finalised, the Board must have regard to the matters listed in paragraphs (a) to (j) of subsection (7) in deciding whether to grant or refuse an application.
- (6) Where more applications for operating licences are received than the Board may grant in terms of a relevant plan, preference must be given to applicants for renewal of their operating licences and if the plan can accommodate additional services, regard must be had to the matters listed in paragraphs (a) to (j) of subsection (7) in evaluating the applications.
- (7) In deciding whether to grant or refuse an application for the granting, renewal or amendment of an operating licence to operate a non-contracted service and in determining conditions to be attached to the operating licence, the Board must -
 - (a) have due regard to and act in accordance with the requirements of the transport authority in respect of its transport plans, if any and its recommendations in this regard, if any; and
 - (b) consider -
 - (i) whether the make, model, year of manufacture, condition, capacity and acceptability of the vehicle to which the operating licence relates is suitable for the service which it is to operate;

- (ii) whether, according to the Board's discretion or criteria, as prescribed, the applicant has the ability to provide the service for which the operating licence is sought, in a manner satisfactory to the public;
 - (iii) all representations duly submitted in respect of the application;
 - (iv) relevant previous convictions for offences committed by the applicant according to the Board's discretion, or criteria as prescribed;
 - (v) the size of the business operated by the applicant, preference being given to small business enterprises;
 - (vi) the fact that the applicant has been previously advantaged, preference being given to previously disadvantaged persons;
 - (vii) the number of permits or operating licences already held by the applicant, preference being given to holders with no or few permits or operating licences;
 - (viii) the length of time that the holder has been a provider of services, preference being given to holders who have provided services the longest;
 - (ix) if the Board so decides, a stand licence or similar authority issued under municipal by-laws authorising the use of a rank or stand, or a recommendation from relevant municipalities that ranking space is available; or
 - (x) other factors which, in the opinion of the Board, may affect the desirability of granting or refusing the application.
- (8) The Board may not consider an application for an operating licence from an employee of the transport authority, a law enforcement agency or a firm responsible for monitoring public passenger road transport services in the area.
- (9) Despite other provisions of this Act, applications to substitute a different vehicle with the same or less seating capacity in terms of an operating licence may be granted by an official of the Board, if the vehicle is of a category that may be used for the service in question in terms of Schedule A, after-
- (a) considering whether the new vehicle is suitable for the services authorised by the operating licence and that a valid roadworthy certificate has been issued for it, subject to section 5(4); and
 - (b) ensuring that the applicant has supplied the prescribed information; and such an application does not need to be published under section 42.
- (10) The Board may refuse to consider an application for the granting, renewal, amendment or transfer of an operating licence if it has considered and refused a previous application that was received within six months preceding the date on which the first-mentioned application was received, which in its opinion had the same or substantially the same object as the first-mentioned application.
- (11) The Board may, in granting an application, impose conditions which may not be inconsistent with this Act or the National Act.

40. Interprovincial transport

- (1) Applicants for interprovincial transport must apply to the Board if the services in question commence in Gauteng, or in Gauteng as well as in another province.
- (2) For the purposes of this section services shall be deemed to commence at a place where persons board a motor vehicle for the purpose of being conveyed to another place, and to terminate there.
- (3) In the case of doubt as to where the services will commence, the applicant must apply in the province where the motor vehicle in question is registered.
- (4) The Board may not grant an application for an operating licence authorizing services which commence in another province, or for the renewal or transfer of the operating licence, or for an amendment of the operating licence for conducting of services in another province, except with the agreement of the operating licence issuing authority established for that province.
- (5) Where the Board is unable to obtain the necessary responses from the operating licence issuing authority of another province in a referral referred to in subsection (4), or cannot obtain the agreement of the other board within the prescribed period, the Board must submit the matter as an appeal to the Transport Appeal Tribunal established by the Transport Appeal Tribunal Act, in the manner prescribed in terms of that Act.
- (6) Appeals concerning interprovincial services must be made to the Transport Appeal Tribunal as required by the Transport Appeal Tribunal Act, as required in terms of that Act.
- (7) In the case of interprovincial services, passengers may not be picked up or dropped off except at pick-up points or destinations, unless there is no alternative service between the pick-up point or destination and the drop-off or pick-up point, or, in the case of minibus taxi-type services, the relevant associations whose members operate on the route or routes have agreed to the contrary.

41. Cross-border road transport

Applications for cross-border road transport for international services must be made to the Regulatory Committee in terms of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998) in the manner prescribed in terms of that Act.

42. Publication of an application in respect of an operating licence

- (1) Subject to subsection (2), the Board must before considering an application for the granting, renewal, amendment or transfer of an operating licence, cause to be published in the national *Government Gazette* and also in the prescribed manner, such particulars of the application as may be prescribed and post a notice of such application on a notice board at its offices for the prescribed period.
- (2) An application need not be published under subsection (1) where it is an application-
 - (a) to amend the particulars of the same vehicle specified in the operating licence; or
 - (b) based on a contract referred to in section 39(1).
- (3) An interested person who wishes 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, and the Board-
 - (a) must allow a person who, within the time prescribed, submits

representations to inspect the applicant's application form and related documents at the office of the Board on payment of the prescribed fee; and

- (b) may, at the request of such a person, provide him or her with copies thereof on payment of the prescribed fee.
- (4) The Board must likewise allow the applicant to inspect, free of charge, at its offices, and to make copies on payment of the prescribed fee, of representations objecting to or supporting the application.

43. Period and renewal of an operating licence

- (1) (a) Operating licences for vehicles to operate services in terms of contracts must be granted for no longer than the duration and subject to the terms and conditions of the contract.
- (b) On termination of the contract, the operating licences relevant thereto must be returned to the Board within seven days.
- (2) Where a contract has terminated and a contract to replace it has not been concluded or the arrangements in regard to the latter contract have not been finalised to enable the holder to commence the relevant services timeously, the Board may, at the request of the contracting authority, extend the validity period of the relevant operating licences for the period requested by such authority.
- (3) Subject to section 35(5), operating licences for vehicles to operate non-contracted services must on the recommendation of the transport authority, be for a fixed period of not more than five years and must have regard to-
 - (a) current and envisaged trends in demand along the route or routes or in the defined area;
 - (b) the efficiency of the proposed services in meeting the demand;
 - (c) the existence of a contract for services that might be affected by the service applied for;
 - (d) the likelihood that the operating licence applied for, may cease to be required in terms of relevant transport plans; and
 - (e) the likelihood that the service applied for, may be submitted to tender.
- (4) Renewal of an operating licence for a non-contracted service shall not be granted unless the relevant transport authority recommends such renewal, on the basis of the relevant transport plans, subject to section 39 (5).

44. Issue of an operating licence and provisions thereof

- (1) Subject to subsection (2), the Board must issue, through the relevant transport operating licence administrative body and in the manner prescribed, an operating licence granted, renewed, amended or transferred by it in terms of this Act, which must be issued, in the case of an application for a new operating licence, for the vehicle specified in the application form.
- (2) The Board may not issue an operating licence unless-
 - (a) a valid roadworthy certificate issued for the relevant vehicle on or after a date determined in the manner prescribed has been submitted to it, subject to section 5(4); and
 - (b) the holder has furnished proof to the satisfaction of the Board that the holder is registered as a tax payer under the Income Tax Act, or, in terms of that Act, is not required so to register.
- (3) Operating licences must specify-
 - (a) the holder's name and identity number or its registration number in the case of a company, close corporation, trust or similar body;

- (b) the registration number, make, vehicle identification number, year of manufacture, type and passenger capacity of the vehicle for which the operating licence was granted;
 - (c) the types of services for which they were granted;
 - (d) the period for which they were granted;
 - (e) in the case of an operating licence granted for a vehicle to operate under a contract-
 - (i) the type of contract;
 - (ii) the contract reference number;
 - (iii) the names and addresses of the parties to the contract;
 - (f) in the case of an operating licence granted for a vehicle to operate scheduled services-
 - (i) the points between and a detailed description of the route or routes or the defined area for which it is granted by the specification of street names, road numbers, beacons or land marks for each suburb, town, city, village or settlement;
 - (ii) the relevant time tables;
 - (g) in the case of an operating licence granted for a vehicle to operate minibus taxi-type services-
 - (i) the points between and a detailed description of the route or routes or the defined area for which it is granted by the specification of street names, road numbers, beacons or land marks for each suburb, town, city, village or settlement;
 - (ii) the authorised pick-up and drop-off points where applicable;
 - (h) other conditions which the Board imposes under section 39 (11); and
 - (i) other prescribed particulars.
- (4) All operating licences issued by the Board must be signed by its chairperson or a person designated in writing by the chairperson.
- (5) An operating licence may not be hired out except where the vehicle is operated under a sub-contracting arrangement in terms of an unsubsidised service contract or subsidised service contract.

45. Records of operating licences

The Board must keep at its place of business a duplicate original of every operating licence issued by it and amendments thereto, and must enter prescribed particulars thereof and of the holder of the operating licence and relevant vehicles on the prescribed computerised information system.

46. Temporary replacement of a vehicle to which an operating licence or permit relates

- (1) Where a vehicle used under an operating licence or permit has become defective or is not being used temporarily because of a collision, 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 of a category that may be used for the service in question in terms of Schedule A.
- (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 must, during the period of replacement, be deemed to be the vehicle for which the operating licence or permit was issued.

47. Duties of the holder of a permit or operating licence

The holder of a permit or operating licence must-

- (a) operate the service authorised by the permit or operating licence in terms of its conditions and the applicable transport plans;
- (b) carry the original or a duplicate original of the permit or operating licence or the written permission referred to in section 46(1), or a copy contemplated in section 38(10), and the holder's registration certificate issued in terms of section 66, in the motor vehicle and produce them on demand to an authorised officer: but the Board may direct in writing that the annexures to a permit or operating licence do not have to be kept in the vehicle where they are so bulky as to make this impractical;
- (c) keep the permit or operating licence and duplicate originals thereof in such a condition that the letters and figures on them are clearly legible and, if the permit or operating licence is damaged or ceases to be clearly legible, apply for a duplicate in the manner prescribed;
- (d) cause the name, address and nature of business of the holder to be borne on the motor vehicle to which the permit or operating licence relates, in a conspicuous place, in the manner prescribed, or in such other manner as the Board may approve in writing in a particular case;
- (e) exhibit the other particulars prescribed by the Board;
- (f) affix and keep affixed in the manner prescribed on the vehicle, all distinguishing marks issued in terms of this Act;
- (g) apply not later than 30 days before expiry of the permit or operating licence for renewal thereof in the case of an operating licence or, in the case of a permit, for conversion of the permit to an operating licence, as the case may be, if he or she wishes to renew or convert it;
- (h) ensure that all information contained in the permit or operating licence is kept up to date by appropriate applications for amendments;
- (i) return to the Board within 14 days a permit or operating licence that has been cancelled or withdrawn, or has lapsed;
- (j) in the case of a long distance service, keep in the vehicle concerned a passenger list in respect of the passengers being carried, in the manner and form as prescribed.

48. Authority conveyed by an operating licence

An operating licence issued under this Act-

- (a) shall not authorise the holder to undertake transport over a public road in the area of jurisdiction of a municipality if it is unlawful to do so under an ordinance, regulation or by-law of such municipality;
- (b) shall not exempt the holder from the obligation to comply with a requirement imposed under a law, licence or permit issued by another authority.

49. Withdrawal, suspension or variation of a permit or operating licence

- (1) Where an operating licence has been granted on the basis of a contract, the contracting authority must request the Board to withdraw the operating licence where the contract has been terminated for any reason.
- (2) Subject to subsection (3), in the case of an operating licence or permit that has not been granted on the basis of a contract, the Board may at any time withdraw, suspend or amend the operating licence or permit for such period

as it may deem fit, if-

- (a) the holder of the operating licence or permit or employee of the holder has been convicted of an offence under this Act, under a law relating to motor vehicles, the regulation of traffic, occupational safety or labour relations;
 - (b) in the opinion of the Board, the holder of the operating licence has not carried out the conditions of the operating licence;
 - (c) the holder of the operating licence has failed to initiate the service authorised by the operating licence or any part thereof within 90 days of the issuing of the operating licence; or
 - (d) the holder of the operating licence or permit has ceased to operate the service or any part thereof for 180 consecutive days.
- (3) The Board may not under subsection (1) or (2) withdraw or suspend an operating licence or permit unless-
- (a) at least 21 days' written notice of its intention to do so, with reasons, has been given to the holder by registered or certified post;
 - (b) the holder has been given an opportunity, either personally or through a representative, to appear before the Board and provide evidence or submit representations in regard to the proposed action; and
 - (c) the transport authority, or where no transport authority has been established, the relevant municipality has been given an opportunity to submit representations and make alternative arrangements.

50. Cancellation of operating licences not brought into use

- (1) Where it comes to the notice of the Board that an operating licence converted from a permit or a new operating licence issued has not been brought into use within 90 days after it was issued, the Board must, by notice in writing, call on the holder to advance reasons, to the satisfaction of the Board and within the period stated in the notice for-
 - (a) not having commenced operating the public passenger road transport service to which that operating licence relates; and
 - (b) why the Board should not cancel that operating licence.
- (2) Where the Board is satisfied with the reasons advanced, the holder of that operating licence must be allowed a further period specified by the Board, but not more than 30 days, to commence the operation of that service, and the holder must be informed in writing accordingly.
- (3) If not so satisfied, or where the holder has failed to advance reasons within the time allowed therefor in the notice, the Board must cancel the operating licence and in writing inform the holder accordingly and direct the holder to surrender that operating licence to the Board together with the distinguishing marks with regard thereto, within seven days after the date of the notice.

51. Withdrawal of surplus operating licences or permits

Where the Board is satisfied that-

- (a) a transport authority has through a transport plan determined that there is an oversupply of services on a given route, routes or network;
- (b) the transport authority has negotiated with a holder operating on the route, routes or networks, in consultation with the relevant transport forums, with a view to procuring the cancellation of excess operating licences;

the Board must withdraw the relevant permit or operating licence in terms of section 51 of the National Act, if agreement has been reached with the holder to compensate the holder for the loss of economic benefits in a fair and reasonable manner

calculated in accordance with the guidelines determined in terms of section 51(4) of the National Act.

52. *Ad hoc* authorizations

- (1) No one may undertake public passenger road transport services in connection with a particular occurrence, such as a sports event, funeral or wedding, except under the authority of an *ad hoc* authorization issued and completed under this section.
- (2) Subsection (1) shall not apply where-
 - (a) a charter service will be operated in terms of an appropriate operating licence or permit; or
 - (b) the operator will provide the service in terms of an operating licence or permit which already authorises the relevant transport on the route or in the area in question.
- (3) A holder may apply to the Board for the issue, on payment of the prescribed fee, of a series of *ad hoc* authorizations.
- (4) The Board must sequentially number *ad hoc* authorizations issued by it and keep a register of the authorizations with the name of the holder to whom they have been issued.
- (5) Before commencing services referred to in subsection (1), the holder concerned must complete an *ad hoc* authorization for the trip in question in the manner prescribed and must keep the authorization in the relevant motor vehicle at all times when the service is undertaken and produce it on demand to an authorised officer.
- (6) As soon as possible, but not later than 72 hours after completion of the services in question, the holder must submit a completed copy of the *ad hoc* authorization to the Board and in the case of a minibus taxi-type service, as well as to the association to which he or she belongs, if the holder is a member of an association, and the relevant registered association, if any, operating on the route or network in question.
- (7) The Board may refuse to issue *ad hoc* authorisations to a holder who habitually undertakes temporary transport services without completing the necessary authorizations, or who habitually abuses *ad hoc* authorizations.
- (8) *Ad hoc* authorisations must be in the prescribed form.
- (9) *Ad hoc* authorisations may only be used to transport passengers for once-off events and, while they are being used-
 - (a) passengers may not be picked up or dropped off *en route*;
 - (b) the holder must return from the *ad hoc* journey with the same passengers; and
 - (c) the holder may not undertake minibus taxi-type services locally while waiting for passengers.

53. Special circumstance operating licences

- (1) Where the MEC has acted under section 93(2) to close routes, the MEC may instruct the Board to invite applications for special circumstance operating licences to operate services on those routes.
- (2) Applications under subsection (1) must be made in the prescribed manner and on payment of the prescribed fee.
- (3) The Board must consider an application made under subsection (1) and may in its discretion grant the application in full or in part, in either case subject to such conditions as the Board may impose, or refuse the application.
- (4) Special circumstance operating licences must be issued for a fixed period not

- exceeding 21 days.
- (5) The Board may delegate its powers under this section to a member or official of the Board.

54. Increase of certain tariffs prior to application for amendment of relevant permit or operating licence

Whenever a permit or operating licence authorizing conveyance 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, 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 enable the holder to recover the increased expenditure resulting directly from that price increase, if 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 or operating licence under this Act.

PART 7: GAUTENG PUBLIC PASSENGER APPEAL BOARD

55. Establishment, constitution and functions of Gauteng Public Passenger Appeal Board

- (1) The name of the Provincial Transport Commission established by section 27 of the Gauteng Interim Minibus Taxi-Type Services Act, is changed to the Gauteng Public Passenger Appeal Board and is deemed to be a provincial transport appeal body referred to in section 128(1) of the National Act.
- (2) The Appeal Board consists of a chairperson and at least one other member appointed by the MEC-
- (a) at least one of whom has the appropriate experience in practice as an advocate or attorney,
- (b) the other or others must possess wide experience of or have shown ability in public passenger transport.
- (3) The members of such Commission appointed before the commencement of this Act shall continue in office as members of the Appeal Board until their period of appointment expires unless the MEC terminates their appointment earlier.
- (4) (a) Before appointing members of the Appeal Board the MEC must publish a notice of intention to do so and invite applications for membership, in at least one newspaper circulating in the Province, in English and at least one other official language widely spoken in the Province.
- (b) Before appointing any member, the MEC must publish, in the same manner, the names of the persons he or she proposes to appoint to the Appeal Board and invite comment and representations in that regard.
- (c) The MEC must give due consideration to any comments and representations so received.
- (5) No one may be appointed or remain as a member of the Appeal Board if he or she-
- (a) or his or her spouse or partner, immediate family, dependants, business partner or employer, has a financial interest in a business of public passenger transport or is an elected office bearer in an association, or is engaged in an activity which, in the opinion of the MEC, will interfere with the impartial discharge of the functions of his

- or her office;
 - (b) is subject to any legal disability;
 - (c) is an unrehabilitated insolvent; or
 - (d) has been convicted of an offence involving dishonesty or has been removed from public office due to misconduct.
- (6) When the appointment of any person as a member of the Appeal Board is considered, that person must disclose to the MEC, in writing, any interests which he or she may have in any part of the public passenger road transport industry, and failure to do so will constitute an offence.
 - (7) The chairperson of the Appeal Board must be appointed for a period not exceeding three years, and other members of that board for periods 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 they are appointed.
 - (8) When the office of the chairperson or a member of the Appeal Board is to or has become vacant, the MEC must, in accordance with this section, take immediate steps to fill the vacancy by the appointment of a fit and proper person who is not subject to a disqualification mentioned in subsection (5).
 - (9) A person whose period of office as a member of the Appeal Board has expired, shall be eligible for re-appointment.
 - (10) The Head of Department must, subject to the laws governing the public service, provide the staff necessary to assist the Appeal Board in the performance of its functions.
 - (11) The function of the Appeal Board shall be to hear appeals relating to applications for intraprovincial transport.

56. Resignation, vacation of and removal from office of Appeal Board members

- (1) A member of the Appeal Board may resign on two months' written notice to the MEC.
- (2) The MEC may remove from office a member of the Appeal Board-
 - (a) who has failed to comply with a condition of his or her appointment;
 - (b) who has been guilty of improper conduct or has regularly neglected his or her duties as a member of that board or failed to discharge those duties fairly and impartially;
 - (c) who is unable to perform efficiently his or her duties as a member of that board;
 - (d) who has failed to attend three consecutive meetings of that board without good reason.
- (3) A member of the Appeal Board must vacate his or her office if the member-
 - (a) becomes subject to any of the disqualifications for appointment mentioned in section 55(5);
 - (b) is removed from office under subsection (2).

57. Powers of the Appeal Board

- (1) Apart from the other powers conferred by this Act, the Appeal Board may for the purpose of dealing with a matter before it in terms of this Act-
 - (a) in its discretion allow a person affected by or interested in the matter, or the duly authorised representative of that person, to appear before it and-
 - (i) give evidence or make oral representations relevant to the appeal; or
 - (ii) call witnesses and lead evidence on a question relevant to the

- (iii) appeal; or
 - (iii) question a person who testified at the appeal;
 - (b) by written notice as prescribed 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 at the place where the Appeal 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 his or her 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 Appeal Board at which a person appears as a witness as referred to in subsection (1), may administer an oath or affirmation to the person so appearing.
 - (3) The Appeal Board must provide interested parties on request with written reasons for a decision it has taken.

58. Meetings and decisions of the Appeal Board

- (1) Meetings of the Appeal Board must be held according to the prescribed procedures and at the prescribed times and places.
- (2) The chairperson and at least one other member of the Appeal Board will form a quorum for meetings of that board.
- (3) If the chairperson of the Appeal Board is unable to attend a meeting of that Board, the chairperson may designate another member of that Board to act as chairperson at that meeting.
- (4) The decision of the majority of the members of the Appeal Board present at a meeting shall constitute the decision of that board in respect of those proceedings and in the event of an equal number of votes, the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.
- (5) No act, direction or decision of the Appeal Board may be held to be invalid by reason of the fact that, when the act was performed or the direction or decision was given, a vacancy existed on that board or a person was a member of that Board who was disqualified under section 55(5) 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) The Appeal Board must hear appeals within 60 days of receipt of the notice of appeal and communicate decisions thereon to all relevant parties within the prescribed period.

59. Appeal to Appeal Board against decision of Board or Registrar

- (1) Save as otherwise provided in this Act and subject to subsection (2), a person who-
 - (a) has applied to the Board for the granting, renewal, amendment or transfer of a permit or operating licence or whose permit or operating licence has been withdrawn, varied or suspended by the Board;
 - (b) is the holder of a permit or operating licence issued by the Board;
 - (c) in the manner and within the time prescribed, submitted representations to the Board; or
 - (d) has applied to the Registrar for registration under this Act, or has been

- the subject of an inquiry conducted by the Registrar; and is affected by a decision of the Board or Registrar, may, in the manner and within the time prescribed, appeal to the Appeal Board.
- (2) Where the Board notifies a person in writing of a decision referred to in subsection (1), the date of that written notification shall be deemed to be the date on which that decision was given.
 - (3) The Appeal Board must consider an appeal properly lodged with it and may, in its discretion-
 - (a) reject the appeal and confirm the decision; or
 - (b) uphold the appeal, set aside the decision, and-
 - (i) substitute the Board's decision with another decision; or
 - (ii) remit the matter to the Board for reconsideration; or
 - (c) uphold the appeal partially and vary the decision.
 - (4) The Appeal Board may grant or refuse an application for suspension of the operation of a decision of the Board or Registrar that is appealed against, and such application must be made in the prescribed manner and within the prescribed time.

PART 8: GAUTENG TRANSPORT REGISTRAR AND REGISTRATION OF ASSOCIATIONS AND OPERATORS

60. Appointment of Gauteng Transport Registrar and panel of assessors

- (1) The Provincial Registrar appointed under section 4 of the Gauteng Interim Minibus Taxi-Type Services Act is deemed to be the Gauteng Transport Registrar, being the Registrar referred to in section 53(1) of the National Act.
- (2) The MEC may appoint a panel of assessors consisting of the number of such assessors determined by the MEC, to advise and assist the Registrar with the Registrar's functions, who shall be persons who possess wide experience of, and have shown ability in, public passenger transport.
- (3) The assessors appointed before the commencement of this Act in terms of section 9 of the Gauteng Interim Minibus Taxi-Type Services Act continue in office as assessors until their period of appointment expires unless the MEC terminates their appointment earlier.
- (4)
 - (a) Before appointing the Registrar or an assessor, the MEC must publish a notice of intention to do so, and invite applications, in at least one newspaper circulating in the Province, in English and at least one other official language widely spoken in the Province.
 - (b) Before appointing the Registrar or any such assessor, the MEC must publish, in the same manner, the names of the persons he or she proposes to appoint and invite comment and representations in that regard.
 - (c) The MEC must give due consideration to any comments and representations so received.
- (5) No one may be appointed or remain as Registrar or assessor if he or she-
 - (a) or his or her spouse or partner, immediate family, dependants, business partner or employer, has a financial interest in a business of public passenger road transport or is an elected office bearer in an association, or is engaged in an activity which, in the opinion of the MEC, will interfere with the impartial discharge of the functions of his or her office;
 - (b) is subject to any legal disability;
 - (c) is an unrehabilitated insolvent; or

- (d) has been convicted of an offence involving dishonesty or has been removed from public office due to misconduct.
- (6) When the appointment of any person as Registrar or assessor is considered, that person must disclose to the MEC, in writing, any interests which he or she may have in any part of the public passenger road transport industry, and failure to do so will constitute an offence.
- (7) The Registrar and assessors must be appointed for a period not exceeding three years and, subject to the provisions of this Act, hold office on conditions as to remuneration and otherwise as the MEC may determine when they are appointed.
- (8) When the office of Registrar is to or has become vacant, the MEC must appoint a new Registrar who is or has been a judge or magistrate, or an attorney or advocate who has practised as such for at least five years, or who, in the opinion of the MEC, has equivalent legal background or experience, to perform the functions assigned to the Registrar under this Act.
- (9) When the office of an assessor is to or has become vacant, the MEC must appoint a new assessor who must be a person who possesses wide experience of, and has shown ability in, public passenger road transport.
- (10) A person whose period of office as Registrar or assessor has expired, is eligible for re-appointment.
- (11) The Head of Department must, subject to the laws governing the public service, provide the staff necessary to assist the Registrar in the performance of his or her functions.

61. Resignation, vacation of and removal from office of Registrar and assessors

- (1) The Registrar or an assessor may resign on two months' written notice to the MEC.
- (2) The MEC may remove from office the Registrar or an assessor-
 - (a) who has failed to comply with a condition of his or her appointment;
 - (b) who has been guilty of improper conduct or has regularly neglected his or her duties or failed to discharge those duties fairly and impartially;
 - (c) who is unable to perform efficiently his or her duties;
 - (d) who, in the case of an assessor, has failed to attend three consecutive meetings of the assessors without good reason.
- (3) The Registrar or an assessor must vacate his or her office if he or she-
 - (a) becomes subject to any of the disqualifications for appointment mentioned in section 60(5); or
 - (b) is removed from office under subsection (2).

62. Duties of the Registrar

The Registrar must-

- (a) consider and decide upon applications for registration of associations, members and non-members in terms of this Act and grant registration to those who qualify;
- (b) establish and keep up to date a register of registered associations, their members, and non-members in the prescribed manner;
- (c) adhere to the prescribed forms of the register and certificates to be kept, maintained or issued under this Act;
- (d) monitor compliance by registered associations and their members with the provisions of prescribed minimum standard constitutions, or in the case of a non-member, with the prescribed code of conduct;

- (e) supply the MEC on request with information regarding the Registrar's functions;
- (f) provide advice and assistance to applicants for registration;
- (g) for every calendar year submit to the MEC an annual report on progress made in carrying out the Registrar's functions;
- (h) on written request and on payment of the prescribed fee, provide anyone with statistical information from the register, unless such information, potentially, is commercially sensitive and may harm the business or commercial interests or viability of any particular person, organisation or entity, or may lead, directly or indirectly, to the identification of that person, organisation or entity;
- (i) consider and decide on the suspension or cancellation of the registration of an association or any member thereof or of any non-member.

63. Powers of the Registrar

- (1) In dealing with any matter referred to in section 62(a) or (i), the Registrar may-
 - (a) allow a person affected by or interested in the matter, or the duly authorised representative of such a person, to appear before the Registrar and-
 - (i) give evidence or make oral representations relevant to the matter;
 - (ii) call witnesses and lead evidence on any question concerning a matter relevant to the proceedings before the Registrar;
 - (iii) question a person who testifies as a witness in those proceedings;
 - (b) issue a subpoena in the prescribed form requiring a person to appear before the Registrar to give evidence or to produce any book, plan, document or other record, or any article, item or object, in the possession or under the control of the person, and have it served in the manner so prescribed;
 - (c) order any person present at the place where the proceedings are conducted, to appear before the Registrar to give evidence or to produce any book, plan, document or other record, or any article, item or object, which is in the physical possession of the person at that place;
 - (d) question any person appearing as a witness;
 - (e) require that any oral evidence be given under oath or affirmation and, for that purpose, administer an oath to or take down an affirmation from any witness;
 - (f) refuse to hear any oral evidence or representations from any person unless the person has been sworn in or has made an affirmation as a witness.
- (2) The Registrar may administer an oath or affirmation to the person appearing before the Registrar as a witness.
- (3) The Registrar must provide interested parties on request with written reasons for a decision he or she has taken.

64. Meetings and decisions of the Registrar and assessors

- (1) Meetings of the Registrar and assessors must be held according to the prescribed procedures and at the prescribed times and places.

- (2) Decisions at such meetings shall be taken by consensus, with the Registrar having the final say in the absence of consensus.
- (3) No decision taken at such a meeting may be held to be invalid by reason of the fact that, when the decision was taken, a vacancy existed among the assessors or a person was an assessor who was disqualified under section 60(5).

65. Application for registration

- (1) An association, member or a non-member who desires to be registered must lodge with the Registrar, in the manner and on the form prescribed, an application for registration accompanied by the prescribed application fee, if any, and the information required by this Act and by the Registrar.
- (2) If after considering the application and verifying the information submitted, the Registrar is satisfied that the applicant has complied with the necessary requirements, the Registrar must register the applicant.
- (3) If after considering the application the Registrar is not satisfied that the applicant has complied with the relevant requirements, the Registrar must inform the applicant of the requirements that have not been met, and may provide the applicant with advice and assistance to enable the applicant to meet the requirements.

66. Issuing of certificates and distinguishing marks upon registration

- (1) Where an association, member or non-member is registered, the Registrar must enter the prescribed particulars thereof in the provincial transport register and must issue to the association, member or non-member a registration number, and a registration certificate in the prescribed form.
- (2) The Registrar must in addition issue, in the manner and form prescribed, a distinguishing mark for each vehicle of the registered member or non-member that is used under the authority of an appropriate permit or operating licence.

67. Associations, members and non-members undertaking interprovincial transport

- (1) Upon registration of an association, a member or a non-member that undertakes interprovincial transport, the Registrar must forward a copy of the certificate of registration and all registered details to the registrar or department responsible for transport affairs in each province to or from which the members of the association, or the non-member, operate.
- (2) Where the Registrar is notified by the registrar of another province that an association, member or non-member has been registered in that other province, the Registrar must note the fact in his or her records, as well as the particulars thereof as supplied by the other registrar.

68. Reservation of privileges for registered associations and operators

- (1) Assistance by the Gauteng Provincial Government to associations and operators may be provided only to those that have been registered under this Act.
- (2) No operator or representative of an association may have representation on a taxi forum or similar representative body established by this Act, unless registered in terms thereof.

PART 9: REGISTRATION OF MINIBUS TAXI ASSOCIATIONS AND OPERATORS

69. Compulsory registration of associations, members and non-members in respect of minibus taxi-type services

After a date to be determined by the MEC by notice in the *Gazette*, no operator may undertake minibus taxi-type services, and no association may conduct business as such, without being registered under this Act.

70. Associations and operators registered under Act 11 of 1997

- (1) An association which has been fully registered in terms of section 7 of the Gauteng Interim Minibus Taxi-Type Services Act, will be deemed to have been registered under this Act.
- (2) A person who has been fully registered as a member of a registered association, or as a non-member, in terms of section 7 of the Gauteng Interim Minibus Taxi-Type Services Act, will be deemed to have been registered as such under this Act.

71. Elections and referendums

- (1) The MEC may instruct an association by written notice to hold elections for the executive committee of the association or referendums on issues causing conflict or tension within the association or between the association and another association or associations, within a time stated in the notice, and direct in the notice that the election or referendum be independently monitored by-
 - (a) a person or persons appointed and paid for by the MEC; or
 - (b) a person or persons appointed and paid for by the association at its cost.
- (2) The Registrar may suspend or cancel the registration of an association that fails to comply with an instruction issued under subsection (1).

72. Registration of associations

The Registrar must grant registration to an association which upon application satisfies the Registrar-

- (a) that it has been in existence for a period not less than the minimum prescribed period;
- (b) that the number of members meets the prescribed minimum;
- (c) that the constitution and code of conduct submitted by the association has been signed and accepted by each of its members;
- (d) that the said constitution and code of conduct are consistent with and comply with the prescribed requirements;
- (e) that the association enjoys the support of relevant municipalities and transport authorities;
- (f) that each member of the association holds a valid permit or operating licence for each motor vehicle that he or she operates and that his or her operations are within the authority thereof;
- (g) that each member of the association has furnished proof to the satisfaction of the Registrar that the member is registered as a tax payer under the Income Tax Act, or, in terms of that Act, is not required so to register; and
- (h) that all of the information required by the Registrar in terms of this Act or

otherwise has been provided and this information has been verified in the manner prescribed.

73. Registration of members of registered associations

Where an association has been registered, the Registrar must register every member thereof in respect of whom the required information has been provided in the relevant application form and who holds a valid and appropriate permit or operating licence, as a member of that association.

74. New members of registered associations

- (1) Where a registered association has admitted a new member to membership who holds an appropriate permit or operating licence for the route or routes in question, it must within 14 days of such admission, notify the Registrar in writing and supply to the Registrar the prescribed particulars in respect of such new member, whereupon the Registrar must register that person as a member of that association.
- (2) Where an association has provisionally admitted an operator to membership who does not hold an appropriate permit or operating licence for the route or routes in question, it must within 14 days of such admission, notify the Board in writing of such admission and supply to the Board the prescribed particulars.
- (3) An operator referred to in subsection (2) must apply for the appropriate operating licence within 14 days of being admitted to such provisional membership, and submit proof of such application to the Registrar.
- (4) The fact that an operator has been provisionally admitted as referred to in subsection (2), or that such an operator has applied for an operating licence as referred to in subsection (3), does not entitle the operator to operate a public passenger road transport service.
- (5) Should the Board issue an appropriate operating licence to such a provisionally admitted member, the Board must notify the Registrar within 14 days and supply to the Registrar a copy of the operating licence as well as the particulars relating to the member supplied to the Board by the relevant association.
- (6) On receipt of such copy and particulars, the Registrar must register the person as a member of the association.
- (7) Should such a provisionally admitted operator fail to apply for the necessary operating licence within the time required by subsection (3), or should the Board notify the operator that such application has been unsuccessful, the association must terminate the admission of that operator within seven days after expiry of the period mentioned in subsection (3), or after such notification, as the case may be.

75. Registration of non-members

- (1) A non-member qualifies for registration and, upon having applied therefor, must be registered, where the non-member-
 - (a) has subscribed to the prescribed code of conduct;
 - (b) holds an appropriate operating licence or permit for each vehicle by means of which the non-member operates a public passenger road transport service;
 - (c) operates the public passenger road transport service to which such a permit or operating licence relates, in compliance with the terms of,

- and conditions attached to, the permit or operating licence;
- (d) has furnished proof to the satisfaction of the Registrar that the non-member is registered as a tax payer under the Income Tax Act, or, in terms of that Act, is not required so to register; and
 - (e) has applied for registration as a non member due to the following causes:
 - (i) there is no registered association with regard to the route or routes or, if applicable, in the area where the applicant's public passenger road transport service is operated;
 - (ii) where there is such a registered association, if-
 - (aa) the applicant has been refused membership of the association;
 - (bb) the association's requirements for admission to membership are unfair;
 - (cc) in view of the prevailing circumstances, the applicant reasonably cannot be expected to become a member of the association; or
 - (dd) there is a reasonable suspicion that the applicant, if admitted to membership of the association, will be subjected to unfair discrimination.
- (2) Where a non-member wishes to apply for an operating licence, the non-member must first apply to the Registrar in the prescribed manner and form for registration as a non-member.
 - (3) The Registrar must establish whether an applicant applying under subsection (2) complies with the requirements of subsection (1), and if so issue to the applicant a certificate to this effect for submission to the Board.
 - (4) Should the Board grant and issue an appropriate operating licence to such a non-member, the Board must notify the Registrar within 14 days and supply to the Registrar a copy of the operating licence.
 - (5) On receipt of such particulars, the Registrar must register the non-member.

76. Disciplinary measures

- (1) The Registrar may suspend or withdraw the registration of an association or operator for failure to comply with this Act or with the rules set out in the minimum standard constitution or code of conduct for non-members, as the case may be, or for other conduct that has been prescribed as improper conduct.
- (2) On receipt of a complaint, accusation or allegation or on the ground of information which has come to his or her notice, the Registrar may conduct an inquiry in the manner prescribed.
- (3) Before conducting an inquiry, the Registrar must address a written warning to the association or operator requiring him, her or it to remedy the failure within the time stated in the warning, which may not be less than 21 days.
- (4) If the inquiry reveals that there was such a failure or conduct, the Registrar may-
 - (a) impose a fine not exceeding the amount prescribed;
 - (b) send a written order signed by him or her of temporary suspension of the certificate of registration; or
 - (c) send a written order signed by him or her withdrawing the certificate of registration.
- (5) Immediately after issuing an order that the name of an association or non-member be struck off the register, the Registrar must forward a certified copy thereof to the Board and to a senior official in a government department or

institution providing benefits or assistance to that association or its members or that operator.

PART 10: REGISTRATION OF METERED TAXI ASSOCIATIONS AND OPERATORS

77. Registration of metered taxi associations, members and non-members

Sections 69, 73, 74 and 76 apply, with the necessary changes, to the registration of metered taxi associations, members and non-members, reading in those sections "metered taxi services" for the expression "minibus taxi-type services".

78. Registration of metered taxi associations

The Registrar must grant registration to a metered taxi association which upon application satisfies the Registrar-

- (a) that it has been in existence for a period not less than the minimum prescribed period;
- (b) that the constitution and code of conduct submitted by the association has been signed and accepted by each of its members;
- (c) that the said constitution and code of conduct are consistent with and comply with the prescribed requirements;
- (d) that the association enjoys the support of relevant municipalities and transport authorities;
- (e) that each member of the association holds a valid operating licence or permit for each motor vehicle that he or she operates and that his or her operations are within the authority thereof;
- (f) that each member of the association is in possession of a valid radio frequency licence;
- (g) that each member of the association has furnished proof to the satisfaction of the Registrar that the member is registered as a tax payer under the Income Tax Act or, in terms of that Act, is not required so to register; and
- (h) that all of the information required by the Registrar in terms of this Act or otherwise has been provided and this information has been verified in the prescribed manner.

79. Registration of non-members operating metered taxi services

- (1) A non-member operating or wishing to operate metered taxi services qualifies for registration and, upon having applied therefor, must be registered, where the non-member-
 - (a) has subscribed to the prescribed code of conduct;
 - (b) holds an appropriate permit or operating licence for each vehicle by means of which the non-member operates a metered taxi service;
 - (c) operates the metered taxi service to which such a permit or operating licence relates, in compliance with the terms of, and conditions attached to the permit or operating licence;
 - (d) is in possession of a valid radio frequency licence;
 - (e) has furnished proof to the satisfaction of the Registrar that the non-member is registered as a tax payer under the Income Tax Act, or, in terms of that Act, is not required so to register; and
 - (f) has supplied all of the information required by the Registrar in terms of this Act or otherwise and this information has been verified in the prescribed manner.

- (2) Where a non-member wishes to apply for an operating licence, the non-member must first apply to the Registrar in the prescribed manner and form for registration as a non-member.
- (3) The Registrar must establish whether an applicant applying under subsection (2) complies with the requirements of subsection (1), and if so issue to the applicant a certificate to this effect for submission to the Board.
- (4) Should the Board grant and issue an appropriate operating licence to such non-member, the Board must notify the Registrar within 14 days and supply to the Registrar a copy of the operating licence.
- (5) On receipt of such particulars, the Registrar must register the non-member.

80. Special requirements for drivers of vehicles engaged in metered taxi services

- (1) As from a date determined by the MEC by notice in the *Gazette*, no one may drive a motor vehicle providing metered taxi services, unless that driver has passed the prescribed tests in the prescribed manner, and has been issued by the MEC or by a municipality with a certificate to that effect, in the prescribed manner and form.
- (2) The requirements of subsection (1) shall be in addition to, and not in substitution of, the requirements of the National Road Traffic Act.

PART 11: REGISTRATION OF BUS-TYPE AND COACH-TYPE ASSOCIATIONS AND OPERATORS

81. Registration of associations, members and non-members operating bus-type and coach-type services

Sections 69, 73, 74 and 76 shall apply with the necessary changes to the registration of associations operating bus-type and coach-type services, their members, and non-members operating such services, reading in those sections "bus-type services" or "coach-type services", as the case may be, for the expression "minibus taxi-type services".

82. Registration of associations of operators of bus-type and coach-type services

The Registrar must grant registration to an association of operators of bus-type and coach-type services which on application satisfies the Registrar-

- (a) that it has been in existence for a period not less than the minimum prescribed period;
- (b) that the number of members meets the prescribed minimum;
- (c) that the constitution and code of conduct submitted by the association has been signed and accepted by each of its members;
- (d) that the said constitution and code of conduct are consistent with and comply with the prescribed requirements;
- (e) that the association enjoys the support of relevant municipalities and transport authorities;
- (f) that each member of the association holds a valid operating licence or permit for each motor vehicle that he or she operates and that his or her operations are within the authority thereof;
- (g) that each member of the association has furnished proof to the satisfaction of the Registrar that the member is registered as a tax payer under the Income Tax Act, or, in terms of that Act, is not required so to register, and
- (h) that all of the information required by the Registrar in terms of this Act or

otherwise has been provided and this information has been verified in the manner prescribed.

83. Registration of non-members operating bus-type and coach-types services

- (1) A non-member operating or wishing to operate bus-type or coach-type services qualifies for registration and, on submission of an application must be registered, where the non-member-
 - (a) has subscribed to the prescribed code of conduct;
 - (b) holds an appropriate permit or operating licence for each vehicle by means of which the non-member operates the bus-type or coach-type service;
 - (c) operates the services to which such a permit or operating licence relates, in compliance with the terms of, and conditions attached to, the permit or operating licence; and
 - (d) has furnished proof to the satisfaction of the Registrar that the non-member is registered as a tax payer under the Income Tax Act, or, in terms of that Act, is not required so to register.
- (2) Where a non-member wishes to apply for an operating licence, the non-member must first apply to the Registrar in the prescribed manner and form for registration as a non-member.
- (3) The Registrar must establish whether an applicant applying under subsection (2) complies with the requirements of subsection (1), and if so issue to the applicant a certificate to this effect for submission to the Board.
- (4) Should the Board grant and issue an appropriate operating licence to such non-member, the Board must notify the Registrar within 14 days and supply to the Registrar a copy of the operating licence.
- (5) On receipt of such particulars, the Registrar must register the non-member.

PART 12: TRANSPORT FORUMS

84. General provisions

- (1) The MEC may recognise groupings of users or operators of public passenger road transport services, or drivers of vehicles used for such services, such as metropolitan taxi councils, for the purposes of this Part, as being representative of users, operators or drivers.
- (2) In addition to the forums and committees established by this Part, the MEC may prescribe the establishing of other similar structures, either to represent a particular public passenger road transport mode, or a group of such modes.

85. Provincial Public Passenger Transport Forum

- (1) The MEC must establish a Provincial Public Passenger Transport Forum (PPPTF) and appoint to it members of whom, in the prescribed manner, not more than-
 - (a) three must represent the Department;
 - (b) one must represent each metropolitan authority in the Province;
 - (c) two must represent the communities using the transport system;
 - (d) two must represent the minibus taxi industry and each be a member of a metropolitan taxi forum or council;
 - (e) two must represent the metered taxi industry and be a member of a metropolitan transport forum;
 - (f) two must represent the bus industry and each be a member of a

- metropolitan transport or bus forum;
- (g) one must represent the rail commuter industry and be a member of a metropolitan transport forum;
 - (h) one must represent each of the following services if the MEC is of the opinion that the volume of such services in the Province warrants it:
 - (i) tuk-tuk services;
 - (ii) education services;
 - (iii) tourist services;
 - (iv) charter services;
 - (v) staff services;
 - (vi) courtesy services;
 - (vii) coach-type scheduled services;
 - (viii) shuttle services;
 - (i) one must be a member of the Board;
 - (j) two must be recognized experts in the public passenger road transport industry or be persons who have wide experience of or have shown ability in matters related to transport or environmental or financial matters;
 - (k) two must represent driver unions.
- (2) If an appointed representative is not available, the MEC may substitute such representative but such substitution may not be permanent.
 - (3) Before appointing the members of the PPPTF, the MEC must invite nominations from relevant bodies or organisations by sending or publishing a notice in the manner that the MEC determines.
 - (4) Where nominations are not received within the time stipulated in the notice, the MEC may, subject to this section, appoint persons as members of the PPPTF that the MEC deems fit.
 - (5) The PPPTF must be chaired by an official of the Department. Members must select one of their number as deputy chairperson, who must fulfil the functions of the chairperson whenever the latter is not available.
 - (6) The PPPTF must determine procedures at and the frequency of its meetings, provided that it must meet not less than once per quarter.
 - (7) A member of the PPPTF must vacate his or her office if he or she is removed from office under subsection (7) or resigns by notice in writing addressed to the MEC.
 - (8) The MEC may remove from office a member of the PPPTF who-
 - (a) has been guilty of improper conduct or has regularly neglected his or her duties as a member of the PPPTF;
 - (b) is unable to perform his or her duties as a member of the PPPTF efficiently;
 - (c) has failed to attend three consecutive meetings of the PPPTF without a reason that is acceptable to the MEC;
 - (d) is incapacitated to the extent of not being able to perform his or her duties; or
 - (e) no longer represents the organisation or industry that he or she was appointed to represent.

86. Functions of the Provincial Public Passenger Transport Forum

The functions of the PPPTF will be to advise the MEC at the MEC's request on the following matters in the Province:

- (a) the effectiveness of public passenger transport policy and the further development of that policy;
- (b) the way that public passenger transport policy is being implemented;

- (c) the co-ordination of transport;
- (d) the necessity for additional or amending legislation to enable public passenger road transport policy to be realised;
- (e) affirmative action, transformation and change management in institutions involved in public passenger road transport;
- (f) the collection and display of public passenger transport information;
- (g) communication between public passenger transport modes;
- (h) integration between public passenger transport modes, including through ticketing;
- (i) liaison with passengers and groupings or institutions representing passengers, and dealing with complaints and concerns of passengers.

87. Metropolitan transport forums

- (1) Each metropolitan authority in the Province must establish a metropolitan transport forum (MTF) for its area of jurisdiction.
- (2) Of the members of the MTF, not more than-
 - (a) three must represent the metropolitan authority concerned, preferably from the departments of the authority responsible for road transport affairs and planning;
 - (b) one must represent the Department;
 - (c) two must represent passengers using the transport system in the area;
 - (d) two must represent the minibus taxi industry and be members of the relevant metropolitan taxi council or forum;
 - (e) two must represent the metered taxi industry;
 - (f) two must represent the bus industry;
 - (g) two must represent the rail commuter industry;
 - (h) two must represent driver unions;
 - (i) one must represent persons with disabilities;
 - (j) two must be recognized experts in the public passenger road transport industry or be persons who have wide experience of or have shown ability in matters related to transport or environmental or financial matters.
- (3) If an appointed representative is not available, the metropolitan authority may substitute such representative but such substitution may not be permanent.
- (4) Before appointing the members of the MTF, the metropolitan authority must invite nominations from relevant bodies or organisations by sending or publishing a notice in the prescribed manner.
- (5) Where nominations are not received within the time stipulated in the notice, the metropolitan authority may, subject to this section, appoint persons as members of the MTF that it deems fit.
- (6) The metropolitan authority must appoint one of its representatives as chairperson. Members must select one of their number as deputy chairperson, who must fulfil the functions of the chairperson whenever the latter is not available.
- (7) The MTF must meet at times and in the manner and according to procedures prescribed.
- (8) A member of the MTF must vacate his or her office if he or she is removed from office under subsection (8) or resigns by notice in writing addressed to the municipality or transport authority concerned.
- (9) The metropolitan authority may remove from office any member of the MTF who-
 - (a) has failed to comply with a condition of his or her appointment;

- (b) has been guilty of improper conduct or has regularly neglected his or her duties as a member of the MTF;
- (c) is unable to perform efficiently his or her duties as a member of the MTF;
- (d) has failed to attend three consecutive meetings of the MTF without an acceptable reason;
- (e) is incapacitated to the extent of not being able to perform his or her duties; or
- (f) no longer represents the organisation or industry that he or she was appointed to represent.

88. Functions of metropolitan transport forums

Metropolitan transport forums must-

- (a) act as a means of liaison between the relevant metropolitan authority, and the public passenger road transport industry;
- (b) act as a means of resolving problems and issues in the public passenger road transport industry and facilitating conflict resolution in the area concerned;
- (c) disseminate information on new developments and other matters affecting the public passenger road transport industry;
- (d) provide input to joint policy and action plans on matters such as, but not limited to-
 - (i) training and skills development;
 - (ii) regulation and control;
 - (iii) conflict resolution;
 - (iv) fare structures;
 - (v) driver and employee relations and working conditions;
 - (vi) modal integration;
 - (vii) information and data banks;
 - (viii) ranks, stands, terminals and other facilities and their development;
 - (ix) safety issues; and
 - (x) the scheduling of services.
- (e) provide input to public passenger road transport planning authorities, the Board and other authorities, and
- (f) undertake other functions prescribed by the MEC or in municipal by-laws, or recommended in guidelines published by the MEC or metropolitan authority.

89. Metropolitan taxi forums

- (1) Each metropolitan authority must establish a metropolitan taxi forum.
- (2) The following bodies must be represented on the metropolitan taxi forum in the manner prescribed:
 - (a) the relevant metropolitan authority;
 - (b) all local taxi liaison committees in the area;
 - (c) if there is a taxi council or similar body, a representative thereof, and if there is no such council or body, all registered taxi associations operating in the area of jurisdiction of such authority;
 - (d) representatives of organisations such as driver unions;
 - (e) representatives of relevant passenger associations or groups;
 - (f) other persons and bodies as prescribed.
- (3) If one of the representatives referred to in subsection 2 is unavailable, the relevant authority may substitute such representative but such substitution may not be permanent.

- (4) The metropolitan taxi forum must elect one of its members as chairperson.
- (5) Metropolitan taxi forums must meet at times and in the manner and according to procedures prescribed.

90. Functions of metropolitan taxi forums

Metropolitan taxi forums must-

- (a) act as a means of liaison between local government and the taxi industry in the area of the metropolitan authority;
- (b) act as a means of liaison between taxi associations;
- (c) act as a means of resolving problems and issues in the taxi industry, and facilitating conflict resolution, and actively promoting peace in the industry;
- (d) disseminate information on new developments and other matters affecting the taxi industry;
- (e) provide input to joint policy and action plans on matters such as, but not limited to-
 - (i) training and skills development;
 - (ii) regulation and control;
 - (iii) conflict resolution;
 - (iv) fare structures;
 - (v) driver and employee relations and working conditions;
 - (vi) modal integration;
 - (vii) information and data banks;
 - (viii) ranks and other facilities and their development, and
 - (ix) safety issues;
- (f) provide input to public passenger road transport planning authorities and other authorities;
- (g) ensure that associations are disseminating relevant information to their members;
- (h) ensure that all associations are represented on the forum and on relevant local taxi liaison committees;
- (i) provide recommendations to the Board regarding applications for operating licences;
- (j) make representations to provincial and national government through the Provincial Public Passenger Transport Forum with regard to existing or proposed public passenger policy and legislation, and the matters referred to in paragraph (e);
- (k) consider methods to improve profitability and economy in taxi operations;
- (l) undertake other functions prescribed in municipal by-laws or recommended in guidelines.

91. Local taxi liaison committees

- (1) Every municipality other than a metropolitan authority must establish a local taxi liaison committee in respect of its area of jurisdiction or for defined areas within that area.
- (2) The functions of a local taxi liaison committee shall be to provide input to the relevant metropolitan taxi forum regarding the matters set out in section 90.
- (3) The MEC may make regulations prescribing the membership and functioning of such liaison committees, and procedures for and frequency of their meetings, subject to subsection (4).
- (4) Membership of local taxi liaison committees must be restricted to registered locally based associations and registered non-members.

92. Establishment and functioning of other metropolitan or local liaison forums

Any municipality may establish a metropolitan or local liaison forum, as the case may be, for other public passenger road transport services or modes in respect of its area of jurisdiction.

PART 13: LAW ENFORCEMENT**93. Special emergency measures**

- (1) The MEC may by notice in the *Gazette*, declare an area in which the special measures provided for in this section will apply, where he or she is of the opinion that this is necessary to normalize the situation in the area characterised by violence, unrest or instability.
- (2)
 - (a) The MEC may make regulations providing that one or more routes or ranks as specified, or that all of the routes and ranks, without specification, are closed to the operation of public passenger road transport services in an area declared under subsection (1) for a period stated in the notice, and that no person may undertake specified services on the affected route or routes or in the affected rank or ranks during the period.
 - (b) The regulations may provide that the contravention thereof will constitute an offence and prescribe penalties in respect thereof.
- (3) Before making regulations under subsection (2), the MEC must cause a notice to be published in the *Gazette* or in a newspaper circulating in the declared area stating-
 - (a) a brief description of the nature and purpose of the intended action;
 - (b) the route or routes and rank or ranks that will be closed, or that it is proposed to close all routes or ranks in the declared area;
 - (c) the period for which the proposed regulations will be in force;
 - (d) that interested or affected persons may request reasons for the proposed regulations;
 - (e) that any interested or affected persons may make representations;
 - (f) the time within which representations may be made, which may not be less than 24 hours;
 - (g) the address to which representations must be submitted; and
 - (h) the manner in which representations may be made.
- (4) The MEC must consider any representations received under subsection (3) before making regulations under subsection (2).

94. Offences

- (1) A person is guilty of an offence-
 - (a) who operates a public passenger road transport service in contravention of section 3(3) or section 69;
 - (b) who operates or undertakes a public passenger road transport service contrary to the terms and conditions of an operating licence or permit;
 - (c) who contravenes any other provision of this Act;
 - (d) if, being the holder of an operating licence or permit or the agent or employee of such a holder, the person allows someone else to use that operating licence or permit for a vehicle other than the vehicle specified in the operating licence or permit;
 - (e) if the person applies for or obtains an operating licence knowing that a

- current operating licence has already been issued for the same vehicle;
- (f) if the person, with the intent to deceive, forges, alters, defaces, damages or adds to any operating licence, permit or other official document issued under this Act;
 - (g) if, knowing that a document is not an operating licence or permit, or such other official document or that it has been altered, defaced, damaged or added to, utters or uses the document;
 - (h) if the person furnishes or gives false information with regard to any application made to the Board or the Registrar or in the course of appearing in any proceedings, investigation or inquiry before the Board or Registrar;
 - (i) if the person impersonates an authorised officer;
 - (j) if the person wilfully obstructs or hinders an authorised officer who is discharging the duties attached to the office concerned;
 - (k) if the person refuses or fails to comply with the lawful order of an authorised officer;
 - (l) if the person fails to return a permit, operating licence, registration certificate or a distinguishing mark to the Registrar or the Board as the case may be, if required to do so by this Act;
 - (m) if the person, without good reason-
 - (i) refuses or fails to appear before the Board or Registrar in compliance with an order or subpoena issued under this Act; or
 - (ii) refuses or fails to answer to the best of the person's knowledge and ability, any question lawfully put to the person by any member of the Board or by the Registrar, as the case may be; or
 - (iii) refuses or fails to produce any book, document, plan, record or article in compliance with such an order or subpoena;
 - (n) if, where the person is conveyed as a passenger on a vehicle in the course of the operation of a public passenger road transport service, the person-
 - (i) fails to pay the fare due for the journey when payment is requested by the driver or conductor of the vehicle concerned; or
 - (ii) smokes on that vehicle in contravention of a notice on the vehicle which forbids smoking, or
 - (iii) wilfully acts in a manner that inconveniences a fellow passenger; or
 - (iv) disobeys a reasonable instruction issued by the driver or conductor of that vehicle for the purpose of maintaining order or ending a disturbance or controlling any emergency arising or existing on that vehicle; or
 - (v) wilfully performs any act in or on that vehicle that could cause injury to or endanger the life of any person or cause damage to any property;
 - (o) if the person, being the holder of an operating licence or permit or the driver of a vehicle to which that operating licence or permit relates, fails to comply with any duty or obligation imposed on such a holder or driver by or in terms of this Act.

(2) Whenever a manager, agent or employee of the holder of an operating licence or permit performs or omits to perform any act which, if the holder of an operating licence or permit had performed or omitted to perform that act

personally, would have constituted an offence in terms of subsection (1), that holder will be guilty of that offence if-

- (a) the holder-
 - (i) connived at or knowingly permitted the act or omission concerned; or
 - (ii) did not take all reasonable measures to prevent that act or omission; and
- (b) an act or omission of the nature of the act or omission charged, whether legal or illegal, fell within the scope of the authority or the course of the employment of the manager, agent or employee.

95. Penalties

A person convicted of an offence under this Act shall be liable on conviction to imprisonment for a period not exceeding one year or to a fine for an amount not exceeding R100 000, or to both such fine and imprisonment.

96. Designation of inspectors

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

97. Impounding and forfeiture of vehicles

- (1) Where an authorised officer is satisfied on reasonable grounds that a vehicle is being used for public passenger road transport and finds that the necessary permit, operating licence, ad hoc authorisation or written permission referred to in section 46 (1) is not in the vehicle as required by section 47 (b) or 52 (4), the officer must impound the vehicle.
- (2) A vehicle impounded under subsection (1) must be delivered to the depot referred to in subsection (6), and must be retained in the depot and released to the person concerned only after-
 - (a) a valid permit, operating licence, ad hoc authorisation or such written permission is shown to an authorised officer, who has certified in writing that it has been shown, and the operator has paid the fine for the offence under section 94 (1) (o) for failure to keep the necessary documentation in the vehicle, if such fine was imposed; or
 - (b) such person satisfies an authorised officer that the vehicle was not being used for public passenger road transport, and such officer has certified this in writing; or
 - (c) all charges for offences in connection with the relevant unauthorised public passenger road transport have been withdrawn or the persons charged with such offences have been acquitted.
- (3) Where the vehicle has not been released within 90 days of its impoundment, it will be forfeited to the Province, unless it is shown that delays in obtaining its release are not due to the fault of the person requiring such release.
- (4) A forfeiture under subsection (3) shall not affect any rights which a person has to the vehicle if it is proved that he or she did not know that the vehicle was being or would be used to provide unauthorised public passenger road transport or that he or she could not prevent its use.
- (5) Section 35 (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall apply with the necessary changes to forfeiture under subsection (3).
- (6) The MEC or a municipality by notice in the *Gazette* may designate a place defined in the notice to be a depot for the purposes of this section, and may

in the same manner amend or withdraw such notice.

- (7) In impounding vehicles under this section, authorised officers must act according to prescribed procedures and complete the prescribed documentation.

98. Presumptions

In prosecutions under this Act-

- (a) a person who has conveyed someone 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 vehicle, is presumed to have undertaken public passenger road transport, unless the contrary is proved;
- (b) the owner of the motor vehicle in which a person is conveyed is 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 authorise or permit the use of the vehicle for the conveyance.

99 Other powers of authorised officers

- (1) An authorised officer may seize by order of the Board, a permit or operating licence that has expired or has been withdrawn, cancelled or suspended in terms of this Act.
- (2) Apart from the duties and powers referred to in this Act, an authorised officer may in relation to public passenger road transport-
- (a) cause a motor vehicle to be stopped in the prescribed manner 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 public passenger road transport or in order to exercise a power or perform a duty or authorised 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 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 in a motor vehicle believed to be used for public passenger road transport, or a person believed to have been in 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 fee for the conveyance in 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 authorised officer, and may, while he or she is on or in the premises or at another reasonable time-
- (i) question a person who, in his or her opinion, may be able to furnish information required by him or her;
- (ii) 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 this Act; and

- (iii) examine the book or document and make extracts therefrom or copies thereof, and demand an explanation of entries therein,

but 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 public passenger road transport produce documents which have been issued by the Board or Registrar 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 public passenger road transport and which is so defective as to be a possible danger to persons and property, forthwith hand over the current operating licence or permit, as well as the distinguishing marks 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 operating licence or permit specified in the order and hand it over to the Board.

100. Demerit system

- (1) Subject to this section, the MEC may by regulation provide for a points demerit system with regard to persons who contravene this Act, in respect of offences not referred to in the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), and whereby provision is made-
 - (a) for recording a specified number of demerit points against the name of the offender for each occasion on which the offender is convicted for such contraventions;
 - (b) for imposing a specified penalty or sanction mentioned in subsection (2)(b) on offenders whose demerit points equal or exceed a specified number.
- (2) (a) Without limiting the MEC's powers under subsection (1) with regard to the recording of demerit points against offenders, provision may be made that the number of demerit points that may be recorded per occasion may be increased in accordance with a specified sliding scale or formula-
 - (i) for second and subsequent cases of contravention;
 - (ii) according to the seriousness of the offence, so that the more serious the offence, the higher the number of demerit points recorded.
- (b) Imprisonment or a fine may be imposed on offenders in appropriate circumstances, or as an alternative-
 - (i) a reprimand and a warning issued in writing;
 - (ii) suspension of an operating licence or permit held by the offender. The suspension will be for a period prescribed and specified in the written notice of suspension to the offender;
 - (iii) withdrawal of the operating licence or permit; or
 - (iv) a prescribed sanction that is lesser than that provided for in subparagraph (ii) or (iii).

- (3) The MEC must give notice of the proposed introduction of the points demerit system, and in the notice-
 - (a) broadly outline the proposed system; and
 - (b) invite interested persons to comment on the proposed system and, in particular, the penalties and other sanctions proposed, and invite them to furnish written comments and representations not later than 30 days after the date of the notice.
- (4) The provisions of a points demerit system must be published in the prescribed manner, and will take effect and become enforceable and binding 30 days after publication.
- (5) A penalty or other sanction may not be imposed in terms of subsection (2)(b) unless the rules of natural justice have been applied with regard to the offender.

PART 14: GENERAL

101. Compulsory insurance for operators

- (1) The MEC may make regulations providing that holders of permits or operating licences for specified types of public passenger road transport services must provide for public liability insurance for passengers or other types of insurance stipulated in the regulations, in the amounts that the MEC may specify in the regulations. The regulations may also specify qualifications or requirements for insurers providing such insurance.
- (2)
 - (a) The Board may impose conditions on operating licences regarding requirements for insurance referred to in subsection (1) that are not inconsistent with such regulations.
 - (b) The regulations may also provide that proof of such insurance must be submitted to the Board or other persons specified in the regulations, within the times so specified.
- (3) The insurance mentioned in subsection (1) must, among other things, provide cover in respect of loss or damage suffered through damage to property or death of or injury to any person resulting from an intentional or negligent act or omission by the operator or agents or servants of the operator in connection with the provision of public passenger road transport services.
- (4) The MEC must make regulations under subsection (1) in respect of tourist services within 180 days of the commencement of this Act.

102. Measures to support public passenger road transport

- (1) The MEC may make regulations setting aside dedicated lanes on roads under the jurisdiction of the Province for the exclusive use of vehicles used for public passenger road transport services, notwithstanding the provisions of the National Road Traffic Act.
- (2) The MEC may provide financial assistance to transport authorities or municipalities for-
 - (a) instituting park and ride schemes and planning, constructing and maintaining the necessary infrastructure for such schemes;
 - (b) setting aside dedicated lanes on roads under their jurisdiction for the exclusive use of vehicles used for public passenger road transport services;
 - (c) planning, constructing and maintaining infrastructure for enhancing

the efficiency and convenience of public passenger road transport services.

103. Transitional provisions

- (1) Where, at any time before the commencement of this Act-
 - (a) a person was convicted, in terms of any law repealed by section 104, of an offence which is an offence in terms of this Act, the person is, where relevant for the purposes of this Act, regarded and treated as a person who had committed a corresponding offence provided for in this Act; and
 - (b) any distinguishing mark issued in terms of any such repealed law for a vehicle in relation to which a permit relates is regarded and treated for the purposes of this Act until such time as that permit lapses, is converted to an operating licence, or is withdrawn or cancelled in terms of this Act, as a distinguishing mark issued under this Act.
- (2) An appointment, designation, regulation, notice or document made, published or issued, or another thing done, under an Act repealed by section 104, is deemed to have been declared, established, made, published, issued or done under the corresponding provisions of this Act.
- (3) For the purposes of subsection (2) an application for the issue or grant of 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 operating licence.
- (4) The date of 1 July 1999 published in terms of section 25(1) of the Gauteng Interim Minibus Taxi-Type Services Act, in Notice 1211 of 1998 (*Provincial Gazette Extraordinary* 495 of 22 May 1998) is deemed to have been extended to the date of commencement of Part 6 of this Act.

An appeal noted with the MEC in terms of section 8(5) of the Gauteng Interim Minibus Taxi-Type Services Act, but not disposed of at the commencement of this Act, is deemed to be an appeal to the Appeal Board under section 59.

- (6) (a) Wherever this Act requires regard to be had to any transport plan, the Board, contracting authority, transport authority, core city or municipality may proceed with the relevant matter, with the approval of the MEC, despite the fact that the relevant transport plan has not been prepared or has not been submitted for required approvals, or has not been published under section 29 (1) of the National Act.
- (b) The MEC may grant such approval either in general or in specific terms.
- (c) Such board, authority, core city or municipality must have regard to any available transport planning or other matter which it regards as relevant.
- (7) Any power exercised or duty or function validly performed by the Gauteng Transport Permit Board referred to in section 29 (1) in terms of a law repealed by section 104 after the commencement of the National Act, is deemed to have been validly exercised or performed under the corresponding provision of this Act.

104. Repeal of laws and exclusions

- (1) The following laws are hereby repealed:
 - (a) The Gauteng Interim Minibus Taxi-Type Services Act; and
 - (b) The Gauteng Interim Road Transport Act, 1998 (Act No. 2 of 1998)

- (2) The Road Transportation Act, 1977 (Act No. 74 of 1977) is hereby excluded from operation in Gauteng.

105. Act binds State

This Act binds the State.

106. Short title and commencement

- (1) This Act is called the Gauteng Public Passenger Road Transport Act, 2001, and shall come into effect on a date determined by the Premier by Proclamation in the *Gazette*.
- (2) Different parts or sections of this Act may be brought into effect on different dates, or in respect of different areas.
- (3) Section 29 (1) is deemed to have come into operation on 1 December 2000.

SCHEDULE A CATEGORIES OF VEHICLES/TYPES OF PASSENGER SERVICES

CATEGORY OF VEHICLE	TYPE OF SERVICE											
	tuk-tuk type of service	metered-taxi service	minibus-taxi-type service	bus-type service	education service	Tourist service	charter service	staff service	shuttle service	Accessible transport service	courtesy service	Coach-type scheduled service
less than 4* eg tuk-tuk	A B C	no	no	no	no	no	no	no	no	no	A B C D	no
limousine	no	no	no	no	no	yes	yes	G/C	yes	yes	yes	no
4 to 8* eg motor car	no	yes	G	no	yes	yes	N	G/C	yes	yes	yes	no
9 to 18* minibus	no	E F M	G	yes	yes	yes	N	G/C	yes	yes	yes	no
19 to 35* midibus	no	no	PQR	yes	yes	yes	N	G/C	yes	yes	yes	no
36 to 70* standard bus	no	no	no	yes	yes	yes	N	G/C	yes	yes	yes	no
double decker	no	no	no	L K	yes	yes	N	G/C	yes	yes	no	no
bus train	no	no	no	L K	yes	no	N	G/C	no	yes	no	no
semi-trailer	no	no	no	yes	yes	yes	yes	yes	no	yes	yes	no
coach	no	no	no	no	no	yes	yes	G/C	no	yes	yes	yes
adapted LDV	no	no	yes	no	Yes	I	I	yes	no	no	no	no

* including driver

SCHEDULE BCATEGORIES OF PASSENGER SERVICE IN RELATION TO PRINCIPLES OF PLANNING (FUTURE)

PRINCIPLE		TYPE OF SERVICE												
		k-tuk	tu	etered-taxi	minibus-taxi	bus-type	education	tourist	charter	staff	Shuttle	Accessible transport service	Courtesy	coach-type
Subsidised service contracts	scheduled service	No	No	No	Yes	Yes in principle	No	No	No	No	Yes	Yes	No	No
	unscheduled service	Yes in principle	No	No	Yes	Yes	No	No	No	No	Yes	Yes	No	No
Un-subsidised service contracts	area service	Yes in principle	Yes in principle	No	No	Yes	No	No	No	No	Yes	Yes	No	No
	area service	Yes in principle	Yes in principle	No	No	Yes	No	No	No	No	Yes	Yes	No	No
	area service	Yes in principle	Yes in principle	No	No	Yes	No	No	No	No	Yes	Yes	No	No
Non-contracted services	scheduled service	Yes	No	No	Yes	Yes	No	No	No	No	Yes	Yes	No	Yes
	unscheduled service	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
	area service	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No

SCHEDULE C CATEGORIES OF PASSENGER SERVICE IN RELATION TO PRINCIPLES OF PLANNING (TRANSITION)

PRINCIPLE		TYPE OF SERVICE												
		k-tuk	tu	etered-taxi	minibus-taxi	bus-type	education	tourist	charter	staff	Accessible transport service	Shuttle	courtesy	coach-type
Subsidised service contracts	scheduled service	No	No	No	To be discussed	Yes	Yes in principle	No	No	No	Yes	Yes	No	No
Un-subsidised service contracts	scheduled service	Yes in principle	No	No	No	Yes	Yes	No	No	No	Yes	Yes	No	No
	unscheduled service	Yes in principle	No	Yes	No	Yes	No	No	No	Yes	Yes	No	No	
	area service	Yes in principle	Yes in principle	Yes	No	Yes	No	No	No	Yes	Yes	No	No	
Non-contracted services	scheduled service	Yes	No	No	Yes	Yes	No	No	No	Yes	Yes	No	Yes	
	unscheduled service	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	
	area service	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	

KEY TO SCHEDULE A

- A vehicle only allowed on prescribed urban road network
- B vehicle to operate under specified maximum speed
- C area bound service
- D "courteous entity" must own the vehicle
- E vehicle must be equipped with shared-meter facility
- F category of vehicle must have metered taxi industry recommendation
- G route based service unless area allowed in exceptional circumstances
- I restricted to adventure tours
- J the vehicle and any conversion components to be manufactured or converted by a registered manufacturer or converted in accordance with prescribed standards
- K to be restricted from operating in specified areas or road network
- L service to adhere to current traffic regulations
- M number of passengers to be limited by the operating licence (eg to 7 for minibuses)
- N holder to possess public passenger permit for vehicle already (ie minibus taxi-type, bus-type, scholar, coach-type or tourist service)
- O services must be provided for in relevant transport plans
- P appropriate ranking facilities must be available
- Q relevant associations must consent

MEMORANDUM ON THE OBJECTS OF THE GAUTENG PUBLIC PASSENGER ROAD TRANSPORT BILL, 2001

1. Background

The Gauteng Public Passenger Road Transport Bill, 2001 (the Bill) is intended to provide for the planning, promotion and regulation of public passenger road transport in Gauteng in a comprehensive manner.

2. Objectives of the Bill

The reason for the Bill is to provide comprehensively for public passenger road transport services in Gauteng, and to promote public transport, in line with the recommendations of the Gauteng Strategic Management Team, the Gauteng Taxi Initiative, the National Taxi Task Team and latest provincial policy, as set out in the *Gauteng White Paper on Transport Policy, 1997* and other documents.

The Bill is designed to be a "replacing provincial law" for Gauteng as contemplated in section 3(b)(i) of the National Land Transport Transition Act 22 of 2000 (the National Act) with regard to all matters dealt with in the Bill, and will thus replace Chapter 3 of the National Act with regard to such matters. The National Act is structured mainly into Chapter 2, which deals with matters of national concern, and Chapter 3 on matters of provincial concern. Chapter 2 of the National Act caters for matters contemplated in section 146(2) of the Constitution, and will take precedence over provincial legislation. Chapter 3 thereof may be replaced by provincial laws, and the Bill will replace it as regards public passenger road transport issues, mainly for the following reason, as well as other reasons that appear below:

Of necessity, Chapter 3 of the National Act is general in nature, as it must cater for the needs of all nine provinces. It is intended as a stop-gap measure for provinces that do not have their own legislation on land transport issues, and provides issues of provincial concern that the provinces may change if they wish to do so. In this regard, the Bill contains considerably more detail and is designed to tailor the issues to the unique features of Gauteng, for example the fact that it is mainly an urban province covered by metropolitan municipalities, or district municipalities that are mainly metropolitan in nature.

Legislation that currently applies in Gauteng regarding road transport is:

- The Gauteng Interim Minibus Taxi-Type Services Act, 1997 (Act No.11 of 1997);
- The Gauteng Interim Road Transport Act, 1998 (Act No. 2 of 1998).

The Road Transportation Act, 1977 and the Gauteng Road Transportation Amendment Act, 1997, have been excluded from operation in Gauteng, or repealed, as the case may be, by the abovementioned pieces of legislation. They in turn will be replaced by the Bill. The existing legislation, as reflected in the names of the Acts, is interim in nature.

Fundamental to the approach adopted in drafting the Bill is to take a fresh look at what is required. The approach in the past to drafting legislation on public passenger transport has been to base it on what was written before. Previous Acts dealing with the topic have thus generally only been amended to suit new circumstances as they arise. The Bill was naturally informed by the content of other legislation, but was approached "ab initio". It is based on a new system of approaching the organisation of public passenger transport.

The new system recognises the need both for regulation and flexibility in the interests of creating an economic and institutional environment conducive for operators to provide services, while at the same time protecting the rights and safety of passengers. The system recognises that there is a wide variety of public passenger transport services, that different vehicles are used for different services and that in practice sometimes a wide variety of vehicles is used for the same services. Some of these vehicles may be suitable and some not, and some under prescribed circumstances and conditions. The system therefore allows for the use of various vehicles for different purposes, with sufficient flexibility to cater for market fluctuations in the interest of operators. Where a vehicle is patently unsuitable for a service, the system will not allow it to be used to provide the service.

The Bill is founded on certain principles that include the following:

- All public passenger road transport operations must be undertaken in terms of a valid and specific operating licence;
- all public passenger road transport operators must be registered with the Gauteng Transport Registrar;
- protection of passengers;
- professional operating practices;
- supportive and appropriate institutional structures;
- efficient and effective law enforcement;
- integration both of modes and of land use and transport planning, to improve passenger mobility and the efficiency of the system;
- the need to subsidise public passenger transport only insofar as such assistance meets the needs of improved affordability, mobility and land use, and
- a demerit system for operators.

The Bill thus involves many innovations and modifications to existing legislation, for example in linking service and vehicle types as indicated above. The Bill takes into account the provisions of the new local Government legislation and proposed legislation.

3. Contents of the Bill

The Bill is divided into 14 parts, as follows:

- Part 1: Introductory provisions
- Part 2: Public passenger road transport services
- Part 3: Powers and duties of the MEC and municipalities
- Part 4: Public passenger transport planning
- Part 5: The Gauteng Transport Operating Licence Board
- Part 6: Operating licences
- Part 7: Gauteng Public Passenger Appeal Board or Registrar
- Part 8: Gauteng Transport Registrar and registration of associations and operators
- Part 9: Registration of minibus taxi associations and operators
- Part 10: Registration of metered taxi associations and operators
- Part 11: Registration of bus-type and coach-type associations and operators
- Part 12: Transport forums
- Part 13: Law enforcement
- Part 14: General.

Part 1: Introductory provisions

Clause 1 explains the purpose of the Bill. It outlines provincial policy on public passenger road transport, and the principles to be applied in interpreting and implementing the Bill. This clause will be helpful to set the scene for the Bill and to assist those who will have to deal with the Bill. The National Act does not have such a section.

Clause 2 of the Bill provides for definitions.

Part 2: Public passenger road transport services

Clause 3 provides that transport authorities, core cities and municipalities, which will be the three metropolitan councils, and the three district municipalities envisaged by the new demarcation process, must determine and specify public passenger transport services in their transport plans. No one may undertake public transport without having the necessary operating licence or permit and that only one operating licence may be issued per vehicle

Clause 4 provides for exemptions from the definition of "public transport", namely patients being conveyed in ambulances and persons being conveyed as a lift club. The National Act leaves this aspect to be dealt with by the 1977 Road Transportation Act or replacing provincial legislation.

Clause 5 provides for matters to regulate drivers and vehicles. The MEC may prescribe a code of conduct for drivers of public transport vehicles and that they must attend training courses. This may include regulations providing that drivers of metered taxis must undergo topographical testing. The clause also provides for

prescriptions for public transport vehicles, to ensure that they are clean, etc.

Clause 6 provides for categories of services. The clause provides for more services than are envisaged in the National Act, for example tuk-tuk services, coach-type services and shuttle services. Categories of services are listed in clause 6 and defined in clause 2. The National Act covers these services in a more general way, e.g. as scheduled or unscheduled services. The Bill then goes on to link the various types of services with vehicle types in a more structured way than does the National Act (see Schedules A, B and C of the Bill in this regard). This is in keeping with the purpose of provincial legislation to give detailed form to the provisions in Chapter 2 of the National Act.

Cause 7 prescribes the parameters for tuk-tuk services.

Clause 8 prescribes the parameters for metered taxi services.

Clause 9 prescribes the parameters for minibus taxi-type services.

Cause 10 prescribes the parameters for bus-type services.

Clause 11 prescribes the parameters for education services.

Clause 12 prescribes the parameters for tour services.

Clause 13 prescribes the parameters for charter services.

Clause 14 prescribes the parameters for staff services.

Cause 15 prescribes the parameters for courtesy services.

Clause 16 prescribes the parameters for coach-type services.

Clause 17 prescribes the parameters for shuttle services.

Clause 18 prescribes the types of motor vehicles that may be used for public passenger road transport services. The Bill recognises additional types of vehicles than the National Act, i.e. adapted light delivery vehicles, coaches, bus-trains, double-decker buses, limousines, open double decker buses, standard buses and tuk-tuks. This is necessary to tie the relevant vehicles in with the types of services. These vehicles are listed in clause 18 and defined in clause 2.

Part 3: Powers and duties of the MEC and municipalities

Clause 19 provides for the powers of the MEC under the Bill.

Clause 20 prescribes the duties of the MEC under the Bill.

Clause 21 provides for regulations that the MEC may make under the Bill.

Clause 22 provides for by-laws that metropolitan authorities and municipalities may

make under the Bill. It also provides for agreements between municipalities and private persons or institutions regarding the allocation or use of facilities for public passenger transport services on private property. The National Act does not contain such powers, which are considered necessary for the proper implementation of the Bill.

Clause 23 provides that the MEC must establish and maintain an information and reporting system for public passenger road transport. This will be done in collaboration with municipalities and transport authorities.

Clause 24 provides for delegation of the powers of the MEC.

Part 4: Public passenger road transport planning

Clause 25 prescribes the principles for public passenger road transport planning. These include the requirement of integrated and comprehensive planning for public passenger road transport and that through-ticketing and similar methods must be used to reduce travel times and make for the convenience of passengers.

Clause 26 provides for additional requirements where public transport plans are prepared in terms of the National Act by transport authorities, core cities and municipalities. These plans will correspond to the public transport plans required by the National Act and will contain detailed routes, time-tables, existing capacity on routes, etc.

Clause 27 prescribes the duties of authorities related to planning. They will have to ensure, among other things, that passengers are supplied with services, subject to availability of funds, and that oversupply of services is avoided.

Clause 28 provides for transitional issues relating to planning.

Part 5: The Gauteng Transport Operating Licence Board

Clause 29 provides for the establishment and constitution of the Gauteng Transport Operating Licence Board. This Board is essentially the same body as the current Gauteng Transport Permit Board. Board members will have to be impartial and will not be allowed to have a financial interest in public passenger road transport.

Clause 30 provides for resignation, vacation of and removal from office of members of the Gauteng Transport Operating Licence Board.

Clause 31 prescribes the powers of the Gauteng Transport Operating Licence Board.

Clause 32 prescribes the procedures for meetings and decisions of the Gauteng Transport Operating Licence Board.

Clause 33 provides for the establishment of an advisory panel to the Gauteng

Transport Operating Licence Board: This panel will have broad representation from various sectors of the public passenger transport industry, as set out in detail in the clause.

Clause 34 provides for the establishment of Transport Operating Licence Administrative Bodies. These bodies will serve as administrative "branch offices" of the Board. They will only be responsible for receiving and processing applications related to operating licences, and will not have powers to decide on applications.

Part 6: Operating Licences

Clause 35 provides for the conversion of permits to operating licences. This will have to be completed by a date determined by the MEC by notice in the *Provincial Gazette*. Every holder of a permit will have to apply for conversion thereof to an operating licence, by that date. Operating licences will grant the same authority as that contained in the current permit.

Clause 36 prescribes the parameters for contracts for services.

Clause 37 provides that where a contracted service terminates, all operating licences or permits that authorised the service must be submitted to the Board for cancellation. It also provides that operators may not tender for subsidised service contracts unless they surrender all their operating licences or permits for the routes covered by the services in respect of the contract.

Clause 38 provides for applications for operating licences. The clause provides for the procedure for such applications and that they must be made on the basis of a separate application for each motor vehicle.

Clause 39 provides for the disposal of applications for operating licences.

Clause 40 provides for applications for interprovincial transport and their disposal.

Clause 41 provides for applications for cross-border transport. This refers to international transport, which is regulated by the Cross-Border Road Transport Act, 1998.

Clause 42 provides for the publication of applications for operating licences. At present these applications are published in the *Provincial Gazette*, but as agreed at MINCOM and provided in section 37 of the National Act, publication will now be in the national *Government Gazette*.

Clause 43 prescribes the period of operating licences and their renewal.

Clause 44 provides for the issue of operating licences and for minimum matters that must be specified in operating licences.

Clause 45 provides for duplicate originals and related records of issued operating licences.

Clause 46 provides for the temporary replacement of a vehicle to which an operating licence relates. This may be done for a maximum of 21 days where the vehicle to which an operating licence relates has become defective.

Clause 47 prescribes the duties of the holder of an operating licence.

Clause 48 prescribes the conditions and limitations of the authority conveyed by an operating licence.

Clause 49 provides for the withdrawal, suspension or variation of an operating licence in the case of misconduct or where the holder has failed to comply with the conditions thereof. Notice must be given to the holder of the intention to withdraw the operating licence, and the holder is given an opportunity to appear before the Board and give reasons why it should not be withdrawn.

Clause 50 prescribes that where an operating licence has not been brought into use within 180 days after its conversion, the Board may cancel it if the holder is not able to supply good reasons for the failure to bring it into use.

Clause 51 provides for the withdrawal of surplus operating licences or permits where there is an oversupply of services on a particular route. The holder must be offered alternative services, and if this is not possible, must be compensated in accordance with guidelines to be published by the National Minister.

Clause 52 provides for *ad hoc* authorisations. These will be issued for special once-off trips. The authorisation will be completed by the operator and submitted to the Board within a prescribed time.

Clause 53 provides for operating licences for special circumstances where routes have been closed by the MEC in circumstances of unrest or violence

Clause 54 provides that holders of permits or operating licences that are subject to tariffs approved by the Board, may increase the tariffs where fuel prices are increased, provided that they apply to the Board for amendment of the relevant permit or operating licence within 10 days.

Part 7: Gauteng Public Passenger Appeal Board

Clause 55 provides for the establishment, constitution and functions of the Gauteng Public Passenger Appeal Board. The function of the Appeal Board will be to hear appeals related to applications for operating licences in respect of intraprovincial services.

Clause 56 provides for resignation, vacation of and removal from office of members of the Appeal Board.

Clause 57 provides for powers of the Appeal Board.

Clause 58 provides for meetings and decisions of the Appeal Board.

Clause 59 provides for appeals to the Appeal Board against decisions of the Gauteng Transport Operating Licence Board or Registrar.

Part 8: Gauteng Transport Registrar and registration of associations and operators

Clause 60 provides for the appointment of the Gauteng Transport Registrar and a panel of assessors to advise and assist the Registrar. The Registrar must be impartial and have no financial interest in the public passenger transport industry

Clause 61 provides for resignation, vacation of and removal from office of the Registrar and assessors.

Clause 62 provides for the duties of the Registrar. These duties are mainly to register public passenger transport associations, their members, and non-members.

Clause 63 prescribes the powers of the Registrar.

Clause 64 provides for meetings and decisions of the Registrar and panel of assessors.

Clause 65 provides for applications for registration.

Clause 66 provides for the issuing of registration certificates and distinguishing marks.

Clause 67 prescribes additional requirements relating to registration for interprovincial transport.

Clause 68 provides for the reservation of certain privileges for registered associations and operators.

Part 9: Registration of minibus taxi associations and operators

Clause 69 prescribes the compulsory registration of taxi associations, members and non-members in respect of minibus taxi-type services. After a date determined by the MEC, not earlier than 180 days after commencement of the section, no one may undertake minibus taxi-type services and no taxi association may conduct business unless registered.

Clause 70 provides for the continued registration of taxi associations and operators registered under Act 11 of 1997.

Clause 71 provides that the MEC may instruct an association to hold an election of its executive council, or a referendum, within a stated time. Failure to do so may lead to suspension or cancellation of its registration.

Clause 72 provides for the registration of taxi associations.

Clause 73 provides for the registration of members of registered taxi associations.

Clause 74 provides for the registration of new members of registered taxi associations.

Clause 75 provides for the registration of non-members of taxi associations.

Clause 76 provides for disciplinary measures against registered associations, members and non-members.

Part 10: Registration of metered taxi associations and operators

Clause 77 provides for the application of clauses 69, 73, 74 and 76 which apply to the registration of minibus taxi-type services, to metered taxi services

Clause 78 provides for the registration of metered taxi associations.

Clause 79 provides for the registration of non-members of metered taxi associations.

Clause 80 prescribes special requirements for persons driving vehicles used to provide metered taxi services.

Part 11: Registration of bus-type and coach-type associations and operators

Clause 81 provides for the application of clauses 69, 73, 74 and 76 which apply to the registration of minibus taxi-type services, to bus and coach-type services.

Clause 82 provides for the registration of associations of bus-type and coach-type services.

Clause 83 provides for the registration of non-members operating bus or coach-type services.

Part 12: Transport Forums

Clause 84 provides for the establishment of forums, committees and such bodies representative of users, operators and drivers of public passenger transport services.

Clause 85 provides for the establishment of the Provincial Public Passenger Transport Forum.

Clause 86 prescribes the functions of the Provincial Public Passenger Transport Forum.

Clause 87 provides for the establishment of Metropolitan Public Passenger

Transport Forums.

Clause 88 prescribes the functions of the Metropolitan Public Passenger Transport Forums.

Clause 89 provides for the establishment of Metropolitan Taxi Forums.

Clause 90 prescribes the functions of the Metropolitan Taxi Forums.

Clause 91 provides for the establishment of local taxi liaison committees.

Clause 92 provides for the establishment and functioning of other metropolitan or local liaison forums.

Part 13: Law enforcement

Clause 93 provides for special emergency measures by the MEC. The MEC is empowered to declare emergency areas in the case of unrest or violence, and close routes and ranks in such an area for a specified period.

Clause 94 lists the offences created in terms of the Bill.

Clause 95 prescribes the maximum penalties for persons convicted of offences under this Bill.

Clause 96 provides for the designation of officers or employees of the Department as transport inspectors.

Clause 97 provides for the impoundment and forfeiture of vehicles used for unauthorised public passenger road transport services.

Clause 98 prescribes the presumptions that operate in prosecutions under this Bill.

Clause 99 prescribes additional powers of authorized officers.

Clause 100 provides for an operator demerit system. This system will be for offences under the Bill, and not for road traffic offences dealt with by the Administrative Adjudication of Road Traffic Offences Act, 1998 (the AARTO Act).

Part 14: General

Clause 101 provides for compulsory insurance for operators of public passenger road transport if and when the MEC makes regulations in that regard.

Clause 102 provides for other measures to support public passenger road transport.

Clause 103 provides for transitional matters.

Clause 104 repeals and excludes previous laws.

Clause 105 provides that the Bill will bind the State.

Clause 106 provides for the short title and commencement of the Bill and provides that different provisions of the Bill may be brought into effect at different times.

**GAUTENG DEPARTEMENT VAN OPERBARE
VERVOER, PAAIE EN WERKE**

**GAUTENG OPENBARE PASSASIER PAD VERVOER
WETSONWERP, 2001**

(SOOS VOORGESTEL)

DEUR

**LUR VIR OPENBARE VERVOER, PAAIE EN
WERKE**

KENNISGEWING 4596 VAN 2001

**GAUTENG WETSONTWERP OP OPENBARE
PADPASSASIEVERVOER**

WETSONTWERP

Om die wette van Gauteng betreffende openbare padpassasiersvervoer te verander, en om daardie doel—

om voorsiening te maak vir 'n openbare padpassasiersvervoerstelsel as deel van 'n geïntegreerde stelsel van landvervoer vir Gauteng wat bestaanbaar is met die nasionale landvervoerstelsel en die landvervoerstelsels van die ander provinsies;

om voorsiening te maak vir die beplanning van die openbare padpassasiersvervoerbedryf en -infrastruktuur wat met grondgebruik-beplanning geïntegreer is;

om voorsiening te maak vir die regulering en beheer van openbare padpassasiersvervoer deur provinsiale en plaaslike regering;

om strukture te vestig ten einde bostaande doelwitte te verwesenlik;

om die Gauteng Tussentydse Wet op Minibus Taxi-tipe Dienste, 1997 (Wet No. 11 van 1997) en die Gauteng Tussentydse Wet op Padvervoer, 1998 (Wet No. 2 van 1998) te herroep;

om provinsiale openbare padpassasiersvervoernetwewing in lyn te bring met Hoofstuk 2 van die Nasionale Oorgangswet op Landvervoer, 2000 (Wet No. 22 van 2000) en om Hoofstuk 3 van daardie Wet te vervang met betrekking tot provinsiale openbare padpassasiersvervoeraangeleenthede; en

om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van Gauteng soos volg:—

INHOUD

DEEL 1: INLEIDENDE BEPALINGS

1. Doel van die Wet
2. Woordomsrywings

DEEL 2: OPENBARE PADPASSASIEVERVOERDIENSTE

3. Beginsels om openbare padpassasiersvervoerdienste in vervoerplanne te spesifiseer

4. Vrystellings
5. Bepalings betreffende bestuurders en voertuie
6. Kategorië van dienste
7. Tuk-tukdienste
8. Gemeterde taxidienste
9. Minibus taxi-tipe dienste
10. Bus-tipe dienste
11. Onderwysdienste
12. Touristedienste
13. Huurdienste
14. Personeeldienste
15. Hoflikheidsdienste
16. Luukse bus-tipe dienste
17. Pendeldienste
18. Kategorië van voertuie

DEEL 3: BEVOEGDHEDE EN PLIGTE VAN DIE LUR EN MUNISIPALITEITE

19. Bevoegdhede van die LUR
20. Pligte van die LUR
21. Regulasies
22. Verordeninge
23. Inligtingvereistes en terugvoerstelsels
24. Delegasie

DEEL 4: OPENBARE PASSASIEVERVOERBEPLANNING

25. Beginsels vir openbare padpassasievervoerbeplanning
26. Openbare vervoerplanne
27. Pligte van vervoerowerhede, kernstede en municipaliteite betreffende beplanning
28. Oorgangsbepalings betreffende beplanning

DEEL 5: DIE GAUTENG VERVOERBEDRYFSLISENSIËRINGSRAAD

29. Stigting en samestelling van Gauteng Vervoerbedryfslisensiëeringsraad
30. Bedanking, ontruiming en verwydering uit amp van Raadslede
31. Bevoegdhede van die Raad
32. Vergaderings van en besluite van die Raad
33. Stigting van adviespaneel vir die Raad
34. Stigting van vervoer bedryfslisensie administratiewe organe

DEEL 6: BEDRYFSLISENSIES

35. Omskepping van permitte in bedryfslisensies
36. Dienskontrakte
37. Verval en kansellasië van bedryfslisensies en permitte in verhouding met kontrakte
38. Aansoeke betreffende bedryfslisensies
39. Afhandeling van 'n aansoek om 'n bedryfslisensie

40. Interprovinsiale vervoer
41. Oorgrenspadvervoer
42. Publiserings van 'n aansoek met betrekking tot 'n bedryfslisensie
43. Geldigheidsduur en hernuwing van 'n bedryfslisensie
44. Uitreiking van 'n bedryfslisensie en bepalings daarvan
45. Aantekeninge van bedryfslisensies
46. Tydelike vervanging van 'n voertuig waarop 'n permit of bedryfslisensie betrekking het
47. Pligte van die houer van 'n permit of bedryfslisensie
48. Magtiging verleen deur 'n bedryfslisensie
49. Intrekking, opskorting of verandering van 'n permit of bedryfslisensie
50. Kansellering van bedryfslisensies wat nie in gebruik gestel is nie
51. Intrekking van surplus-bedryfslisensies of permitte
52. *Ad hoc*-magtigings
53. Bedryfslisensies vir spesiale geleenthede
54. Sekere tariefverhogings voor aansoek om wysiging van betrokke permit of bedryfslisensie

DEEL 7: GAUTENG OPENBARE PASSASIERAPPÈLRAAD

55. Stigting, samestelling en funksies van Gauteng Openbare Passasiersappèlraad
56. Bedanking, ontruiming en verwydering uit amp van lede van die Appèlraad
57. Bevoegdhede van die Appèlraad
58. Vergaderings en besluite van die Appèlraad
59. Appèl na Appèlraad teen besluit van Raad of Registrateur

DEEL 8: GAUTENG VERVOERREGISTRATEUR EN REGISTRASIE VAN VERENIGINGS EN OPERATEURS

60. Aanstelling van Gauteng Vervoerregistrator en paneel van assessore
61. Bedanking, ontruiming en verwydering uit amp van Registrateur en assessore
62. Pligte van die Registrateur
63. Bevoegdhede van die Registrateur
64. Vergaderings en besluite van die Registrateur en assessore
65. Aansoek om registrasie
66. Uitreik van sertifikate en onderskeidingstekens by registrasie
67. Verenigings, lede en nie-lede wat interprovinsiale vervoer onderneem
68. Reservering van voorregte vir geregistreerde verenigings en operateurs

DEEL 9: REGISTRASIE VAN MINIBUS TAXIVERENIGINGS EN OPERATEURS

69. Verpligte registrasie van verenigings, lede en nie-lede met betrekking tot minibus taxi-tipe dienste
70. Verenigings en operateurs geregistreer kragtens Wet 11 van 1997
71. Verkiesings en referendums
72. Registrasie van verenigings
73. Registrasie van lede van geregistreerde verenigings
74. Nuwe lede van geregistreerde verenigings

- 75. Registrasie van nie-lede
- 76. Dissiplinêre maatreëls

DEEL 10: REGISTRASIE VAN GEMETERDE TAXIVERENIGINGS EN OPERATEURS

- 77. Registrasie van gemeterde taxiverenigings, lede en nie-lede
- 78. Registrasie van gemeterde taxiverenigings
- 79. Registrasie van nie-lede wat gemeterde taxidienste bedryf
- 80. Spesiale voorskrifte vir bestuurders van voertuie betrokke by gemeterde taxidienste

DEEL 11: REGISTRASIE VAN BUS-TIPE EN LUKSE BUS-TIPE VERENIGINGS EN OPERATEURS

- 81. Registrasie van verenigings, lede en nie-lede wat bus-tipe en luukse bus-tipe dienste bedryf
- 82. Registrasie van verenigings van operateurs van bus-tipe en luukse bus-tipe dienste
- 83. Registrasie van nie-lede wat bus-tipe en luukse bus-tipe dienste bedryf

DEEL 12: VERVOERFORUMS

- 84. Algemene bepalings
- 85. Provinsiale Openbare Passasiersvervoerforum
- 86. Funksies van die Provinsiale Openbare Passasiersvervoerforum
- 87. Metropolitaanse vervoerforums
- 88. Funksies van metropolitaanse vervoerforums
- 89. Metropolitaanse taxiforums
- 90. Funksies van metropolitaanse taxiforums
- 91. Plaaslike taxiskakelkomitees
- 92. Stigting en werking van ander metropolitaanse of plaaslike skakelforums

DEEL 13: WETSTOEPASSING

- 93. Spesiale noodmaatreëls
- 94. Misdrywe
- 95. Strawwe
- 96. Aanwysing van inspekteurs
- 97. Skut en verbeurdverklaring van voertuie
- 98. Vermoedens
- 99. Ander bevoegdhede van gemagtigde beamptes
- 100. Strafstelsel

DEEL 14: ALGEMEEN

- 101. Verpligte versekering vir operateurs
- 102. Maatreëls om openbare padpassasiersvervoer te bevorder
- 103. Oorgangsbepalings
- 104. Herroep van wette en uitsluitings

105. Wet bind die Staat
 106 Korttitel en inwerkingtreding

- BYLAE A: KATEGORIË VAN VOERTUIE/SOORTE PASSASIEERS-VERVOERDIENSTE
 BYLAE B: KATEGORIË VAN PASSASIEERSDIENSTE MET BETREKKING TOT BEPLANNINGSBEGINSELS (TOEKOMS)
 BYLAE C: KATEGORIË VAN PASSASIEERSDIENSTE MET BETREKKING TOT BEPLANNINGSBEGINSELS (OORGANG)

DEEL 1: INLEIDENDE BEPALINGS

1. Doel van die Wet

- (1) Die doel van hierdie Wet is om voorsiening te maak vir 'n doeltreffende openbare padpassasiersvervoerstelsel vir Gauteng en om dit te bevorder. Dit kan bereik word deur die primêre doelwitte van die Wet te verwesenlik, naamlik om—
- (a) provinsiale en nasionale regeringsbeleid met betrekking tot openbare padpassasiersvervoerdienste en -fasiliteite uit te voer, en om die uitvoer van sodanige provinsiale beleid te monitor, om ondersoek in te stel na aangeleenthede wat uit die implementering van sodanige beleid voortspruit en om die nodige beleidsverstellings te maak;
 - (b) die verhoogde gebruik en ontwikkeling van openbare padpassasiersvervoer in die Provinsie te bevorder en te fasiliteer;
 - (c) die beplanning en ontwikkeling van openbare vervoer te gebruik as 'n meganisme vir die herstrukturering van die samelewing om—
 - (i) werkers aan te moedig en in staat te stel om nader aan hulle werksplekke te woon, veral waar vorige diskriminerende beleid gelei het tot nadelige nedersettings;
 - (ii) aan te moedig dat woongebiede nader aan werksplekke geplaas word;
 - (iii) vryer beweging van persone in die Provinsie te bevorder;
 - (iv) stedelike vernuwing, invulling en gemengde grondgebruike te bevorder;
 - (d) openbare passasiersvervoermodesse en vervoerbeplanning met grondgebruiks- en ontwikkelingsbeplanning te integreer en te koördineer, om mobiliteit te bevorder deur 'n doeltreffende openbare padpassasiersvervoerstelsel;
 - (e) die nodige stappe te doen om koördinering tussen vervoerowerhede en ander beplanningsowerhede in die Provinsie, of tussen sodanige owerhede en die Provinsie, te bevorder, met die doel om duplisering uit te skakel;
 - (f) koördinering tussen openbare padpassasiersvervoermodesse, en die onbelemmerde beweging van passasiers in die stelsel, te bevorder;
 - (g) openbare raadpleging en deelname te onderneem voordat 'n besluit geneem word of 'n amptelike handeling uitgevoer word, en om die prosedures in daardie verband voor te skryf;
 - (h) om openbare padpassasiersvervoerdienste te beheer en reguleer deur

bedryfslisensies aan operateurs van daardie dienste uit te reik, en om te verhoed dat persone sodanige dienste bedryf sonder dat hulle in besit is van 'n geldige en spesifieke bedryfslisensie;

- (i) motorvoertuie toe te laat om vir openbare padpassasiersvervoerdienste gebruik te word slegs met betrekking tot die soort dienste wat aangebied word;
 - (j) voorsiening te maak vir die registrasie van operateurs, asook verenigings van sodanige operateurs, wat bepaalde soorte openbare padpassasiersvervoerdienste verskaf;
 - (k) die veiligheid en belange van passasiers te bevorder deur die gebruik van openbare padpassasiersvervoerdienste;
 - (l) institusionele strukture te skep om die doelwitte van hierdie Wet te ondersteun;
 - (m) effektiewe en doeltreffende wetstoepassing te bevorder betreffende wette wat betrekking het op openbare padpassasiersvervoer sowel as padverkeers- en padveiligheidswette;
 - (n) professionele bedryfspraktyke deur operateurs van openbare padpassasiersvervoerdienste te bevorder;
 - (o) die gekoördineerde verskaffing van genoegsame en toeganklike openbare passasiersvervoerinfrastruktuur te bevorder, behoudens spesifieke wetgewing oor paaie, spoorlyne en ander vervoerinfrastruktuur;
 - (p) 'n stelsel te bevorder waar gebruikers betaal vir dienste wat hulle ontvang, behalwe in gevalle waar subsidies nodig is om bekostigbare vervoer en effektiewe grondgebruik moontlik te maak, om voorsiening te maak vir die toeganklikheid en mobiliteit van spesiale kategorië van passasiers of om ander gesonde beleidsredes, en om toe te sien dat dienste slegs in daardie omstandighede gesubsidieer word;
 - (q) voorsiening te maak vir mededingende tenderprosedures vir gesubsidieerde openbare padpassasiersvervoerdienste;
 - (r) voorsiening te maak vir doeltreffende en geïntegreerde databasisse en bestuursinligtingstelsels vir openbare padpassasiersvervoerondernemings;
 - (s) voorsiening te maak vir 'n strafstelsel vir operateurs van openbare padpassasiersvervoerdienste; en
 - (t) klein-, medium- en mikro-ondernemings en operateurs te bevorder wat voorheen deur onbillike diskriminasie benadeel is.
- (2) Hierdie Wet vervang Hoofstuk 3 van die Nasionale Wet met betrekking tot aangeleenthede wat in hierdie Wet behandel word.

2. Woordomsrywings

In hierdie Wet, tensy die samehang anders aandui, beteken—

"ad hoc-magtiging" 'n magtiging om openbare padpassasiersvervoerdienste te onderneem op 'n *ad hoc*-basis soos in artikel 52 beoog;

"ambulans" 'n motorvoertuig wat spesiaal vervaardig of ingerig is met die doel om siek of beseerde persone na of vanaf 'n plek te vervoer vir mediese behandeling en wat as 'n ambulans ingevolge betrokke padverkeerswetgewing geregistreer is;

"Appèlraad" die Gauteng Openbare Passasiersappèlraad beoog in artikel 55;

"bedryfslisensie" 'n openbare vervoerbedryfslisensie vereis deur artikel 33 van die Nasionale Wet en wat ingevolge Deel 6 toegestaan en uitgereik is;

"bus-tipe diens" 'n geskeduleerde openbare padpassasiersvervoerdienste vir meer as agt passasiers, wat op spesifieke roetes of netwerke bedryf word ooreenkomstig gepubliseerde tariewe wat goedgekeur moet word in die geval van dienste wat deur die Regering gesubsidieer is, soos bedoel in artikel 10;

"bustrein" 'n motorvoertuig wat—

- (a) bestaan uit twee dele wat verbind is om 'n eenheid te vorm;
- (b) in 'n horisontale vlak by die verbinding tussen sodanige dele kan klink;
- (c) uitsluitlik of hoofsaaklik ontwerp of ingerig is vir die vervoer van die bestuurder en minstens 100 ander persone;
- (d) 'n aaneenlopende gang oor die lengte daarvan het;

"Departement" die Departement in die Provinsie wat verantwoordelik is vir openbare vervoer;

"dienste" openbare padpassasiersvervoerdienste;

"Gauteng Tussentydse Wet op Minibus Taxi-tipe Dienste" die Gauteng Tussentydse Wet op Minibus Taxi-tipe Dienste, 1997 (Wet No. 11 van 1997);

"Gauteng Wet op Toerisme" die Gauteng Wet op Toerisme, 1998 (Wet No. 18 van 1998);

"geïntegreerde vervoerplan" 'n geïntegreerde vervoerplan beoog in artikel 27 van die Nasionale Wet;

"gemagtigde beampte"—

- (a) 'n inspekteur;
- (b) 'n lid van die Suid-Afrikaanse Polisie, met insluiting van 'n lid van 'n munisipale polisie soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet No. 68 van 1995);
- (c) 'n persoon in diens van die Departement of 'n munisipaliteit, wat die plig het om om motorvoertuie of lisensies vir motorvoertuie te inspekteer of om verkeer te beheer;
- (d) 'n padvervoerinspekteur bedoel in artikel 39 van die Wet op Oorgrenspadvervoer, 1998 (Wet No. 4 van 1998);

"gemeterde-taxidiens" 'n openbare padpassasiersvervoerdienste wat deur middel van 'n motorvoertuig bedryf word wat ontwerp of wetlik ingerig is in ooreenstemming met die Nasionale Padverkeerswet, om minder as nege sittende persone, met insluiting van die bestuurder, te vervoer, waar daardie voertuig—

- (a) beskikbaar is om deur middel van aanroeping, telefoon of andersins gehuur te word;
- (b) by 'n staanplek mag staan om gehuur te word; en

(c) toegerus is met 'n geseëde meter in 'n goeie werkende toestand om die betaalbare reisgeld te bepaal;

"geregistreeerde vervaardiger" 'n vervaardiger, invoerder of bouer van motorvoertuie geregistreeer ingevolge artikel 5 van die Nasionale Padverkeerswet;

"geskeduleerde diens" 'n openbare padpassasiersvervoerdienst wat op 'n bepaalde roete of roetes ooreenkomstig 'n tydtafel bedryf word;

"gesubsidieerde dienskontrak" 'n ooreenkoms, behalwe 'n tussentydse kontrak of 'n lopende tenderkontrak, gesluit tussen die Departement, 'n vervoerowerheid, 'n munisipaliteit of 'n kernstad aan die een kant, en 'n operateur aan die ander kant, om 'n geskeduleerde diens te bedryf waarkragtens die operateur, bykomstig die passasiersreisgelde wat betaal word, finansiële ondersteuning in terme van die tenderkontrak ontvang;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

"hierdie Wet" ook regulasies daarkragtens uitgevaardig;

"hoflikheidsdiens" 'n vervoerdienst verskaf deur 'n instelling wat nie 'n operateur is nie, vir sy klante of kliënte, waar die instelling sy eie voertuig voorsien of waar 'n voertuig deur 'n operateur verskaf word ingevolge 'n kontrak met daardie instelling waar die passasiers nie 'n direkte reisgeld hoef te betaal nie;

"houer" die houer van 'n geldige permit of bedryfslisensie;

"huurdienst" 'n openbare padpassasiersvervoerdienst wat die huur van 'n voertuig met 'n bestuurder vir 'n rit teen 'n tarief wat vooraf met die operateur gereël is, behels, waar—

- (a) reisgeld nie, óf deur die operateur óf deur die bestuurder, teen die passasiers individueel gehef word nie;
- (b) die persoon wat die diens huur die reg het om die roete, datum en tyd van vervoer te bepaal; en
- (c) die passasiers na 'n gemeenskaplike eindpunt vervoer word;

"ingerigte ligte aflewingsvoertuig" 'n ligte aflewingsvoertuig waar die voertuig en enige van sy oorskakelingsonderdele vir die vervoer van persone deur 'n geregistreeerde vervaardiger in ooreenstemming met die Nasionale Padverkeerswet vervaardig of ingerig is;

"Inkomstebelastingwet" die Wet op Inkomstebelasting, 1962 (Wet No. 58 van 1962);

"inspekteur" 'n inspekteur kragtens artikel 96 aangewys;

"interprovinsiale vervoer" 'n openbare padpassasiersvervoerdienst wat tussen twee of meer provinsies bedryf word;

"intraprovinsiale vervoer" 'n openbare padpassasiersvervoerdienst wat binne die grense van die Provinsie bedryf word;

"kapasiteit" die wettige aantal passasiers wat deur 'n voertuig vervoer mag word, met uitsluiting van die bestuurder, soos aangedui op 'n padwaardigheidsertifikaat wat met betrekking tot die voertuig uitgereik is;

"kernstad" 'n munisipaliteit wat kragtens artikel 4 van die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977), as die kernstad van 'n metropolitaanse vervoergebied aangewys is, en sluit in 'n munisipaliteit wat, na die inwerkingtreding van hierdie Wet aldus aangewys is;

"leunwa" 'n leunwa soos omskryf in artikel 1 van die Nasionale Padverkeerswet;

"luukse bus" 'n luukse motorvoertuig met lugreëlingfasiliteite, 'n publieke omroepstelsel en ander eienskappe wat by regulasie of deur die Raad voorgeskryf kan word;

"luukse bus-tipe diens" 'n geskeduleerde openbare padpassasiersvervoerdienst wat deur middel van 'n luukse bus onderneem word en op voorafbepaalde roetes en teen voorafbepaalde tariewe bedryf word, soos beoog in artikel 16;

"kontrak" 'n gesubsidieerde dienskontrak, nie-gesubsidieerde dienskontrak, lopende tenderkontrak of tussentydse kontrak;

"kontrakterende owerheid"—

- (a) die Nasionale Departement van Vervoer;
- (b) die Departement;
- (c) 'n vervoerowerheid;
- (d) 'n munisipaliteit of kernstad,

wat verbind is tot 'n kontrak of konsessieooreenkoms wat met 'n operateur gesluit is;

"langafstanddiens" 'n geskeduleerde of nie-geskeduleerde openbare padpassasiers-vervoerdienst wat nie 'n pendeldienst is nie, wat verder as die grens van die gebied wat deur 'n vervoerplan gedek is, verskaf word, en reisgelde individueel teen passasiers gehef word;

"limousine" 'n luukse motorvoertuig met 'n kapasiteit van vier tot agt persone wat deur die Raad as 'n limousine goedgekeur is;

"lopende tenderkontrak" 'n kontrak gesluit voor die inwerkingtreding van die Nasionale Wet vir die bedryf van 'n openbare padpassasiersvervoerdienst tussen die Nasionale Departement van Voervoer en die Provinsie aan die een kant, en 'n operateur aan die ander kant, aan wie die tender vir die verskaffing van 'n diens deur die Staatstenderraad of die Gauteng Tenderraad, gestig ingevolge die Wet op die Gauteng Tenderraad, 1994 (Wet No. 2 van 1994), toegeken is in ooreenstemming met die reg, en wat nog tussen hulle bindend is, die termyn waarvan slegs na die inwerkingtreding van hierdie Wet verstryk, en sluit in 'n kontrak wat bindend is tussen die—

- (a) operateur en die Provinsie as gevolg van die oormak van sy regte en verpligtinge deur sodanige Nasionale Departement aan

die Provinsie, ongeag of die oormak daarvan voor of na die inwerking treding van die Nasionale Wet plaasgevind het; of

- (b) operateur en 'n vervoerowerheid, munisipaliteit of kernstad aan wie die Provinsie, na die inwerkingtreding van die Nasionale Wet—
- (i) sy regte en verpligtinge mag oorgemaak het; of
 - (ii) soos die geval mag wees, verder die regte en verpligtinge aan hom oorgemaak deur die Nasionale Departement in terme van paragraaf (a) mag oorgemaak het;

"metropolitaanse owerheid" en sluit dit in 'n metropolitaanse munisipaliteit of distriksmunisipaliteit, soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"midibus" 'n motorvoertuig deur 'n geregistreerde vervaardiger in ooreenstemming met die Nasionale Padverkeerswet ontwerp of wetlik ingerig om tussen 19 en 35 sittende persone, met uitsluiting van die bestuurder, te vervoer;

"minibus" 'n motorvoertuig deur 'n geregistreerde vervaardiger in ooreenstemming met die Nasionale Padverkeerswet ontwerp of wetlik ingerig om tussen nege en 18 sittende persone, met uitsluiting van die bestuurder, te vervoer;

"minibus taxi-tipe diens" 'n nie-geskeduleerde openbare padpassasiersvervoerdiens wat op 'n spesifieke roete of roetes, of, waar paslik, binne 'n bepaalde gebied, deur middel van 'n motorkar, minibus, midibus of ingerigte ligte afleweringvoertuig bedryf word;

"motorkar" 'n motorvoertuig wat nie 'n motorfiets, motordriewiel of motorvierwiel is nie, soos daardie voertuie in die Nasionale Padverkeerswet omskryf is, wat deur 'n geregistreerde vervaardiger ontwerp of wetlik ingestel is om hoogstens agt persone, met inbegrip van die bestuurder, te vervoer;

"motorvoertuig" en **"voertuig"** 'n motorvoertuig soos omskryf in artikel 1 van die Nasionale Padverkeerswet;

"munisipaliteit" en sluit dit in alle munisipaliteite beoog in artikel 155(6) van die Grondwet, en in die geval van 'n Kategorie C munisipaliteit beoog in artikel 155(1)(c) daarvan, ook die Kategorie B munisipaliteite beoog in artikel 155(1)(b) binne sy gebied;

"Nasionale Padverkeerswet" die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996);

"Nasionale Wet" die Nasionale Oorgangswet op Landvervoer, 2000 (Wet No. 22 van 2000);

"nie-gekontrakteerde diens" 'n openbare padpassasiersvervoerdiens wat nie in terme van 'n nie-gesubsidieerde dienskontrak, gesubsidieerde dienskontrak, lopende tenderkontrak of tussentydse kontrak bedryf word nie;

"nie-geskeduleerde diens" 'n openbare padpassasiersvervoerdienst wat op 'n bepaalde roete of roetes of, waar van toepassing, binne 'n bepaalde gebied bedryf word, sonder 'n tydtafel, waar reisgeld individueel teen passasiers gehef word;

"nie-gesubsidieerde dienskontrak" 'n kommersiële dienskontrak soos beoog in die Nasionale Wet, synde 'n ooreenkoms gesluit tussen 'n kontrakterende owerheid en 'n operateur, ingevolge waarvan—

- (a) die operateur 'n openbare padpassasiersvervoerdienst waarvoor voorsiening gemaak is in 'n vervoerplan, moet bedryf;
- (b) die operateur se vergoeding bestaan uit reisgelde betaal deur die passasiers wat vervoer word en, waar passasiers konsessiereisgelde betaal, ook die terugbetaling daarvan aan die operateur deur die kontrakterende owerheid; en
- (c) die operateur nie 'n subsidie of ander finansiële bystand vanaf 'n orgaan in enige regeringsfeer ontvang nie, en vir die doeleindes van hierdie paragraaf sal terugbetalings aan die operateur met betrekking tot konsessiereisgelde nie as 'n subsidie of ander vorm van finansiële bystand beskou word nie;

"nie-lid" enige persoon, hetsy 'n natuurlike of regspersoon, wat nie 'n lid is van 'n vereniging nie;

"onderwysdiens" 'n openbare padpassasiersvervoerdienst beperk tot die geskeduleerde vervoer van leerlinge, studente, voorskoolkinders, en toesighouers tussen hulle woonplekke en plekke van onderwys en op nie-geskeduleerde ritte na en vanaf hulle onderwysinstelling, wat uitsluitlik verband hou met onderwys-verwante aangeleenthede, soos beoog in artikel 11;

"ongemagtigde openbare padpassasiersvervoer" openbare padpassasiersvervoer wat nie deur 'n bedryfslisensie of permit gemagtig is nie en sluit dit in sodanige vervoer onderneem deur die houer van 'n bedryfslisensie of permit teenstrydig met die bepalinge van die bedryfslisensie of permit;

"oorgrenspadvervoer" internasionale oorgrenspadvervoer soos omskryf in die Wet op Oorgrenspadvervoer, 1998 (Wet No. 4 van 1998);

"openbare padpassasiersvervoer", behoudens artikel 4, 'n diens vir die vervoer van passasiers per pad, ongeag of die diens aan 'n kontrak onderhewig is of nie, waar die diens teen 'n reisgeld of ander vergoeding of beloning verskaf word, met inbegrip van 'n diens wat die volgende is:

- (a) 'n tuk-tukdiens;
- (b) 'n gemetered taxidiens;
- (c) 'n minibus taxi-tipe diens;
- (d) 'n bus-tipe diens;
- (e) 'n onderwysdiens;
- (f) 'n touristediens;
- (g) 'n huurdiens;
- (h) 'n personeeldiens;
- (i) 'n hoflikheidsdiens;
- (j) 'n luukse bus-tipe geskeduleerde diens;
- (k) 'n pendeldiens;

"operateur" 'n openbare vervoeroperateur soos omskryf in die Nasionale Wet, wat 'n openbare padpassasiersvervoerdiens as 'n besigheid bedryf;

"ope-verdiepingbus" 'n verdiepingbus wat spesiaal deur 'n geregistreerde vervaardiger vir toeriste of huurdienste ontwerp of ingestel is en wat in ooreenstemming met voorgeskrewe veiligheidsstandaarde is en deur die Raad vir daardie doel goedgekeur is;

"pendeldiens" 'n openbare padpassasiersvervoerdiens wat in 'n beperkte gebied of op bepaalde roetes verskaf word en wat op aanvraag geskeduleer, of nie-geskeduleer, mag wees, soos beoog in artikel 17;

"permit" 'n openbare padvervoerpermit of soortgelyke magtiging wat ingevolge 'n vorige wet, soos omskryf in die Nasionale Wet, uitgereik is, en wat by die inwerkingtreding van hierdie Wet kragtens artikel 78 van die Nasionale Wet van krag is;

"personeeldiens" 'n openbare padpassasiersvervoerdiens verskaf deur middel van 'n voertuig wat deur 'n werkgewer besit word of 'n voertuig verskaf deur 'n operateur kragtens 'n kontrak met die werkgewer, wanneer dit uitsluitlik vir die vervoer van die werkgewer se werknemers gebruik word;

"Provinsiale Openbare Passasiersvervoerforum" die Provinsiale Openbare Passasiersvervoerforum deur artikel 85 ingestel;

"Provinsie" die Provinsie van Gauteng;

"Raad" die Gauteng Vervoerbedryfslisensiëringsraad deur artikel 29 ingestel;

"Registrateur" die Gauteng Vervoerregistrateur ingevolge artikel 59 aangestel;

"staatsorgaan" 'n staatsorgaan soos omskryf in artikel 239 van die Grondwet;

"standaardbus" 'n motorvoertuig deur 'n geregistreerde vervaardiger in ooreenstemming met die Nasionale Padverkeerswet ontwerp of wetlik ingestel met 'n kapasiteit van tussen 36 en 70 sittende passasiers en die getal staande passasiers wat deur die betrokke padwaardigheidsertifikaat gemagtig is;

"Toerismewet" die Wet op Toerisme, 1993 (Wet No. 72 van 1993);

"touristediens" 'n openbare padpassasiersvervoerdiens vir die vervoer van toeriste na of vanaf toeristeaantreklikhede, waar die toeriste deur 'n toergids begelei word wat ingevolge artikel 21 van die Toerismewet geregistreer is;

"tuk-tuk" 'n driewielmotorvoertuig met 'n kapasiteit van minder as vier passasiers;

"tuk-tukdiens" 'n nie-geskeduleerde openbare padpassasiersvervoerdiens vir hoogstens drie passasiers, wat op voorgeskrewe stedelike roetes of netwerke binne beperkte gebiede bedryf word, teen 'n spoed minder as 45 kilometer per uur, soos beoog in artikel 7;

"tussentydse kontrak" 'n kontrak wat nie 'n lopende tenderkontrak is nie, vir die bedryf van 'n gesubsidieerde geskeduleerde diens, die termyn waarvan na die inwerkingtreding van die Nasionale Wet verstryk, en wat—

- (a) voor daardie datum tussen die Provinsie en die Nasionale Department van Voervoer aan die een kant en die operateur wat die diens moet bedryf aan die ander kant, gesluit is, en nog tussen hulle bindend is of slegs bindend is tussen die Provinsie en daardie operateur; of
- (b) bindend is tussen daardie operateur en 'n vervoerowerheid, kernstad of munisipaliteit as gevolg van die oormak aan laasgenoemde na die inwerkingtreding van hierdie Wet, van die regte en verpligtinge van die Provinsie in terme van die kontrak bedoel in paragraaf (a);

"verdiepingbus" 'n motorvoertuig met twee verdiepings met 'n kapasiteit van hoogstens 110 passasiers;

"vereniging" 'n vereniging van persone wat openbare padpassasiersvervoerdienste bedryf en—

- (a) wat sonder winsbejag gestig is;
- (b) die doelwit waarvan is om die belange van sy lede te bevorder; en
- (c) die fondse waarvan aangewend moet word om daardie belange te bevorder;

"vervoer bedryfslisensie administratiewe orgaan" 'n vervoer bedryfslisensie administratiewe orgaan beoog in artikel 34;

"vervoerowerheid" 'n owerheid beoog in artikel 10(1) van die Nasionale Wet;

"vervoerplan" 'n plan beoog in artikel 19 van die Nasionale Wet;

"voorgeskryf" by regulasie voorgeskryf;

"Wet op die Vervoerappéltribunaal" die Wet op die Vervoerappéltribunaal, 1998 (Wet No. 39 van 1998).

DEEL 2: OPENBARE PADPASSASIEVERVOERDIENSTE

3. Beginsels om openbare padpassasiersvervoerdienste in vervoerplanne te spesifiseer.

- (1) Strategië moet bevorder word om integrasie van modusse, toeganklike vervoer vir persone met ongeskikthede, transformasie en ontwikkeling van klein sakeondernemings en persone benadeel deur vorige onbillike diskriminasie, na te streef.
- (2) Vervoerowerhede, kernstede en munisipaliteite moet die openbare padpassasiersvervoerdienste bepaal en spesifiseer wat in hulle vervoerplanne verskaf sal word in terme van—
 - (a) gesubsidieerde dienskontrakte vir geskeduleerde dienste;
 - (b) nie-gesubsidieerde dienskontrakte vir—
 - (i) geskeduleerde dienste;

- (ii) nie-geskeduleerde dienste;
 - (iii) gebiedsdienste;
 - (c) nie-gekontrakteerde dienste vir—
 - (i) geskeduleerde dienste;
 - (ii) nie-geskeduleerde dienste;
 - (iii) gebiedsdienste;
- wat sonder subsidie bedryf word.
- (3) Iemand wat 'n openbare padpassasiersvervoerdienst onderneem moet—
 - (a) in besit wees van die nodige permit, bedryfslisensie of *ad hoc*-magtiging; en
 - (b) kragtens hierdie Wet geregistreer wees in die geval van minibus taxi-tipe dienste, gemeterde taxidienste, bus-tipe en luukse bus-tipe dienste, behoudens artikels 69, 77 en 81.
 - (4) 'n Vereniging mag nie die houer van 'n permit of bedryfslisensie wees nie.
 - (5) Slegs een bedryfslisensie word vir 'n bepaalde motorvoertuig uitgereik.

4. Vrystellings

By die toepassing van hierdie Wet word die omskrywing van "openbare padpassasiersvervoer" geag die volgende nie in te sluit nie:

- (a) die vervoer van 'n pasient deur middel van 'n ambulans na of vanaf 'n plek waar sodanige pasient mediese behandeling gaan ontvang;
- (b) die vervoer van persone deur middel van 'n motorkar as deel van 'n saamryklub, synde 'n klub waar elke lid 'n beurt het om die ander lede, of persone aangewys deur die ander lede, te vervoer of te laat vervoer na of vanaf 'n gespesifiseerde plek vir 'n gespesifiseerde doel, waar geen direkte of indirekte betaling vir die vervoer gemaak is nie.

5. Bepalings betreffende bestuurders en voertuie

- (1) Die LUR kan gedragskodes vir bestuurders en voertuie wat vir die onderskeie soorte openbare padpassasiersvervoerdienste gebruik word, voorskryf, en sodanige bestuurders moet te alle tye terwyl daardie dienste onderneem word—
 - (a) skoon en netjies aangetrek wees;
 - (b) nie rook nie;
 - (c) 'n goeie kennis hê van die gebied waarin die dienste bedryf word.
- (2) Subartikel (1) is nie van toepassing op personeeldienste in gevalle wat duidelik onvanpas is nie.
- (3) Die LUR kan voorskrifte stel dat bestuurders van voertuie wat gebruik word vir openbare padpassasiersvervoerdienste, opleidingskursusse moet bywoon.
- (4) Die Raad—
 - (a) moet die soort en toestand van voertuie goedkeur wat vir bepaalde openbare padpassasiersvervoerdienste gebruik staan te word;
 - (b) of 'n gemagtigde beampte kan vereis dat iemand wat 'n aansoek aan die Raad gerrig het om 'n bedryfslisensie, 'n voertuig weer moet voorlê vir toetsing waar vermoed word dat die voertuig nie padwaardig is nie, ondanks die feit dat 'n geldige padwaardigheidsertifikaat met betrekking tot die voertuig uitgereik is; en
 - (c) kan weier om 'n bedryfslisensie uit te reik as 'n voertuig na sy mening nie padwaardig is nie.

- (5) Voertuie wat vir openbare padpassasiersvervoerdienste gebruik word moet binne en buite skoon wees as hulle 'n depot verlaat, ooreenkomstig voorgeskrewe riglyne, indien enige, of, in die geval van 'n kontrak, riglyne wat in die kontrak bepaal is.
- (6) Benewens die vereistes van die Nasionale Padverkeerswet, moet voertuie wat vir openbare padpassasiersvervoerdienste gebruik word, binne en buite in 'n goeie toestand onderhou word.
- (7) (a) 'n Voertuig wat vir openbare padpassasiersvervoerdienste gebruik word moet met minstens een vuurblusser in werkende toestand, en 'n noodhulpkassie bevattende die voorgeskrewe artikels, toegerus wees.
 (b) Die vuurblusser en noodhulpkassie moet op die voorgeskrewe wyse en plek in of op die voertuig geplaas of vasgemaak word, en die vuurblusser moet by voorgeskrewe tye vervang word.

6. Kategorie van dienste

- (1) Bedryfslisensies vir openbare padpassasiersvervoerdienste word met betrekking tot die volgende dienste uitgereik:
 - (a) 'n tuk-tukdiens beoog in artikel 7;
 - (b) 'n gemeterde taxidiens beoog in artikel 8;
 - (c) 'n minibus taxi-tipe diens beoog in artikel 9;
 - (d) 'n bus-tipe diens beoog in artikel 10;
 - (e) 'n onderwysdiens beoog in artikel 11;
 - (f) 'n toeristediens beoog in artikel 12;
 - (g) 'n huurdiens beoog in artikel 13;
 - (h) 'n personeeldiens beoog in artikel 14;
 - (i) 'n toeganklike vervoerdiens;
 - (j) 'n pendeldiens beoog in artikel 17;
 - (k) 'n hofflikheidsdiens beoog in artikel 15;
 - (l) 'n luukse bus-tipe geskeduleerde diens beoog in artikel 16.
- (2) Die LUR kan dienste tot die lys verskaf in subartikel (1) byvoeg, of die lys wysig of dienste daarvan verwyder deur middel van kennisgwing in die *Provinsiale Koerant*, na oorleg met die Provinsiale Openbare Passasiersvervoerforum.
- (3) Die kategorie van dienste gelys in subartikel (1) met betrekking tot die beginsels gemeld in artikel 3 vir die toekoms is uiteengesit in Bylae B, en diè vir die oorgangstydperk in Bylae C.

7. Tuk-tukdienste

'n Tuk-tukdiens—

- (a) vervoer nie meer as drie passasiers nie;
- (b) word slegs deur 'n tuk-tukvoertuig verskaf, waar die Raad in die betrokke bedryfslisensie—
 - (i) 'n stedelike roete of roetennetwerk waarop of 'n gebied waarbinne dit bedryf kan word, voorskryf; en
 - (ii) a maksimum bedryfspoed van 45 kilometer per uur voorskryf.

8. Gemeterde taxidienste

- (1) 'n Gemeterde taxidiens word slegs deur 'n motorkar of minibus bedryf, maar—
 - (a) die voertuig moet toegerus wees met 'n geseëde meter in goie werkende toestand wat aan voorgeskrewe vereistes voldoen, om die koste van die rit te bepaal;
 - (b) in die geval van 'n minibus moet die soort en kapasiteit van die voertuig deur die Raad, na oorleg met die gemeterde taxiverenigings wat in die gebied bedryf, goedgekeur word;
 - (c) die Raad moet die maksimum getal passasiers voorskryf wat vervoer kan word, wat minder as nege moet wees, en wat minder as die kapasiteit van die voertuig kan wees;
 - (d) die Raad kan bepaalde gebiede voorskryf waar passasiers opgelaa kan word;
 - (e) as meer as vier persone vervoer word, moet die voertuig 'n gedeelde meterfasiliteit hê;
 - (f) die voertuig moet op die voorgeskrewe wyse gemerk word.
- (2) Die Raad kan minimum of maksimum reisgelde vir gemeterde taxidienste bepaal, wat in die *Provinsiale Koerant* gepubliseer moet word.
- (3) Die LUR kan 'n graderingstelsel vir gemeterde taxidienste voorskryf en spesiale merke bepaal wat deur die onderskeie grade van gemeterde taxis getoon moet word, en as so 'n bepaling gemaak word, moet dit in die betrokke bedryfslisensie gemeld word.
- (4) Gemeterde taxis kan hulle bepaalde bedryfsgebiede verlaat as—
 - (a) dieselfde passasiers na en vanaf hulle eindpunte vervoer word;
 - (b) die taxi leeg terugkeer; of
 - (c) hulle ingevolge 'n kontrak goedgekeur deur die Raad aldus verplig is.
- (5) Ondanks subartikel (1) kan 'n gemeterde taxi teen 'n reisgeld wat nie deur die meter bepaal is nie, bedryf word, as die reisgeld vir die bepaalde rit ooreengekom is voordat die rit 'n aanvang geneem het.

9. Minibus taxi-tipe dienste

- (1) Minibus taxi-tipe dienste word slegs deur middel van motorkarre, minibusse, midibusse of ingerigte ligte afleweringvoertuie verskaf.
- (2) 'n Bedryfslisensie wat vir 'n minibus taxi-tipe diens toegestaan is stipuleer dat die diens roete- of netwerkgebaseer is, behalwe in die uitsonderlike gevalle wat deur hierdie Wet toegelaat word.
- (3) Minibus taxi-tipe dienste is nie-geskeduleerde openbare padpassasiersvervoer-dienste vir hoogstens 35 passasiers wat nie onderworpe is aan beperkings met betrekking tot reisgelde en tydtafels nie.

10. Bus-tipe dienste

- (1) Bus-tipe dienste word slegs deur middel van minibusse, midibusse, standaardbusse, leunwaens, verdiepingbusse of bustreine verskaf.
- (2) In die geval van 'n verdiepingbus of bustrein kan die Raad die diens in die bedryfslisensie tot gespesifiseerde gebiede of padnetwerke beperk.
- (3) Bus-tipe dienste moet geskeduleerde dienste wees wat op gespesifiseerde

roetes of netwerke bedryf word ingevolge gepubliseerde tariewe en tydtafels wat, in die geval van gesubsidieerde dienste, deur die owerheid wat die subsidie betaal, goedgekeur moet word.

11. Onderwysdienste

- (1) Onderwysdienste moet geskeduleer wees vir die vervoer van leerlinge, studente, voorskoolkinders en toesighouers tussen hulle woonplekke en plekke van onderwys, maar kan nie-geskeduleerde ritte insluit van en na die betrokke onderwysinstelling as dit uitsluitlik op onderwys-verwante bedrywighede betrekking het.
- (2) Onderwysdienste kan deur middel van motorkarre, minibusse, midibusse, standaardbusse, verdiepingbusse, bustreine of ingerigte ligte afleweringvoertuie verskaf word.
- (3) Voordat 'n aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n bedryfslisensie vir onderwysdienste oorweeg word, moet die Raad die aansoek op die voorgeskrewe wyse na die betrokke skool of ander onderwysinstelling verwys vir kommentaar en aanbevelings, en moet hy sodanige kommentaar en aanbevelings wat ontvang is, oorweeg.

12. Toeristedienste

- (1) Toeristedienste moet voorafbespreekte dienste gerig op ontspanningsvervoer wees waar die toeriste deur 'n toergids geregistreer ingevolge artikel 21 van die Toerismewet, begelei word.
- (2) 'n Bedryfslisensie wat toeristedienste magtig word nie toegestaan nie tensy die Raad aanbevelings van 'n toeristowerheid erken deur die LUR verkry en oorweeg het, maar die Raad kansonder sodanige aanbevelings voortgaan waar sodanige owerheid dit nie binne die tyd gespesifiseer in die Raad se versoek, verskaf het nie.
- (3) Waar die Raad 'n bedryfslisensie vir toeristedienste toestaan kan hy voorwaardes oplê dat die voertuig met 'n klankstelsel, lugreëling, kombuistoerusting of ander toerusting, bepaal deur die Raad, of 'n toilet waar dele van ritte 200 kilometer te bowe gaan, toegerus moet wees, of kan die Raad ander voorwaardes oplê.
- (4) Die Raad kan die maksimum getal passasiers bepaal wat deur 'n voertuig gebruik vir toeristedienste vervoer kan word, ondanks die feit dat die kapasiteit van die voertuig groter is.
- (5) Waar paslik kan die Raad omskrewe gebiede of roetes vir die bedryf van 'n toeristediens bepaal.
- (6) Die bestuurder van 'n voertuig gebruik vir toeristedienste moet te alle tye wanneer sodanige dienste onderneem word, voldoen aan vereistes wat deur toerismewetgewing bepaal is, asook dié wat voorgeskryf is.
- (7) Toeristedienste word nie deur middel van bustreine verskaf nie.

13. Huurdienste

- (1) Huurdienste word slegs verskaf waar passasiers na 'n gemeenskaplike bestemming vervoer word en waar die bestemming, datum en tyd van vertrek voorafbepaal is deur die persoon of instelling wat die rit bespreek.

- (2) Huurdienste word nie deur middel van tuk-tuks verskaf nie.

14. Personeeldienste

Personeeldienste word deur middel van voertuie goedgekeur deur die Raad verskaf, maar met uitsluiting van tuk-tuks, en slegs indien die bedryfslisensie toegestaan vir die personeeldiens bepaal dat die diens roete- of netwerk gebaseer, of gebiedsverbind, is.

15. Hoflikheidsdienste

Hoflikheidsdienste word nie deur middel van 'n verdiepingbus of bustrein verskaf nie.

16. Luukse bus-tipe dienste

- (1) 'n Luukse bus-tipe diens word slegs deur middel van 'n luukse bus verskaf, maar—
- (a) sitplekke moet vir alle passasiers verskaf word;
 - (b) die voertuig moet toegerus wees met 'n toilet waar passasiers vir dele van ritte wat 200 kilometer oorskry, vervoer sal word;
 - (c) die diens moet op 'n geskeduleerde basis op voorafbepaalde roetes en teen voorafbepaalde tariewe bedryf word.
- (2) Die Raad kan addisionele eienskappe vir luukse busse bepaal.

17. Pendeldienste

- (1) 'n Pendeldiens word slegs deur middel van 'n limousine, motorkar, minibus, midibus, standaardbus, verdiepingbus of luukse bus verskaf.
- (2) Pendeldienste moet 'n voorafbepaalde tarief per roete behels wat op 'n manier goedgekeur deur die Raad bekend gemaak is.
- (3) Die Raad kan 'n maksimum getal passasiers bepaal wat op 'n voertuig gebruik vir pendeldienste vervoer kan word, ondanks die feit dat die kapasiteit van die voertuig groter is.
- (4) Die Raad moet vir 'n pendeldiens—
- (a) 'n beperkte gebied of vaste roetes vir die bedryf van die pendeldiens bepaal, en
 - (b) bepaal of die diens nie-geskeduleer op aanvraag is, of 'n geskeduleerde diens is.
- (5) By die toestaan van 'n bedryfslisensie vir 'n pendeldiens kan die Raad voorwaardes oplê dat die voertuig toegerus moet wees met lugreëling of ander toerusting wat die Raad bepaal.

18. Kategorië van voertuie

- (1) Die volgende soorte voertuie kan vir openbare padpassasiersvervoerdienste gebruik word, maar slegs tot die mate en op die wyse aangedui in Bylae A, of soos andersins in artikels 7 tot 17 bepaal:
- (a) tuk-tuks;
 - (b) limousines;
 - (c) motorkarre;
 - (d) minibusse;

- (e) midibusse;
 - (f) standaardbusse;
 - (g) verdiepingbusse;
 - (h) bustreine;
 - (i) ingerigte ligte afleweringvoertuie;
 - (j) leunwaens;
 - (k) luukse busse.
- (2) Die LUR kan voertuie byvoeg tot of verwyder van die lys verskaf in subartikel (1), of dit wysig, deur middel van kennisgewing in die *Provinsiale Koerant*, na oorleg met die Provinsiale Openbare Passasiersvervoerforum.
- (3) Die kategorië van motorvoertuie in verhouding met dienssoorte is in Bylae A uiteengesit.
- (4) 'n Ligte afleweringvoertuig kan slegs vir openbare padpassasiersvervoerdienste gebruik word as dit 'n ingerigte ligte afleweringvoertuig is.

DEEL 3: BEVOEGDHEDE EN PLIGTE VAN DIE LUR EN MUNISIPALITEITE

19. Bevoegdheid van die LUR

Benewens die bevoegdheid elders in hierdie Wet en in die Nasionale Wet vermeld, kan die LUR in oorleg met die LUR vir Finansies—

- (a) navorsing oor openbare padpassasiersvervoerdienste finansier;
- (b) demonstrasie- of loodsprojekte oor sodanige dienste finansier;
- (c) inligting met betrekking tot sodanige dienste deur middel van die pers, radio, televisie of ander media, versprei;
- (d) munisipaliteite wat nie die nodige personeel of kapasiteit het nie, by die uitvoer van die funksies wat deur hierdie Wet aan hulle opgedra is, bystaan;
- (e) opleiding vir operateurs, bestuurders en administrateurs van sodanige dienste finansier;
- (f) leiding aan verenigings of groeperings van persone wat meewerk tot die bevordering van openbare padpassasiersvervoer verskaf;
- (g) ooreenkomste met ander provinsies betreffende die interprovinsiale beweging van voertuie wat vir openbare padpassasiersvervoerdienste gebruik word, en verwante aangeleenthede, sluit.

20. Pligte van die LUR

Die LUR moet—

- (a) die uitvoer van provinsiale openbare padpassasiersvervoerbeleid monitor, ondersoek instel na aangeleenthede voortspruitend uit die uitvoering van die beleid en die nodige beleidsaanpassings maak;
- (b) die verhoogde gebruik van openbare padpassasiersvervoer in die Provinsie bevorder en fasiliteer;
- (c) die nodige stappe doen om koördinering tussen vervoerowerhede en ander beplanningsoverhede in die Provinsie, of tussen sodanige owerhede en die Provinsie, te bevorder, om sodoende duplisering te vermy;

- (d) doeltreffende en kommersiële gedrag deur operateurs by die verskaffing van openbare padpassasiersvervoerdienste, en mededingende tenderpraktyke vir kontrakte en konsessies, aanmoedig;
- (e) waar hierdie Wet openbare oorlegpleging en deelname vereis voordat 'n besluit geneem word of 'n amptelike handeling uitgevoer word, die prosedures wat in daardie verband gevolg moet word, voorskryf;
- (f) pogings aanwend om te verseker dat befondsing deur die Provinsie en vervoerowerhede vir openbare padpassasiersvervoer verskaf, op 'n doeltreffende, koste-effektiewe, billike en deursigtige wyse aangewend word;
- (g) die ontwikkeling van passasiersvervoer aanmoedig op 'n wyse wat—
 - (i) nasionale en internasionale hoogtemerke en beste praktyk in ag neem;
 - (ii) die veiligheid van passasiers binne oorhoofse landvervoerdoelwitte bevorder;
 - (iii) doeltreffende, mededingende en kommersiële gedrag by die verskaffing van openbare padpassasiersvervoer aanmoedig;
 - (iv) 'n strategiese en geïntegreerde benadering tot die verskaffing van openbare padpassasiersvervoer bevorder deur die integrasie van openbare passasiersvervoerfasiliteite, -infrastruktuur en -dienste;
 - (v) doeltreffende brandstofgebruik bevorder en skadelike omgewingsimpakte verminder;
- (h) openbare padpassasiersvervoer bevorder om sodoende—
 - (i) doeltreffendheid by die vervulling van aanvraag te bereik;
 - (ii) doeltreffendheid by die gebruik van hulpbronne te bereik;
 - (iii) die hoogste kwaliteit en toeganklikheid van dienste, en doeltreffende infrastruktuur, bestaanbaar met redelike koste, te bereik; en
 - (iv) operasionele veiligheid van passasiers en ander padgebruikers te verwesenlik.
- (i) koördinerings- en integrasie binne en tussen openbare padpassasiersvervoermodes te fasiliteer, om toeganklikheid en gerieflikheid te bevorder en om reistye te verminder.

21. Regulasies

- (1) Die LUR kan regulasies uitvaardig om—
 - (a) die inligting wat saam met 'n aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n bedryfslisensie ingedien moet word;
 - (b) die wyse waarop en vormaat waarin aansoeke met betrekking tot bedryfslisensies gedoen moet word;
 - (c) die prosedure wat deur 'n vervoer bedryfslisensie administratiewe orgaan of die Raad by die afhandeling van 'n aansoek gevolg moet word;
 - (d) die inligting wat saam met 'n appèl na die Appèlraad teen 'n handeling, opdrag of beslissing van die Raad ingedien moet word;
 - (e) die inligting wat deur die Raad aan die Appèlraad of die appellant met betrekking tot 'n appèl verskaf moet word, en die wyse waarop en tyd

- waarbinne die inligting verskaf moet word;
- (f) die prosedure wat deur die Appèlraad by afhandeling van 'n appèl gevolg moet word;
 - (g) die misdrywe wat die Raad by die oorweging van aansoeke om bedryfslisensies ingevolge artikel 38 in ag moet neem;
 - (h) die nommerering van roetes en toewysing daarvan aan bepaalde verenigings of houers, en die vormaat en uitreiking van onderskeidings-tekens in daardie verband;
 - (i) reëls vir die onderneem van onderwysdienste;
 - (j) die oplos van verskille en arbitrasieprosedures by geskille tussen verenigings of operateurs;
 - (k) 'n graderingstelsel vir operateurs of bestuurders betrokke by openbare padpassasiersvervoerdienste;
 - (l) norme en standaard vir openbare padpassasiersvervoer in die Provinsie;
 - (m) die voorbereiding, hersiening, opdatering en uitvoering van vervoerplanne, benewens regulasies en voorskrifte wat kragtens die Nasionale Wet voorgeskryf is;
 - (n) die verskaffing en regulering van die gebruik van openbare padpassasiersvervoerfasiliteite in die Provinsie;
 - (o) voorskrifte met betrekking tot—
 - (i) openbare padpassasiersvervoerinligting;
 - (ii) openbare verhore en deelname by padpassasiersvervoer-beplanning en -beleidsformulering;
 - (iii) prestasie-ouditering van die vordering gemaak deur vervoerowerhede, kernstede en munisipaliteite by die uitvoering van openbare padpassasiersvervoerbeleid;
 - (p) die gevolge waar nie voldoen is aan 'n tydsbeperking bepaal deur hierdie Wet nie;
 - (q) spesifikasies en voorskrifte waaraan 'n motorvoertuig gebruik vir openbare padpassasiersvervoer moet voldoen, behoudens dié wat deur padverkeerswetgewing voorgeskryf is;
 - (r) aantekeninge wat deur iemand betrokke by openbare padpassasiersvervoer gehou moet word en opgawes en inligting wat deur sodanige persoon aan die Raad of 'n ander persoon of instelling ingedien moet word;
 - (s) gelde of toelaes betaalbaar aan iemand wat aangesê is om voor die Raad of die Registrateur te verskyn om getuienis af te lê of om 'n boek, plan of ander stuk of voorwerp oor te lê;
 - (t) reëls met betrekking tot die veiligheid en gemak van passasiers op openbare passasiersvervoervoertuie, en verwante aangeleenthede;
 - (u) die aard en formaat van 'n onderskeidingsteken, identifikasie, bedryfslisensie, kennisgewing of ander stuk wat in terme van hierdie Wet vereis of uitgereik word, asook die vormaat, vatsoen, grootte en kleur van, en die inligting wat in sodanige stukke vervat moet word, of wat die Raad of Registrateur magtig om die vormaat daarvan voor te skryf;
 - (v) die wyse waarop 'n onderskeidingsteken, identifikasie, bedryfslisensie, kennisgewing of ander stuk of geskrif wat in terme van hierdie Wet of 'n voorwaarde daarkragtens opgelê op of in 'n motorvoertuig getoon of

- gedra moet word, en die posisie daarvan op of in die motorvoertuig;
- (w) reëls vir die bedryfsveiligheid van voertuie wat by openbare padpassasiersvervoer gebruik word;
 - (x) die vormaat van registrasiesertifikate vir operateurs en hulle verenigings;
 - (y) die soorte voertuie wat vir die onderskeie soorte openbare padpassasiersvervoer gebruik kan word;
 - (z) die minimum getal lede wat verenigings moet hê om te kwalifiseer vir registrasie;
 - (aa) die minimum tydperk waarvoor verenigings moet bestaan het om te kwalifiseer vir registrasie;
 - (bb) ander bykomende vereistes waaraan 'n vereniging moet voldoen, om te kwalifiseer vir registrasie;
 - (cc) wat die wyse van ondersoek na bewerings van onbetaamlike gedrag deur geregistreerde verenigings, lede of nie-lede bepaal;
 - (dd) die wyse waarop 'n vereniging of nie-lid aansoek moet doen om registrasie, die formaat waarin sodanige aansoek ingedien moet word, die gelde betaalbaar aan die Registrateur met betrekking tot 'n aansoek en jaargelde wat 'n vereniging of nie-lid aan die Registrateur moet betaal;
 - (ee) die verskaffing van opleiding vir bestuurders of operateurs wat openbare padpassasiersvervoerdienste onderneem;
 - (ff) die vervoer van leerlinge en studente;
 - (gg) die ledetal en werking van plaaslike taxi skakelkomitees beoog in artikel 91 of plaaslike skakelforums beoog in artikel 92, en prosedures vir en frekwensie van hulle vergaderings;
 - (hh) voorskrifte en standaarde vir meters wat in gemeterde taxis geïnstalleer moet word;
 - (ii) jaargelde betaalbaar deur houers van permitte of bedryfslisensies wat vir langer as een jaar geldig is;
 - (jj) enige ander aangeleenthede wat die doelstellings van hierdie Wet sal bevorder,

voor te skryf.

- (2) Die LUR kan regulasies uitvaardig wat die betaling van gelde vereis met betrekking tot—
- (a) 'n aansoek om die toestaan, wysiging, hernuwing of oordrag van 'n bedryfslisensie;
 - (b) 'n appèl na die Appèlraad teen 'n handeling, opdrag of besluit van die Raad;
 - (c) die uitreik deur 'n vervoer bedryfslisensie administratiewe orgaan van 'n onderskeidingsteken of ander stuk of a duplikaat daarvan,
- en wat die bedrag van die gelde voorskryf, die omstandighede waaronder gelde in geheel of gedeeltelik verbeur of terugbetaal moet word, die bedrag van 'n gedeeltelike terugbetaling en die omstandighede waaronder 'n betaling, na die diskresie van die Raad of die Appèlraad, in geheel verbeur moet word of in geheel of gedeeltelik terugbetaal moet word;
- (3) Die LUR kan 'n Standaard Minimumgrondwet vir verenigings en 'n Gedragskode vir nie-lede voorskryf, en kan bykomende reëls uitvaardig oor die wyse waarop—
- (a) 'n geregistreerde vereniging en sy lede hulle sake moet bedryf;

- (b) 'n geregistreerde nie-lid sy of haar sake moet bedryf.
- (4) Verskillende regulasies wat kragtens hierdie artikel uitgevaardig word kan op verskillende gebiede in Gauteng van toepassing wees en op nuwe verenigings, in teenstelling met gevestigde verenigings.
- (5) Regulasies beoog in hierdie artikel of 'n ander artikel van hierdie Wet kan bepaal dat iemand wat 'n bepaling daarvan oortree of versuim om daaraan te voldoen, skuldig is aan 'n misdryf en strafbaar is by skuldigbevinding met 'n boete of gevangesetting vir 'n tydperk van hoogstens ses maande.
- (6) Regulasies uitgevaardig kragtens 'n wet wat deur hierdie Wet herroep of uitgesluit is, en wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag is met betrekking tot aangeleentheid waarvoor die LUR kragtens hierdie artikel bevoeg is om regulasies uit te vaardig, word vir doeleindes van hierdie Wet beskou as regulasies kragtens hierdie artikel uitgevaardig totdat die LUR 'n vervangende regulasie kragtens hierdie artikel uitvaardig.

22. Verordeninge

- (1) 'n Metropolitaanse owerheid kan ooreenkomstig 'n toepaslike geïntegreerde vervoerplan—
 - (a) die grootte of getal motorvoertuie wat vir openbare padpassasiersvervoerdienste gebruik word, wat 'n bepaalde deel van sy jurisdiksiegebied mag binnegaan, reël en die tyd of tye bepaal wanneer so 'n voertuig wel so 'n deel mag binnegaan;
 - (b) die toegang van so 'n motorvoertuie tot 'n bepaalde deel gedurende 'n bepaalde tydperk reël of verbied;
 - (c) die optel of aflaai van passasiers deur sodanige voertuig in 'n bepaalde deel gedurende 'n bepaalde tydperk verbied, en die tyd of tye bepaal wanneer die optel of aflaai mag geskied.
- (2) 'n Munisipaliteit kan verordeninge uitvaardig om die doelstellings van hierdie Wet te bevorder wat nie met hierdie Wet of regulasies daarkragtens uitgevaardig, in stryd is nie, wat insluit, maar nie beperk is nie, tot—
 - (a) die nommerering van roetes en die toewys daarvan aan bepaalde verenigings of operateurs wat openbare padpassasiersvervoerdienste onderneem, en die formaat en uitreiking van onderskeidingstekens in daardie verband;
 - (b) die toewys van fasiliteite aan bepaalde operateurs of verenigings en die hef van gelde in daardie verband;
 - (c) die aanstelling en gedrag van staanplekrangeerders;
 - (d) die gedrag van bestuurders van voertuie wat vir openbare padpassasiersvervoerdienste gebruik word, wat ook werwing en toeterblasing vir die aanlok van passasiers kan verbied.
- (3) 'n Munisipaliteit kan ooreenkomste met persone of instellings sluit met betrekking tot die toewys of gebruik van fasiliteite vir openbare padpassasiersvervoerdienste geleë op privateiendom, ooreenkomstig regulasies of riglyne deur die LUR uitgevaardig, indien die toewysing of gebruik uit hoofde van 'n betrokke vervoerplan geskied.

23. Inligtingvereistes en terugvoerstelsels

Die LUR—

- (a) moet 'n inligting- en terugvoerstelsel vir openbare padpassasiersvervoer in samewerking met munisipaliteite en vervoerowerhede ontwikkel en onderhou om inligting in te win wat relevant is by die doelwitte van hierdie Wet of by nasionale of provinsiale landvervoerbeleid;
- (b) kan vanaf 'n datum bepaal deur die LUR bewilligings of toekennings terughou van 'n munisipaliteit of vervoerowerheid tensy die owerheid voldoen het aan die terugvoervereistes beoog in paragraaf (a);
- (c) moet voorskrifte of regulasies in die *Provinsiale Koerant* publiseer om die stelsel beoog in paragraaf (a) voor te skryf;
- (d) kan die inwin van inligting met betrekking tot openbare padpassasiersvervoer onderneem en dit beskikbaar stel aan belanghebbende persone, en inligting in verband met sodanige vervoer deur middel van die pers, radio, televisie of ander media versprei.

24. Delegasie

Die LUR kan 'n bevoegdheid of plig wat aan die LUR toegewys of opgelê is aan 'n amptenaar in die Departement delegeer of oplê, behalwe die bevoegdheid om regulasies uit te vaardig, en kan so 'n delegasie of oplegging te eniger tyd intrek.

DEEL 4: OPENBARE PASSASIEVERVOERBEPLANNING

25. Beginsels vir openbare padpassasiersvervoerbeplanning

Die volgende beginsels is van toepassing op openbare padpassasiersvervoerbeplanningsaktiwiteite in die Provinsie:

- (a) geïntegreerde, allesinsluitende beplanning moet binne 'n breër ontwikkelingsvisie plaasvind wat vervoer en ruimtebeplanning integreer;
- (b) vervoerplanne moet modale opsies identifiseer;
- (c) alhoewel vervoerowerhede nie in die kort- en mediumtermyn verskaffers van spoordienste sal wees nie, moet spooraspekte volledig by geïntegreerde vervoerplanne ingelyf word in oorleg met verskaffers van spoordienste.
- (d) deurkaartjies en soortgelyke metodes moet gebruik word om reistye te verminder en om passasiersgerief te bevorder;
- (e) toepaslike vervoerplanne moet aandui watter spesiale maatreëls getref is of sal word om passasiers met spesiale behoeftes, soos persone met ongeskikthede, te akkommodeer.

26. Openbare vervoerplanne

- (1) By die voorbereiding van 'n openbare vervoerplan ingevolge artikel 26 van die Nasionale Wet, moet die volgende, onder andere, oorweeg word:
 - (a) alle betrokke kontrakte;
 - (b) roetes waarop beide gesubsidieerde en nie-gesubsidieerde dienste onderneem word.

- (2) Sodanige planne word op die volgende, onder andere, gebaseer:
- (a) roetes wat in detail langs gespesifiseerde paaie of strate getoon word, in teenstelling met punt-na-puntbeskrywings;
 - (b) tydtafels vir geskeduleerde dienste;
 - (c) bestaande kapasiteit wat op sodanige roetes bepaal is;
 - (d) passasiersaanvraag op sodanige roetes;
- en sluit in die soorte dienste wat in artikel 6 gelys is, soos wat voorgeskryf mag word.
- (3) Sodanige planne bevat die inligting by regulasie of deur ander nasionale of provinsiale wetgewing voorgeskryf.
- (4) Sodanige planne bevat voldoende inligting om die vervoerowerheid in staat te stel om die aanbod en aanvraag vir dienste op elke roete waarop openbare padpassasiersvervoerdienste verskaf word, te kan bepaal.
- (5) By die proses om sodanige planne voor te berei onderneem vervoerowerhede die voorgeskrewe openbare oorlegplegingprosedures en verskaf hulle aan belanghebbende persone 'n redelike tyd om kommentaar te lewer en vertoë te rig oor aangeleenthede in die planne wat hulle belange kan raak.
- 27. Pligte van vervoerowerhede, kernstede en munisipaliteite betreffende beplanning**
- (1) Elke vervoerowerheid sluit kontrakte met operateurs van dienste op roetes binne sy jurisdiksiegebied vir dienste beoog in provinsiale en nasionale beleid.
- (2) Waar daar 'n behoefte is vir bykomende dienste op 'n roete wat nie kragtens 'n kontrak verskaf is of sal word nie, nooi die owerheid aansoeke uit na die Raad om bedryfslisensies vir sodanige dienste, gebaseer op sy vervoerplan, ooreenkomstig artikel 38.
- (3) Vervoerowerhede, kernstede en munisipaliteite verseker, sover moontlik, deur paslike aanbevelings aan die Raad, dat die toestaan van bedryfslisensies op so 'n wyse plaasvind dat passasiers op die betrokke roetes van vervoer voorsien is, behoudens die beskikbaarheid van fondse, en dat oorvoorsiening van dienste verhoed word.
- (4) Waar 'n vervoerplan 'n oorvoorsieng van dienste op 'n roete toon—
- (a) nooi die vervoerowerheid geen aansoeke om nuwe bedryfslisensies uit op daardie roete nie;
 - (b) versoek sodanige owerheid die Raad skriftelik om geen nuwe bedryfslisensies uit te reik en om geen bedryfslisensie te wysig, wat bykomende dienste op die roete magtig nie;
 - (c) doen sodanige owerheid aktief stappe deur wetstoepassingsmaatreëls of deur die intrek van surplus bedryfslisensies kragtens artikel 51 van die Nasionale Wet, saamgelees met hierdie Wet, of deur ander voorgeskrewe maatreëls, om die oorvoorsiennig in lyn te bring met aanvraag.
- (5) By die beplanning van gekontrakteerde dienste oorweeg owerhede roetes in geheel, dit wil sê neem hulle gesubsidieerde en nie-gesubsidieerde dienste in ag, en ken hulle waar paslik kontrakte toe wat 'n kombinasie is van gesubsidieerde en nie-gesubsidieerde dienste.

28. Oorgangsbepalings met betrekking tot beplanning

- (1) 'n Vervoerplan wat kragtens artikel 6(1) van die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977) goedgekeur is en 'n streekspassasiersvervoerplan wat deur 'n streeksdiensteraad kragtens die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985) opgetrek is, bly van krag totdat dit deur 'n betrokke vervoerplan kragtens die Nasionale Wet gewysig of vervang word.
- (2) 'n Lopende openbare vervoerrekord wat kragtens artikel 3 van die Nasionale Wet op Tussentydse Reëlings Betreffende Vervoer oor Land, 1998 (Wet No. 45 van 1998) voorberei is, word geag 'n rekord vereis deur artikel 23 van die Nasionale Wet.
- (3) Vir doeleindes van praktiese reëlings wat uit subartikel (1) voortspruit, kan die LUR by ooreenkoms verantwoordelike aan bepaalde vervoerowerhede of munisipaliteite toeken deur middel van 'n kennisgewing in die *Provinsiale Koerant*.
- (4) Waar by die inwerkingtreding van hierdie Wet die Provinsie openbare vervoerbeplanning onderneem het, behalwe van dienste beoog in artikel 20(4) van die Nasionale Wet, wat kragtens die Grondwet deur munisipaliteite onderneem moet word, tref die LUR en die betrokke beplanningsowerhede reëlings vir die oordrag van die beplanningsfunksies na die betrokke beplanningsowerhede.

DEEL 5: DIE GAUTENG VERVOERBEDRYFSLISENSIËRINGSRAAD

29. Stigting en samestelling van Gauteng Vervoerbedryfslisensiëringsraad

- (1) Die naam van die Gauteng Vervoerpermitraad gestig deur artikel 2 van die Gauteng Tussentydse Wet op Padvervoer, 1998 (Wet No. 2 van 1998) word verander na die Gauteng Vervoerbedryfslisensiëringsraad en word geag die raad beoog in artikel 30(1) van die Nasionale Wet.
- (2) Die Raad bestaan uit 'n voorsitter en die getal ander lede deur die LUR bepaal, wat persone moet wees met wye ondervinding van, en bekwaamheid aan die dag gelê het in verband met, openbare passasiersvervoer of nywerheids-, handels-, finansiële of regsangeleenthede of in verband met die bestuur van openbare sake.
- (3) Die lede van die Gauteng Vervoerpermitraad wat voor die inwerkingtreding van hierdie Wet aangestel is, behou hulle ampte as Raadslede totdat hulle aanstellingstermyne verstryk, tensy die LUR so 'n aanstelling vroeër beëindig.
- (4)
 - (a) Voordat Raadslede aangestel word, publiseer die LUR 'n kennisgewing van die voorneme om dit te doen en versoek die LUR dat aansoeke om lidmaatskap ingedien word, in minstens een koerant wat in die Provinsie sirkuleer, in Engels en minstens een ander amtelike taal wat algemeen in die Provinsie gebruik word.
 - (b) Voordat so 'n lid aangestel word, publiseer die LUR op dieselfde wyse die name van die persone wat die LUR van voorneme is om by die Raad aan te stel, en versoek die LUR dat kommentaar en vertoë met betrekking daartoe ingedien word.
 - (c) Die LUR moet kommentaar en vertoë wat aldus ontvang word behoorlik oorweeg.

- (5) 'n Persoon mag nie as 'n Raadslid aangestel word of as sodanig aanbly nie as hy of sy—
- (a) of sy of haar eggenoot, eggenote, metgesel, huisgesin, afhanklikes, besigheidsvennoot of werkgewer 'n finansiële belang het by 'n openbare padpassasiersvervoerbesigheid of 'n gekose amptenaar is van 'n vereniging, of betrokke is by 'n bedrywigheid wat, na die oordeel die LUR, sal inmeng met die onpartydige uitvoer van die funksies van sy of haar amp nie;
 - (b) ly aan 'n regsonbevoegdheid;
 - (c) 'n ongerehabiliteerde insolvent is; of
 - (d) skuldig bevind is aan 'n misdryf wat oneerlikheid behels of van 'n openbare amp as gevolg van wangedrag verwyder is.
- (6) As die aanstelling van iemand as 'n Raadslid oorweeg word, moet daardie persoon skriftelik aan die LUR enige belang uitwys wat hy of sy in enige deel van die openbare padpassasiersvervoerbedryf het, en as so 'n persoon in gebreke bly om dit te doen pleeg hy of sy 'n misdryf.
- (7) Die voorsitter van die Raad word vir hoogstens drie jaar aangestel en ander Raadslede vir hoogstens twee jaar, en, behoudens hierdie Wet, beklee hulle amp op voorwaardes betreffende besoldiging en andersins as wat die LUR by hulle aanstelling bepaal.
- (8) As die amp van voorsitter van die Raad of van 'n Raadslid vakant is of sal word, doen die LUR onverwyld stappe om die amp te vul deur die aanstelling, ooreenkomstig hierdie artikel, van 'n bekwame en geskikte persoon wat nie aan 'n diskwalifikasie gemeld in subartikel (5) onderworpe is nie.
- (9) Iemand kan as Raadslid heraangestel word as sy of haar ampstermyn verstryk het.
- (10) Die Hoof van die Departement voorsien die nodige personeel om die Raad by die uitvoer van sy funksies by te staan, behoudens die wette wat die Staatsdiens reguleer.

30. Bedanking, ontruiming en verwydering uit amp van Raadslede

- (1) 'n Raadslid kan bedank deur twee maande vooruit skriftelike kennis aan die LUR te gee.
- (2) Die LUR kan 'n Raadslid van sy of haar amp verwyder—
- (a) wat versuim het om aan 'n voorwaarde van sy of haar aanstelling te voldoen;
 - (b) wat skuldig is aan onbetaamlike gedrag of gereeld sy of haar pligte as Raadslid versuim het, of versuim het om sodanige pligte regverdig en onpartydig uit te voer;
 - (c) wat nie in staat is om sy of haar pligte as Raadslid doeltreffend uit te voer nie;
 - (d) wat sonder aanvaarbare rede versuim het om drie agtereenvolgende Raadsvergaderings by te woon.
- (3) 'n Raadslid ontruim sy of haar amp as die lid ingevolge—
- (a) artikel 29(5) gediskwalifiseer word;
 - (b) subartikel (2) van sy of haar amp verwyder word.

31. Bevoegdheids van die Raad

- (1) Benewens die ander bevoegdheids verleen deur hierdie Wet kan die Raad—
- (a) 'n aangeleentheid wat binne die bestek van hierdie Wet val, ondersoek en aanbevelings daarvoor aan die LUR voorlê;
 - (b) ooreenkomstig die bepalings van hierdie Wet oorweging skenk aan en 'n beslissing gee oor, of andersins handel met 'n aansoek wat daarkragtens by hom gedoen word—
 - (i) vir die toestaan van 'n bedryfslisensie wat openbare padpassasiersvervoer binne Gauteng magtig;
 - (ii) vir die toestaan van 'n bedryfslisensie wat sodanige vervoer magtig wat in Gauteng begin en ook in 'n ander provinsie plaasvind, met die instemming van die raad van die ander provinsie;
 - (iii) vir die hernuwing, wysiging of oordrag van 'n bedryfslisensie wat hy toegestaan het;
 - (c) ooreenkomstig die bepalings van hierdie Wet, 'n bedryfslisensie wat hy toegestaan, hernieu, gewysig of oorgedra het, uitreik;
 - (d) om te handel met 'n aangeleentheid wat ingevolge hierdie Wet voor hom dien—
 - (i) na goëddunke, iemand wat geraak word of belang het by daardie aangeleentheid, of die behoorlike gemagtigde verteenwoordiger van so iemand, toelaat om voor hom te verskyn en—
 - (aa) om getuienis af te lê of mondelinge verhoë te rig wat by die aangeleentheid ter sake is; of
 - (bb) om getuies te roep en getuienis aan te voer op enige vraag wat by die aangeleentheid ter sake is; of
 - (cc) om iemand wat getuienis by die aangeleentheid afgelê het, te ondervra;
 - (ii) deur skriftelike kennisgewing soos voorgeskryf en op die voorgeskrewe wyse beteken, iemand aansê om voor hom te verskyn om getuienis af te lê of 'n boek, plan of ander stuk of voorwerp in sy of haar besit of onder sy of haar beheer, oor te lê;
 - (iii) iemand wat in of op die plek waar met genoemde aangeleentheid deur die Raad gehandel word, aanwesig is, aansê om voor hom te verskyn om getuienis af te lê of 'n boek, plan of ander stuk of voorwerp wat die persoon by hom of haar het, oor te lê;
 - (iv) iemand wat as 'n getuie voor hom verskyn, ondervra;
 - (v) weier om iemand aan te hoor wat as 'n getuie voor hom verskyn en wat weier om beëdig of bevestig te word.
- (2) Die persoon wat op 'n vergadering van die Raad voorsit waarby iemand as 'n getuie verskyn soos in subartikel (1) beoog, kan 'n eed of bevestiging van die persoon wat aldus verskyn, afneem.
- (3) Die Raad moet op versoek belanghebbende partye voorsien van skriftelike redes vir 'n besluit wat hy geneem het.

32. Vergaderings en besluite van die Raad

- (1) Raadsvergaderings word gehou ooreenkomstig voorgeskrewe prosedures, te voorgeskrewe tye en by voorgeskrewe lokale.
- (2) 'n Kworum vir Raadsvergaderings bestaan uit die voorsitter en minstens twee ander Raadslede.
- (3) 'n Besluit van die meerderheid Raadslede wat by 'n vergadering teenwoordig is, is 'n besluit van die Raad met betrekking tot bedoelde verrigtinge en in die geval van gelyke stemme het die persoon wat by die vergadering voorsit 'n beslissende stem behoudens sy of haar gewone stem.
- (4) As die voorsitter van die Raad nie in staat is om 'n Raadsvergadering by te woon nie, wys hy of sy 'n ander Raadslid aan om by sodanige vergadering voor te sit.
- (5) Geen handeling, opdrag of besluit van die Raad word ongeldig geag nie bloot op grond daarvan dat, toe daardie handeling verrig of opdrag gegee of besluit geneem is, 'n vakature in die Raad bestaan het of iemand wat volgens artikel 29(5) onbevoeg was om lid van die Raad te wees wel so 'n lid daarvan was, hetsy daardie persoon se instemming tot die verrigting van daardie handeling of gee van daardie opdrag of neem van daardie besluit nodig was of nie.

33. Stigting van adviespaneel vir die Raad

- (1) Die LUR kan as die Raad aldus 'n versoek rig, 'n adviespaneel stig om die Raad van raad te bedien, wat bekend is as die Gauteng Bedryfslisensieringsraad Adviespaneel.
- (2) Die Paneel adviseer die Raad oor beleidsaangeleenthede en neem nie deel aan afsonderlike besluite van die Raad nie tensy die Raad hom spesifiek aldus versoek, en, indien so 'n versoek gerig is, verskaf hy slegs advies van 'n algemene en beleidsgerigte aard.
- (3) (a) Die Paneel bestaan uit die volgende lede wat deur hulle onderskeie organisasies genomineer moet word, indien die organisasie of kragtens hierdie Wet geregistreer is of deur die LUR vir dié doel erken is, en word deur die LUR aangestel:
 - (i) een verteenwoordiger van die Department;
 - (ii) een verteenwoordiger van elke metropolitaanse owerheid;
 - (iii) een verteenwoordiger van die minibus taxibedryf;
 - (iv) een verteenwoordiger van die gemeterde taxibedryf;
 - (v) een verteenwoordiger van die georganiseerde busbedryf;
 - (vi) een verteenwoordiger van die opkomende of kleinbusbedryf;
 - (vii) een verteenwoordiger van die spoorpendelbedryf;
 - (viii) een verteenwoordiger van verskaffers van onderwysdienste;
 - (ix) een verteenwoordiger van elk van die ander soorte openbare padpassasiersvervoerdienste wat in hierdie Wet omskryf is, indien die LUR aldus besluit;
 - (x) hoogstens drie persone wat in staat is, na die oordeel van die LUR, om die belange van passasiers te verteenwoordig, wat elkeen passasiers van 'n verskillende kategorie dienste verteenwoordig;
 - (xi) hoogstens drie verteenwoordigers van georganiseerde arbeid wat betrekking het op die openbare vervoerbedryf, wat elkeen

werkers van 'n verskillende kategorië dienste verteenwoordig.

- (b) As een van die aangestelde verteenwoordigers beoog in paragraaf (a) nie beskikbaar is nie, kan die betrokke organisasie sodanige verteenwoordiger vervang, maar sodanige vervanging is nie permanent nie.
- (4) Die voorsitter van die Raad is die voorsitter van die Paneel.
- (5) Die Paneel wys een van sy lede aan om as voorsitter op te tree wanneer die voorsitter nie in staat is om 'n Paneelvergadering by te woon nie.
- (6) Die lede van die Paneel word op 'n *ad hoc*-basis byeengeroep soos deur die Raad benodig, maar hou minstens twee vergaderings per jaar.
- (7) 'n Lid van die Paneel wat in die healtydse diens van die Staatsdiens is, beklee sy of haar amp solank die LUR behaag en enige ander lede word aangestel vir hoogstens twee jaar en beklee, behoudens die bepalings van hierdie Wet, sy of haar amp op die voorwaardes betreffende besoldiging en andersins wat die LUR, met die instemming van die Lid van die Uitvoerende Raad vir Finansies, bepaal wanneer daardie lid aangestel word.

34. Stigting van vervoer bedryfslisensie administratiewe organe

- (1) Die Hoof van die Departement wys een of meer amptenare van die Departement aan om by die kantore van elke metropolitaanse owerheid gestasioneer te word om die funksies van vervoer bedryfslisensie administratiewe organe op die voorgeskrewe wyse uit te voer.
- (2) 'n Vervoer bedryfslisensie administratiewe orgaan ontvang voltooide aansoekvorms om bedryfslisensies met betrekking tot dienste wat in sy metropolitaanse gebied begin, tesame met aansoekgelde, en gaan dit na om te kyk of die aansoekvorms behoorlik voltooi is en dat alle nodige bygaande stukke ingedien en geldig en aanvaarbaar is, en teken hy op die voorgeskrewe wyse besonderhede van die aansoeke in die betrokke databanke aan.
- (3) Die vervoer bedryfslisensie administratiewe orgaan lê die aansoek dan voor op die voorgeskrewe wyse aan sy metropolitaanse owerheid, betrokke munisipaliteite in die metropolitaanse gebied, die betrokke forum en betrokke skakelkomitees vir aanbevelings.
- (4) By die verskaffing van aanbevelings moet metropolitaanse owerhede verseker dat die aansoek in ooreenstemming is met betrokke vervoerplanne en ander relevante vervoer- en grondgebruiksplanne, en moet hy faktore oorweeg soos behoeftes of aanvraag op 'n roetebasis, beskikbaarheid van staanplekke, verkeer en ander metropolitaanse of plaaslike oorwegings.
- (5) As geen forum of skakelkomitee met betrekking tot 'n roete of gebied op die betrokke tydstip bestaan nie, lê die vervoer bedryfslisensie administratiewe orgaan die aansoek vir kommentaar en aanbevelings voor aan alle betrokke verenigings, tensy die vereniging alreeds op die aansoekvorm kommentaar gelewer het.
- (6) Die vervoer bedryfslisensie administratiewe orgaan win alle verdoë in en lê dit voor aan die Raad saam met die aansoekvorm en ander stawende stukke vir 'n beslissing.
- (7) Waar die voorgestelde vervoer ook in die metropolitaanse gebied van 'n ander vervoer bedryfslisensie administratiewe orgaan sal plaasvind, moet die eerste vervoer bedryfslisensie administratiewe orgaan die aansoek na die ander vervoer bedryfslisensie administratiewe orgaan verwys, wat die stappe moet

doen soos beoog in subartikels (3) tot (6) en die aansoek met betrokke aanbevelings dan na die eerste vervoer bedryfslisensie administratiewe orgaan terugstuur.

- (8) Waar die raad van 'n ander provinsie 'n aansoek na die Raad verwys het vir kommentaar met betrekking tot 'n aansoeker wat in 'n ander provinsie gebaseer is, moet die Raad die aansoek na die betrokke vervoer bedryfslisensie administratiewe orgaan verwys sodat laasgenoemde kommentaar en aanbevelings kan inwin soos beoog in subartikel (3).

DEEL 6: BEDRYFSLISENSIES

35. Omskeppig van permitte in bedryfslisensies

- (1) Permitte bly geldig tot 'n datum kragtens artikel 32(2) van die Nasionale Wet bepaal.
- (2) Permitte word omskep in bedryfslisensies wat kragtens die ooreenstemmende bepalings van hierdie Wet uitgereik word, voor of op die datum gemeld in subartikel (1), by gebreke waarvan dit verval.
- (3) Permitte wat nie vir die tydperk wat die LUR deur middel van kennisgewing in die *Provinsiale Koerant* bepaal, gebruik is nie, word nie omskep in bedryfslisensies nie en verval op die datum gespesifiseer in sodanige kennisgewing.
- (4) In die geval van 'n permit wat vir 'n bepaalde tydperk uitgereik is, is die bedryfslisensie vir die onverstreke deel van die geldigheidsduur van die permit geldig.
- (5) In die geval van 'n permit wat vir 'n onbepaalde tydperk uitgereik is, is die bedryfslisensie ook geldig vir 'n onbepaalde tydperk, behoudens die bepalings van hierdie Wet met betrekking tot intrekking, opskorting, wysiging en verval van permitte en bedryfslisensies.
- (6) 'n Permit word nie in 'n bedryfslisensie omskep nie tensy 'n geldige padwaardigheidsertifikaat vir die betrokke voertuig voorgelê is, en artikel 5(4) is in hierdie verband van toepassing.
- (7) Permitte vir geskeduleerde dienste wat bedryf binne 'n bepaalde gebied magtig, word omskep in bedryfslisensies wat elke roete in detail, en die tydtafels vir sodanige roetes, beskryf.
- (8) Permitte vir geskeduleerde dienste wat ooreenkomstig tussentydse kontrakte en lopende tenderkontrakte verskaf word, word omskep in bedryfslisensies wat spesifiek is tot sodanige kontrakte.
- (9) Permitte vir nie-geskeduleerde dienste, behalwe gemeterede taxi en tuk-tukdienste, wat bedryf binne 'n bepaalde gebied of radius magtig, word omskep in bedryfslisensies wat die roete of roetes in detail beskryf, maar 'n bepaalde gebied in buitengewone omstandighede kan magtig, soos in die geval van informele nedersettings waar geen omskrewe paaie bestaan nie.
- (10) Permitte vir gemeterde taxidienste word omskep in bedryfslisensies wat 'n bepaalde bedryfsgebied vir die optel van passasiers spesifiseer, behoudens artikel 8.
- (11) Aansoeke kragtens subartikel (2) word volgens die voorgeskrewe prosedure en op die voorgeskrewe wyse ingedien.

36. Dienskontrakte

- (1) 'n Kontrakterende owerheid sluit nie 'n gesubsidieerde dienskontrak nie tensy 'n tender ooreenkomstig regsuiers deur die LUR uitgevaardig, aanvaar is nie, behoudens die Nasionale Wet.
- (2) Subartikel (1) geld ook vir nie-gesubsidieerde dienskontrakte, tensy die LUR bepaalde dienste of kontraktipes van die toepassing van genoemde voorskrif by kennisgewing in die *Provinsiale Koerant* uitgesluit het.
- (3) Kontrakte word deur die Departement of die betrokke vervoerowerheid ooreenkomstig sy vervoerplanne toegeken, behoudens artikel 39(5), wat met die nodige aanpassings van toepassing is.

37. Verval en kansellasië van bedryfslisensies en permitte in verhouding met kontrakte

- (1) Wanneer 'n kontrak eindig verval alle permitte of bedryfslisensies waarkragtens die dienste volgens die kontrak verskaf is op die datum van beëindiging en moet dit binne sewe dae nadat dit verval het, by die Raad oorgelê word.
- (2) Wanneer tenders vir 'n gesubsidieerde dienskontrak aangevra word—
 - (a) kan 'n operateur nie vir so 'n kontrak tender nie tensy die operateur alle permitte en bedryfslisensies wat deur sodanige operateur gehou word, wat bedryf op die roets betrokke by sodanige dienste magtig, aan die Raad oorgelê het vir kansellasië;
 - (b) moet die Raad op versoek van die kontrakterende owerheid enige permit of bedryfslisensie intrek wat dienste op die roetes betrokke by sodanige kontrak magtig, mits die houer ooreenkomstig die riglyne beoog in artikel 51(4) van die Nasionale Wet vergoed word.
- (3) Geen vergoeding is ten opsigte van die kansellering van 'n bedryfslisensie of permit kragtens paragraaf (a) van subartikel (2) betaalbaar nie.

38. Aansoeke betreffende bedryfslisensies

- (1) As 'n vervoerplan 'n behoefte vir bykomende dienste op 'n roete toon, kan die vervoerowerheid aansoeke om bedryfslisensies om openbare padpassasiersvervoerdienste op daardie roete te verskaf, wat nie aan 'n kontrak onderhewig is nie, aanvra.
- (2) 'n Persoon of instelling wat openbare padpassasiersvervoerdienste, behalwe 'n diens beoog in artikel 52(1), wil onderneem, moet by die Raad aansoek doen om die toestaan van die toepaslike bedryfslisensie.
- (3) 'n Houer kan by die Raad aansoek doen om die hernuwing of wysiging van 'n bedryfslisensie.
- (4) 'n Persoon of instelling wat oordrag van 'n bedryfslisensie wil neem, kan, met die skriftelike instemming van die houer, by die Raad aansoek doen om oordrag van die bedryfslisensie.
- (5) Aansoeke kragtens subartikels (1), (2), (3) of (4)—
 - (a) word gerig op die basis van een aansoek per voertuig;
 - (b) word op die voorgeskrewe wyse gerig;
 - (c) word op die voorgeskrewe vorm gerig;
 - (d) word saam met die voorgeskrewe gelde en die koste van die publisering

- van die aansoek ingevolge artikel 42, soos deur die Raad geskat, ingedien, behalwe dat geen gelde betaalbaar is waar die bedryfslisensie op 'n kontrak gebaseer gaan word nie;
- (e) spesifiseer die voertuig wat gebruik gaan word om die betrokke dienste te verskaf;
 - (f) word in die geval van 'n ingerigte ligte afleweringvoertuig saam met die voorgeskrewe besonderhede van die spesifikasies van die voertuig, ingedien;
 - (g) sluit in 'n gedetailleerde beskrywing van die roete of roetes waarop die aansoeker bedryf of voornemens is om te bedryf, asook alle punte waar passasiers opgetel of afgelaai word of sal word;
 - (h) word by die vervoer bedryfslisensie administratiewe orgaan ingedien wat vir die betrokke metropolitaanse gebied gestig is.
- (6) Die aansoekvorm met betrekking tot aansoeke beoog in subartikels (1), (2) en (3) in die geval van minibus taxi-tipe dienste maak voorsiening vir aanbevelings van die taxivereniging wat op die roete, roetes of netwerk bedryf, waarvan die aansoeker 'n lid is, wat voor indiening van die aansoek deur die vereniging voltooi moet word, of 'n verklaring wat aandui dat 'n vereniging nie bestaan nie of dat die aansoeker 'n geregistreerde nie-lid is.
- (7) Aansoekers moet op die aansoekvorm onder eed of bevestiging verklaar of hulle aan misdrywe van die voorgeskrewe aard skuldig bevind is, en, indien wel, die skuldigbevindings lys en verklaar of hulle of hulle eggenote, eggenotes, metgeselle, huisgesinne, afhanklikes, besigheidsvennote of werkgewers gemagtide beamptes is of amptenare is van die Staatsdiens of Provinsiale Administrasie of van 'n munisipale administrasie.
- (8) (a) Die Raad lê aansoeke om nie-gekontrakteerde dienste voor aan die betrokke metropolitaanse vervoerforum beoog in artikel 87 vir aanbevelings, op die voorgeskrewe wyse, voordat die aansoek afgehandel word.
- (b) Waar 'n raad of forum wat deur die LUR erken is, vir die soorte dienste wat van toepassing is, bestaan, moet die metropolitaanse vervoerforum daarmee op die voorgeskrewe wyse oorleg pleeg voor hy sy aanbevelings aan die Raad voorlê.
- (9) Die Raad kan, op aansoek op die voorgeskrewe wyse en teen betaling van die voorgeskrewe gelde, 'n tussentydse bedryfslisensie vir hoogstens 60 dae uitreik waar 'n kontrak aan die aansoeker deur 'n Staatsorgaan toegestaan is en die betrokke bedryfslisensie beoog in artikel 39(1) teen die aanvangsdatum van die kontrak nog nie uitgereik is nie.
- (10) Op aansoek deur die houer van 'n permit of bedryfslisensie reik die Raad uit, op die voorgeskrewe wyse en teen betaling van die voorgeskrewe gelde, 'n afskrif van 'n permit of bedryfslisensie, gesertifiseer deur 'n beampte van die Raad, vir gebruik deur die houer ingevolge artikel 47(b), waar 'n aansoek om oordrag of wysiging daarvan by die Raad ingedien en hangende is.

39. Afhandeling van 'n aansoek om 'n bedryfslisensie

- (1) (a) Waar 'n kontrak aan 'n tenderaar toegeken is sal die tenderaar geregtig wees op die uitreiking van 'n bedryfslisensie vir elke voertuig wat die dienste sal bedryf wat deur die kontrak gemagtig is, en moet die

tenderaar op die voorgeskrewe wyse aansoek doen by die Raad om so 'n bedryfslisensie vir die termyn van die kontrak.

(b) Geen aansoekgelde is betaalbaar ten opsigte van so 'n aansoek nie.

- (2) 'n Beampte van die Raad vir dié doel deur die Raad aangewys is geregtig om bedryfslisensies beoog in subartikel (1) uit te reik, ondanks teenstrydige bepalings elders in hierdie Wet.
- (3) Die Raad reik nie 'n nuwe bedryfslisensie uit en wysig nie 'n bedryfslisensie nie wat die gevolg sal hê om die dienste wat daarkragtens verskaf word, te vermeerder, tensy die betrokke vervoerplanne 'n behoefte vir die diens op die betrokke roete aandui, behoudens subartikel (5).
- (4) As 'n betrokke plan 'n behoefte vir die diens waarvoor aansoek gedoen is, aandui, moet die Raad die aansoek toestaan, behoudens voorwaardes wat ingevolge die plan opgelê word, tensy die Raad van oordeel is, met verwysing na die aangeleenthede gelys in paragrawe (a) tot (d) van subartikel (7), dat die aansoeker of voertuig nie bevoeg of geskik is om die diens te verskaf nie.
- (5) As planne nog nie voorberei of afgehandel is nie, moet die Raad oorweging skenk aan die aangeleenthede gelys in paragrawe (a) tot (j) van subartikel (7) by die besluit of 'n aansoek toegestaan of geweier moet word.
- (6) As die Raad meer aansoeke om bedryfslisensies ontvang as wat hy kragtens 'n betrokke plan mag toestaan, word voorkeur verleen aan aansoekers om hernuwing van hulle bedryfslisensies, en, as die plan addisionele dienste kan akkommodeer, moet die Raad die aangeleenthede gelys in paragrawe (a) tot (j) van subartikel (7) oorweeg by die afhandeling van die aansoeke.
- (7) By die besluit om 'n aansoek om die toestaan, hernuwing of wysiging van 'n bedryfslisensie om 'n nie-gekontraakteerde diens te bedryf, goed te keur al dan nie en by bepaling van die voorwaardes wat by die bedryfslisensie opgelê moet word, moet die Raad—
 - (a) oorweging skenk aan en optree ooreenkomstig die behoeftes van die voervoerowerheid met betrekking tot sy voervoerplanne, indien enige, en sy aanbevelings in daardie verband, indien enige; en
 - (b) moet hy in ag neem—
 - (i) of die voertuig waarop die bedryfslisensie betrekking het geskik is vir die diens wat bedryf sal word met verwysing na die fabrikaat, model, vervaardigingsjaar, toestand, kapasiteit en aanvaarbaarheid daarvan;
 - (ii) of, na die oordeel van die Raad of kriteria, soos voorgeskryf, die aansoeker oor die vermoë beskik om die diens waarvoor die bedryfslisensie gebruik sal word, op 'n wyse bevredigend vir die publiek te verskaf;
 - (iii) alle verdoë behoorlik ten opsigte van die aansoek gerig;
 - (iv) relevante vorige veroordelings vir oortredings gepleeg deur die aansoeker na die Raad se oordeel of in terme van kriteria soos voorgeskryf;
 - (v) die grootte van die aansoeker se besigheid, waar voorkeur aan kleiner sakeondernemings verleen word;
 - (vi) die feit dat die aansoeker voorheen benadeel is, waar voorkeur aan vorige benadeelde persone verleen word;
 - (vii) die aantal permitte en bedryfslisensies wat reeds deur die aansoeker gehou word, waar voorkeur aan houers van geen of minder permitte en bedryfslisensies verleen word;

- (viii) die tydperk wat die houër 'n diensverskaffer was, waar voorkeur verleen word aan houers wat die langste diens verskaf het;
 - (ix) as die Raad aldus besluit, 'n staanpleklisensie of soortgelyke magtiging uitgeriek kragtens munisipale verordeninge wat die gebruik van 'n staanplek of rangeerplek magtig, of aanbevelings van betrokke munisipaliteite dat staanplek beskikbaar is;
 - (x) ander faktore wat, na die Raad se oordeel, die wenslikheid om die aansoek toe te staan of af te keur, kan beïnvloed.
- (8) Die Raad oorweeg nie 'n aansoek om 'n bedryfslisensie van 'n werknemer van die vervoerowerheid, van 'n wetstoepassingsowerheid of van 'n firma wat verantwoordelik is vir die monitering van openbare padpassasiersvervoerdienste in die gebied nie.
- (9) Ondanks ander bepalings van hierdie Wet kan 'n beampte van die Raad 'n aansoek toestaan om 'n ander voertuig met dieselfde of minder kapasiteit in terme van 'n bedryfslisensie te vervang mits die voertuig in 'n kategorie val wat vir die betrokke diens uit hoofde van Bylae A gebruik kan word, nadat die beampte—
- (a) oorweeg het of die nuwe voertuig geskik is vir die diens wat deur die bedryfslisensie gemagtig is en dat 'n geldige padwaardigheidsertifikaat vir die voertuig uitgereik is, behoudens artikel 5(4); en
 - (b) toegesien het dat die aansoeker die voorgeskrewe inligting verskaf het, en so 'n aansoek hoef nie in terme van artikel 42 gepubliseer te word nie.
- (10) Die Raad kan weier om 'n aansoek vir die toestaan, hernuwing, wysiging of oordrag van 'n bedryfslisensie te oorweeg indien hy 'n vorige aansoek oorweeg en geweier het wat na sy oordeel dieselfde of in hoofsaak dieselfde oogmerk gehad het as eersgenoemde aansoek, welke vorige aansoek ontvang is binne die tydperk van ses maande wat die datum voorafgaan waarop eersgenoemde aansoek ontvang is.
- (11) By die toestaan van 'n aansoek kan die Raad voorwaardes oplê wat nie teenstrydig is met hierdie Wet of die Nasionale Wet nie.

40. Interprovinsiale vervoer

- (1) Aansoeke met betrekking tot interprovinsiale vervoer moet by die Raad ingedien word indien die betrokke diens in Gauteng, of in Gauteng sowel as 'n ander provinsie, begin.
- (2) By die toepassing van hierdie artikel word diens geag op 'n plek te begin waar persone opklim op 'n motorvoertuig deur middel waarvan die vervoer uitgevoer word, ten einde na 'n ander plek vervoer te word, en op daardie ander plek te eiendig.
- (3) Waar daar twyfel is oor die plek waar die diens begin, moet aansoek gedoen word in die provinsie waar die betrokke motorvoertuig geregistreer is.
- (4) Die Raad staan nie 'n aansoek toe om 'n bedryfslisensie wat diens magtig wat in 'n ander provinsie begin nie, of om die hernuwing of oordrag van so 'n bedryfslisensie, of om wysiging van 'n bedryfslisensie wat die lewering van diens in 'n ander provinsie raak nie, sonder die instemming van die owerheid wat in die ander provinsie gestig is om bedryfslisensies aldaar uit te reik.
- (5) As die Raad by 'n verwysing beoog in subartikel (4) nie in staat is om die nodige terugvoer te kry vanaf die owerheid wat in 'n ander provinsie gestig is om bedryfslisensies uit te reik nie, of nie in staat is om binne die voorgeskrewe

tydperk die instemming van die ander Raad te kry nie, moet die Raad die aangeleentheid as 'n appel verwys na die Vervoerappèltribunaal gestig deur die Wet op die Vervoerappèltribunaal op die wyse wat in daardie Wet voorgeskryf is.

- (6) Appèlle betreffende interprovinsiale dienste word gerig na die Vervoerappèltribunaal soos vereis deur die Wet op die Vervoerappèltribunaal.
- (7) By interprovinsiale dienste moet passasiers by hulle vertrekpunte en eindpunte op- of afgelaai word tensy daar geen alternatiewe diens is tussen sodanige vertrek- of eindpunte en die op- of aflaaipunt, of, in die geval van minibus taxi-tipe dienste, die betrokke verenigings wie se lede op die roete of roetes bedryf tot die teendeel ingestem het.

41. Oorgrenspadvervoer

Aansoeke om oorgrenspadvervoer vir internasionale dienste word gerig na die Reëlingskomitee ingevolge die Wet op Oorgrenspadvervoer, 1998 (Wet No. 4 van 1998) op die in daardie Wet voorgeskrewe wyse.

42. Publisering van 'n aansoek met betrekking tot 'n bedryfslisensie

- (1) Behoudens subartikel (2) moet die Raad voor oorweging van 'n aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n bedryfslisensie, sodanige besonderhede van die aansoek laat publiseer in die nasionale *Staatskoerant* en ook op die voorgeskrewe wyse, as wat voorgeskryf mag word en kennis van sodanige aansoek op 'n kennisgewingbord by sy kantore toon vir die voorgeskrewe tydperk.
- (2) 'n Aansoek hoef nie kragtens subartikel (1) gepubliseer te word nie waar dit 'n aansoek is—
 - (a) om die besonderhede van dieselfde voertuig gespesifiseer in die bedryfslisensie te wysig; of
 - (b) wat gebaseer is op 'n kontrak beoog in artikel 39(1).
- (3) Waar 'n belanghebbende persoon vertoë aan die Raad wil rig om beswaar te maak teen 'n aansoek gepubliseer kragtens subartikel (1) of om dit te ondersteun, moet hy of sy dit op die voorgeskrewe wyse en binne die voorgeskrewe tydperk doen, en die Raad—
 - (a) moet toelaat dat 'n persoon wat binne die voorgeskrewe tyd vertoë gerig het om 'n aansoek te bestry, die aansoeker se aansoekvorm en bygaande dokumentasie by die Raad se kantore teen betaling van die voorgeskrewe gelde inspekteer; en
 - (b) kan op versoek van so 'n persoon hom of haar van afskrifte daarvan teen betaling van die voorgeskrewe gelde voorsien.
- (4) Die Raad moet die applikant dienooreenkomstig toelaat om by sy kantore gratis vertoë te inspekteer wat beswaar maak teen die aansoek of wat dit ondersteun, en om afskrifte te maak teen betaling van die voorgeskrewe gelde.

43. Geldigheidsduur en hernuwing van 'n bedryfslisensie

- (1) (a) Bedryfslisensies wat voertuie magtig om dienste ooreenkomstig kontrakte te bedryf word nie langer as die tydsduur en behoudens die terme en voorwaardes van die kontrak toegestaan nie.

- (b) By eindiging van die kontrak moet die bedryfslisensies wat daarop betrekking het binne sewe dae aan die Raad terugbesorg word.
- (2) Waar 'n kontrak tot 'n einde kom en 'n vervangende kontrak nie gesluit is nie of die reëlings in verband met laasgenoemde kontrak nog nie afgehandel is nie om die houer in staat te stel om die dienste betyds te begin, kan die Raad op versoek van die kontrakterende owerheid, die tydsduur van die betrokke bedryfslisensies verleng vir die tydperk soos deur sodanige owerheid aangevra.
- (3) Behoudens artikel 35(5) moet bedryfslisensies vir die bedryf van nie-gekontraakteerde dienste vir 'n vaste tydperk van nie langer as vyf jaar uitgereik word op aanbeveling van die vervoerowerheid, wat oorweging moet skenk aan—
- (a) huidige en beoogde tendense met betrekking tot aanvraag langs die roete of roetes of in die bepaalde gebied;
 - (b) doeltreffendheid van die voorgestelde dienste om aanvraag te bevredig;
 - (c) die bestaan van 'n kontrak vir dienste wat deur die dienste waarvoor aansoek gedoen is, beïnvloed kan word;
 - (d) die waarskynlikheid dat die bedryfslisensie waarvoor aansoek gedoen is nie meer in terme van betrokke vervoerplanne nodig mag wees nie; en
 - (e) die waarskynlikheid dat die dienste waarvoor aansoek gedoen is aan 'n tender onderhewig gestel mag word.
- (4) 'n Bedryfslisensie vir 'n nie-gekontraakteerde diens word nie hernu nie tensy die betrokke vervoerowerheid die hernuwing uit hoofde van die betrokke vervoerplanne aanbeveel het, behoudens subartikel (5).

44. Uitreiking van 'n bedryfslisensie en bepalinge daarvan

- (1) Behoudens subartikel (2) reik die Raad deur die betrokke vervoer bedryfslisensie administratiewe orgaan, en op die voorgeskrewe wyse, 'n bedryfslisensie uit wat hy kragtens hierdie Wet toegestaan, hernu, gewysig of oorgedra het, en in die geval van 'n aansoek om 'n nuwe bedryfslisensie, vir die voertuig gespesifiseer in die aansoekvorm.
- (2) Die Raad reik nie 'n bedryfslisensie uit nie tensy—
- (a) 'n geldige padwaardigheidsertifikaat uitgereik vir die betrokke voertuig op of na 'n datum bepaal op die voorgeskrewe wyse, aan hom voorgelê is, behoudens artikel 5(4); en
 - (b) die houer bewys tot bevrediging van die Raad voorgelê het dat die houer geregistreer is as 'n belastingbetaler ingevolge die Inkomstebelastingwet of kragtens daardie Wet nie verplig is om as sodanig te registreer nie.
- (3) Bedryfslisensies spesifiseer—
- (a) die naam en identiteitsnommer van die houer of sy registrasienommer in die geval van 'n maatskappy, beslote korporasie, trust of soortgelyke liggaam;
 - (b) die registrasienommer, fabrikaat, voertuigidentifikasienommer, vervaardigingsjaar, tipe en passasierskapasiteit van die voertuig waarvoor die bedryfslisensie toegestaan is;
 - (c) die soorte dienste waarvoor dit toegestaan is;
 - (d) die tydperk waarvoor dit toegestaan is;
 - (e) waar die bedryfslisensie toegestaan is vir 'n voertuig wat uit hoofde van

- 'n kontrak bedryf word—
- (i) die soort kontrak;
 - (ii) die kontrak se verwysingsnommer;
 - (iii) die name en adresse van die kontrakpartye;
- (f) waar die bedryfslisensie toegestaan is om 'n voertuig te magtig om 'n geskeduleerde diens te bedryf—
- (i) die punte waartussen en 'n gedetailleerde beskrywing van die roete of roetes of die bepaalde gebied waarvoor dit toegestaan is deur die straatname, padnommers, bakens of grondbeskrywings vir elke voorstad, dorp, stad of nedersetting te spesifiseer;
 - (ii) die betrokke tydtafels;
- (g) waar die bedryfslisensie toegestaan is om 'n voertuig te magtig om 'n minibus taxi-tipe diens te bedryf—
- (i) die punte waartussen en 'n gedetailleerde beskrywing van die roete of roetes of die bepaalde gebied waarvoor dit toegestaan is deur die straatname, padnommers, bakens of grondbeskrywings vir elke voorstad, dorp, stad of nedersetting te spesifiseer;
 - (ii) waar van toepassing, die gemagtigde optel- en aflaai-punte;
- (h) ander voorwaardes wat die Raad kragtens artikel 39(11) opgelê het, en
- (i) ander voorgeskrewe besonderhede.
- (4) Alle bedryfslisensies wat deur die Raad uitgereik is moet deur sy voorsitter onderteken word of deur 'n persoon wat skriftelik deur die voorsitter gemagtig is.
- (5) 'n Bedryfslisensie word nie uitgehuur nie tensy die voertuig ingevolge 'n subkontrak in terme van 'n nie-gesubsidieerde dienskontrak of 'n gesubsidieerde dienskontrak bedryf word.

45. Aantekeninge van bedryfslisensies

Die Raad hou by sy besigheidsplek aan 'n duplikaat-oorspronklike van elke bedryfslisensie wat hy uitreik, asook wysigings daarvan, en teken hy voorgeskrewe besonderhede daarvan en ook van die houer van die bedryfslisensie en van betrokke voertuie aan in die voorgeskrewe gerekenariseerde inligtingstelsel.

46. Tydelike vervanging van 'n voertuig waarop 'n bedryfslisensie of permit betrekking het

- (1) As 'n voertuig wat in terme van 'n bedryfslisensie of permit gebruik word, onklaar geraak het of tydelik nie gebruik word as gevolg van 'n botsing nie, kan die Raad of 'n lid daarvan deur die voorsitter aangewys, skriftelik vergunning verleen dat 'n ander motorvoertuig in sy plek gebruik word, behoudens subartikels (2) and (3).
- (2) Die passasierskapasiteit van die vervangende voertuig moet in 'n kategorie val wat kragtens Bylae A vir die betrokke diens gebruik kan word.
- (3) Die vervangende voertuig kan vir 'n vaste termyn nie langer as 42 dae gebruik word soos die Raad of lid bepaal, welke tydperk na die Raad se oordeel by verdere aansoek verleng kan word.
- (4) Die vervangende voertuig word gedurende die vervangingstydperk geag die voertuig waarvoor die bedryfslisensie of permit uitgereik is.

47. Pligte van die houer van 'n permit of bedryfslisensie

Die houer van 'n permit of bedryfslisensie moet—

- (a) die diens deur die permit of bedryfslisensie gemagtig ooreenkomstig sy voorwaardes en die toepaslike voervoerplanne bedryf;
- (b) die oorspronklike of duplikaat-oorspronklike van die permit of bedryfslisensie of die skriftelike vergunning beoog in artikel 46(1), of 'n afskrif beoog in artikel 38(10), en die houer se registrasiesertifikaat uitgereik kragtens artikel 66, in die voertuig hou en dit op aanvraag van 'n gemagtigde beampte toon: maar die Raad kan skriftelik gelas dat die bylaes by 'n permit of bedryfslisensie nie in die voertuig gehou hoef te word nie waar dit te lwig is;
- (c) die permit of bedryfslisensie en duplikaat-oorspronklikes daarvan in so 'n toestand hou dat alle letters en syfers daarop duidelik leesbaar is en, as die permit of bedryfslisensie beskadig raak of nie meer duidelik leesbaar is nie, 'n duplikaat op die voorgeskrewe wyse aanvra;
- (d) die naam, adres en aard van die houer se besigheid op die motorvoertuig te laat verskyn waarop die permit of bedryfslisensie betrekking het, op 'n sigbare plek op die voorgeskrewe wyse of 'n ander wyse wat die Raad in 'n bepaalde geval skriftelik mag goedkeur;
- (e) die ander besonderhede wat die Raad mag voorskryf, vertoon;
- (f) alle onderskeidingstekens ingevolge hierdie Wet uitgereik, op die voorgeskrewe wyse op die voertuig aanheg en aangeheg hou;
- (g) nie later as 30 dae voor verstryking van die permit of bedryfslisensie aansoek doen om hernuwing daarvan in die geval van 'n bedryfslisensie of, in die geval van 'n permit, vir omskepping van die permit in 'n bedryfslisensie, soos die geval mag wees, as hy of sy dit wil hernu of omskep;
- (h) toesien dat alle inligting vervat in die permit of bedryfslisensie op datum gehou word deur paslike ansoeke om wysiging daarvan;
- (i) 'n permit of bedryfslisensie wat gekanselleer of ingetrek is, of wat verval het, binne 14 dae aan die Raad terugbesorg;
- (j) in die geval van 'n langafstanddiens, 'n passasierslys in die betrokke voertuig hou met betrekking tot die passasiers wat vervoer word, op die voorgeskrewe wyse en in die die voorgeskrewe vormaat.

48. Magtiging verleen deur 'n bedryfslisensie

'n Bedryfslisensie wat kragtens hierdie Wet uitgereik is—

- (a) magtig nie die houer om vervoer op 'n openbare pad in die jurisdiksiegebied van 'n munisipaliteit te bedryf nie as dit ingevolge 'n ordonnansie, regulasie of verordening van sodanige munisipaliteit onwettig is nie;
- (b) stel die houer nie vry van die verpligting om te voldoen aan enige vereiste opgelê deur 'n wet, lisensie of permit deur 'n ander owerheid uitgereik nie.

49. Intrekking, opskorting of verandering van 'n permit of bedryfslisensie

- (1) As 'n bedryfslisensie op sterkte van 'n kontrak toegestaan is, moet die kontrakterende owerheid die Raad versoek om die bedryfslisensie in te trek waar die kontrak om enige rede beëndig is.
- (2) Behoudens subartikel (3), waar 'n bedryfslisensie of permit nie op sterkte van 'n kontrak toegestaan is nie, kan die Raad te eniger tyd die bedryfslisensie of

permit, intrek, opskort of wysig vir die tydperk wat hy goed ag, waar—

- (a) die houer van die bedryfslisensie of permit of 'n werknemer van die houer skuldig bevind is aan 'n misdryf ingevolge hierdie Wet of 'n wet met betrekking tot motorvoertuie of die regulering van verkeer of bedryfsveiligheid of arbeidsverhoudinge;
 - (b) die houer na die Raad se oordeel nie die voorwaardes van die bedryfslisensie of permit nagekom het nie;
 - (c) as die houer van die bedryfslisensie versuim het om die diens gemagtig deur die bedryfslisensie of 'n deel daarvan binne 90 dae na uitreiking van die bedryfslisensie in werking te stel nie; of
 - (d) as die houer van die bedryfslisensie of permit die diens of 'n deel daarvan vir 180 agtereenvolgende dae gestaak het.
- (3) Die Raad mag nie ingevolge subartikel (1) of (2) 'n bedryfslisensie of permit intrek of opskort nie tensy—
- (a) minstens 21 dae skriftelike kennis van sy voorneme om dit te doen, tesame met die redes daarvoor, per aangetekende of gesertifiseerde pos aan die houer gegee is;
 - (b) die houer geleentheid gegee is om òf persoonlik òf deur middel van 'n verteenwoordiger, voor die Raad te verskyn en getuienis aan te voer of vertoë te rig in verband met die voorgestelde optrede; en
 - (c) die vervoerowerheid, of as 'n vervoerowerheid nie gestig is nie, die betrokke munisipaliteit geleentheid gegee is om vertoë te rig en om alternatiewe reëlings te tref.

50. Kansellering van bedryfslisensies wat nie in gebruik gestel is nie

- (1) Waar die Raad agterkom dat 'n bedryfslisensie wat vanaf 'n permit oorgeskakel is, of 'n nuwe bedryfslisensie wat hy uitgereik het, nie binne 90 dae vanaf uitreiking daarvan in gebruik gestel is nie, moet die Raad deur skriftelike kennis die houer versoek om redes tot sy bevrediging en binne die tydperk gemeld in die kennisgewing aan te voer waarom—
 - (a) hy of sy nie die openbare padpassasiersvervoerdiens waarop die bedryfslisensie betrekking het nie begin het nie; en
 - (b) die Raad nie daardie bedryfslisensie moet kanselleer nie.
- (2) As die Raad met die redes wat verskaf is tevrede is moet hy die houer van daardie bedryfslisensie 'n verdere tydperk gee soos deur hom gespesifiseer, maar nie langer as 30 dae nie, om die bedryf van daardie diens te begin, en die houer skriftelik dienooreenkomstig in kennis stel.
- (3) As die Raad nie aldus tevrede is nie, of die houer versuim het om redes binne die tyd toegelaat in die kennisgewing aan te voer, moet die Raad die bedryfslisensie kanselleer en die houer skriftelik aldus in kennis stel en die houer gelas om die bedryfslisensie tesame met die onderskeidingstekens wat daarmee in verband staan binne sewe dae na die datum van die kennisgewing aan die Raad oor te lê.

51. Intrekking van surplus bedryfslisensies of permitte

As die Raad tevrede gestel is dat—

- (a) 'n vervoerowerheid deur 'n vervoerplan bepaal het dat daar 'n oorvoorsiening van dienste op 'n bepaalde roete, roetes of netwerk is; en

- (b) die vervoerowerheid met 'n houer wat op die roete, roetes of netwerk bedryf, in oorleg met die betrokke vervoerforums, onderhandel het met die oog op die kansellering van surplus bedryfslisensies;
 moet die Raad die betrokke bedryfslisensie of permit ingevolge artikel 51 van die Nasionale Wet intrek, mits 'n ooreenkoms met die houer gesluit is om hom of haar vir die verlies van ekonomiese voordele op 'n billike en redelike wyse te vergoed, welke vergoeding ooreenkomstig die riglyne kragtens artikel 51(4) van die Nasionale Wet bepaal, bereken is.

52. *Ad hoc*-magtigings

- (1) Niemand onderneem openbare padpassasiersvervoerdienste met betrekking tot 'n bepaalde gebeurtenis, soos 'n sportbyeenkoms, begrafnis of troue nie behalwe ingevolge die magtiging van 'n *ad hoc*-magtiging wat kragtens hierdie artikel uitgereik en voltooi is.
- (2) Subartikel (1) is nie van toepassing nie waar—
 - (a) 'n huurdiens ingevolge 'n toepaslike bedryfslisensie of permit bedryf sal word; of
 - (b) die operateur die diens in terme van 'n bedryfslisensie of permit sal verskaf wat alreeds die betrokke vervoer op die betrokke roete of in die betrokke gebied magtig.
- (3) 'n Houer kan by die Raad aansoek doen om die uitreiking, teen betaling van die voorgeskrewe gelde, van 'n reeks *ad hoc*-magtigings.
- (4) Die Raad nommer *ad hoc*-magtigings wat hy uitreik op 'n agtereenvolgende basis en hou 'n register van die magtigings met die naam van die houer aan wie dit uitgereik is.
- (5) Die betrokke houer moet, voordat dienste beoog in subartikel (1) 'n aanvang neem, 'n *ad hoc*-magtiging vir die betrokke rit voltooi op die voorgeskrewe wyse en die magtiging in die betrokke motorvoertuig hou te alle tye wanneer die diens onderneem word, en die magtiging op versoek van 'n gemagtigde beampte toon.
- (6) Die houer moet so spoedig moontlik, maar nie later as 72 uur na voltooiing van die betrokke dienste, 'n voltooide afskrif van die *ad hoc*-magtiging aan die Raad voorlê, en in die geval van 'n minibus taxi-tipe diens, ook aan die vereniging waaraan hy of sy 'n lid is, as die houer 'n lid van 'n vereniging is, en aan die betrokke geregistreerde vereniging, indien enige, wat op die betrokke roete of netwerk bedryf.
- (7) Die Raad kan weier om *ad hoc*-magtigings aan 'n houer uit te reik wat gereeld tydelike vervoerdienste onderneem sonder om die nodige magtigings te voltooi, of wat gereeld *ad hoc*-magtigings misbruik.
- (8) *Ad hoc*-magtigings moet in die voorgeskrewe formaat wees.
- (9) *Ad hoc*-magtigings kan slegs gebruik word vir passasiersvervoer vir eenmalige gebeurtenisse en, terwyl dit gebruik word—
 - (a) mag passasiers nie langs die roete op- of afgelaai word nie;
 - (b) moet die houer van die *ad hoc*-rit met dieselfde passasiers terugkeer; en
 - (c) mag die houer nie minibus taxi-tipe dienste plaaslik onderneem terwyl hy of sy wag vir passasiers nie.

53. Bedryfslisensies vir spesiale geleenthede

- (1) As die LUR kragtens artikel 93(2) opgetree het om roetes te sluit, kan die LUR die Raad aansê om aansoeke aan te vra om bedryfslisensies om spesiale geleentheidsdienste op daardie roetes te bedryf.
- (2) Aansoeke kragtens subartikel (1) word op die voorgeskrewe wyse en teen betaling van die voorgeskrewe gelde gedoen.
- (3) Die Raad oorweeg 'n aansoek wat kragtens subartikel(1) aan hom gerig is en kan na sy oordeel die aansoek in geheel of gedeeltelik goedkeur, in beide gevalle behoudens die voorwaardes wat die Raad mag oplê, of die aansoek afkeur.
- (4) Bedryfslisensies vir spesiale geleenthede word vir 'n vaste tydperk, wat nie 21 dae te bowe gaan nie, uitgereik.
- (5) Die Raad kan sy bevoegdhede kragtens hierdie artikel aan 'n lid of beampte van die Raad delegeer.

54. Sekere tariefverhogings voor aansoek om wysiging van betrokke permit of bedryfslisensie

As 'n permit of bedryfslisensie wat vervoer teen vergoeding magtig, bepaal dat die houer moet voldoen aan 'n voorwaarde dat die vervoer teen tariewe wat die Raad goedgekeur of vasgestel het, onderneem moet word, kan daardie houer te eniger tyd na styging van die prys van petroleumbrandstof in die Republiek die tariewe verhoog met soveel, maar nie meer as 10%, as wat die houer in staat sal stel om sy of haar verhoogde uitgawe aan petroleumbrandstof wat regstreeks deur daardie styging veroorsaak word, mits die houer binne 10 dae na die inwerkingtreding van die aldus verhoogde tariewe, by die Raad aansoek doen kragtens hierdie Wet om 'n gepaste wysiging van die betrokke permit of bedryfslisensie.

DEEL 7: GAUTENG OPENBARE PASSASIRSAPPÈLRAAD**55. Stigting, samestelling en funksies van Gauteng Openbare Passasiersappèlraad**

- (1) Die naam van die Provinsiale Vervoerkommissie gestig deur artikel 27 van die Gauteng Tussentydse Minibus Taxi-tipe Dienstewet word verander na die Gauteng Openbare Passasiersappèlraad en word geag 'n provinsiale vervoerappèlraad beoog in artikel 128(1) van die Nasionale Wet.
- (2) Die Appèlraad bestaan uit 'n voorsitter en minstens een ander lid aangestel deur die LUR—
 - (a) waarvan minstens een gepaste ondervinding in praktyk as 'n advokaat of prokureur het; en
 - (b) die ander wye ondervinding van of bekwaamheid aan die dag gelê het in verband met, openbare passasiersvervoer.
- (3) Die lede van sodanige Kommissie wat voor die inwerkingtreding van hierdie Wet aangestel is, behou hulle ampte as lede van die Appèlraad totdat hulle aanstellingstermyne verstryk, tensy die LUR so 'n aanstelling vroeër beeindig.
- (4) (a) Voordat lede van die Appèlraad aangestel word, publiseer die LUR 'n kennisgewing van die voorneme om dit te doen en versoek die LUR dat aansoeke om lidmaatskap ingedien word, in minstens een koerant wat

in die Provinsie sirkuleer, in Engels en minstens een ander amtelike taal wat algemeen in die Provinsie gebruik word.

- (b) Voordat so 'n lid aangestel word, publiseer die LUR op dieselfde wyse die name van die persone wat die LUR van voorneme is om by die Appèlraad aan te stel, en versoek die LUR dat kommentaar en vertoë met betrekking daartoe ingedien word.
 - (c) Die LUR moet kommentaar en vertoë wat aldus ontvang word behoorlik oorweeg.
- (5) 'n Persoon mag nie as 'n lid van die Appèlraad aangestel word of as sodanig aanbly nie as hy of sy—
- (a) of sy of haar eggenoot, eggenote, metgesel, huisgesin, afhanklikes, besigheidsvennoot of werkgewer 'n finansiële belang het by 'n openbare passasiersvervoerbesigheid of 'n gekose amptenaar is van 'n vereniging, of betrokke is by 'n bedrywigheid wat, na die oordeel die LUR, sal inmeng met die onpartydige uitvoer van die funksies van sy of haar amp nie;
 - (b) ly aan 'n regsonbevoegdheid;
 - (c) 'n ongerehabiliteerde insolvent is; of
 - (d) skuldig bevind is aan 'n misdryf wat oneerlikheid behels of van 'n openbare amp verwyder is as gevolg van wangedrag.
- (6) As die aanstelling van iemand as 'n lid van die Appèlraad oorweeg word, moet daardie persoon skriftelik aan die LUR enige belang uitwys wat hy of sy in enige deel van die openbare padpassasiersvervoerbedryf het, en as so 'n persoon in gebreke bly om dit te doen pleeg hy of sy 'n misdryf.
- (7) Die voorsitter van die Appèlraad word vir hoogstens drie jaar aangestel en ander lede van daardie raad vir hoogstens twee jaar, en, behoudens hierdie Wet, beklee hulle amp op voorwaardes betreffende besoldiging en andersins wat die LUR by hulle aanstelling bepaal.
- (8) As die amp van voorsitter of 'n lid van die Appèlraad vakant is of sal word, doen die LUR onverwyld stappe om die amp te vul deur die aanstelling, ooreenkomstig hierdie artikel, van 'n bekwame en geskikte persoon wat nie onderworpe is aan 'n diskwalifikasie gemeld in subartikel (5) nie.
- (9) Iemand kan as Raadslid heraangestel word as sy of haar ampstermyn verstryk het.
- (10) Behoudens die wette wat die Staatsdiens reguleer, voorsien die Hoof van die Departement die nodige personeel om die Appèlraad by die uitvoer van sy funksies by te staan.
- (11) Die Appèlraad se funksie is om appèlle met betrekking tot aansoeke vir intraprovisiale vervoer aan te hoor.

56. Bedanking, ontruiming en verwydering uit amp van lede van die Appèlraad

- (1) 'n Lid van die Appèlraad kan bedank deur twee maande vooruit skriftelike kennis aan die LUR te gee.
- (2) Die LUR kan 'n lid van die Appèlraad van sy of haar amp verwyder—
 - (a) wat versuim het om aan 'n voorwaarde van sy of haar aanstelling te voldoen;
 - (b) wat skuldig is aan onbetaamlike gedrag of gereeld sy of haar pligte as lid van daardie raad versuim het of versuim het om sodanige pligte

- regverdig en onpartydig uit te voer;
- (c) wat nie in staat is om sy of haar pligte as lid van daardie raad doeltreffend uit te voer nie;
- (d) wat sonder aanvaarbare rede versuim het om drie agtereenvolgende vergaderings van daardie raad by te woon.
- (3) 'n lid van die Appèlraad ontruim sy of haar amp as die lid ingevolge—
 - (a) artikel 55(5) gediskwalifiseer word;
 - (b) subartikel (2) van sy of haar amp verwyder word.

57. Bevoegdhede van die Appèlraad

- (1) Behoudens die ander bevoegdhede verleen deur hierdie Wet kan die Appèlraad ten einde te kan handel met 'n aangeleentheid wat kragtens hierdie Wet voor hom dien—
 - (a) na goeddunke, iemand wat geraak word of belang het by daardie aangeleentheid, of die behoorlike gemagtigde verteenwoordiger van so iemand, toelaat om voor hom te verskyn en—
 - (i) om getuienis af te lê of mondelinge verhoër te rig wat by die appèl ter sake is; of
 - (ii) om getuies te roep en getuienis aan te voer op enige vraag wat by die appèl ter sake is; of
 - (iii) om iemand wat getuienis by die appèl afgelê het, te ondervra;
 - (b) deur skriftelike kennisgewing soos voorgeskryf en op die voorgeskrewe wyse beteken, iemand aansê om voor hom te verskyn om getuienis af te lê of 'n boek, plan of ander stuk of voorwerp in sy of haar besit of onder sy of haar beheer oor te lê;
 - (c) iemand wat in of op die plek waar met genoemde aangeleentheid deur die Appèlraad gehandel word, aanwesig is, aansê om voor hom te verskyn om getuienis af te lê of 'n boek, plan of ander stuk of voorwerp wat die persoon by hom of haar het, oor te lê;
 - (d) iemand wat as 'n getuie voor hom verskyn, ondervra;
 - (e) weier om iemand aan te hoor wat as 'n getuie voor hom verskyn en wat weier om beëdig of bevestig te word.
- (2) Die persoon wat op 'n vergadering van die Appèlraad voorsit waarby iemand as 'n getuie verskyn soos in subartikel (1) beoog, kan 'n eed of bevestiging van die persoon wat aldus verskyn, afneem.
- (3) Die Appèlraad moet op versoek belanghebbende partye voorsien van skriftelike redes vir 'n besluit wat hy geneem het.

58. Vergaderings en besluite van die Appèlraad

- (1) Vergaderings van die Appèlraad word gehou ooreenkomstig voorgeskrewe prosedures, te voorgeskrewe tye en by voorgeskrewe lokale.
- (2) 'n Korum vir vergaderings van daardie raad bestaan uit die voorsitter en minstens een ander lid.
- (3) As die voorsitter van die Appèlraad nie in staat is om 'n vergadering van daardie raad by te woon nie, wys hy of sy 'n ander lid van daardie raad aan om by sodanige vergadering voor te sit.
- (4) 'n Besluit van die meerderheid lede van die Appèlraad wat by 'n vergadering teenwoordig is, is 'n besluit van daardie raad met betrekking tot bedoelde

verrigtinge en in die geval van gelyke stemme het die persoon wat by die vergadering voorsit 'n beslissende stem behoudens sy of haar gewone stem.

- (5) Geen handeling, opdrag of besluit van die Appèlraad word ongeldig geag nie bloot op grond daarvan dat, toe daardie handeling verrig of opdrag gegee of besluit geneem is, 'n vakature in daardie raad bestaan het of iemand wat volgens artikel 55(5) onbevoeg was om lid te wees wel so 'n lid daarvan was, hetsy daardie persoon se instemming tot die verrigting van daardie handeling of gee van daardie opdrag of neem van daardie besluit nodig was of nie.
- (6) Die Appèlraad hoor appèlle aan binne 60 dae nadat hy die appèlkennisgewing ontvang het en moet besluite daarop binne die voorgeskrewe tydperk aan alle betrokke partye bekend stel.

59. Appèl na Appèlraad teen besluit van Raad of Registrateur

- (1) Behoudens andersluidende bepalings van hierdie Wet en subartikel (2), kan iemand wat—
 - (a) by die Raad aansoek gedoen het om die toestaan, hernuwing, wysiging of oordrag van 'n permit of bedryfslisensie of wie se permit of bedryfslisensie deur die Raad ingetrek, verander of opgeskort is;
 - (b) die houer is van 'n permit of bedryfslisensie deur die Raad uitgereik;
 - (c) op die wyse en binne die tydperk voorgeskryf, verhoë aan die Raad gerig het; of
 - (d) by die Registrateur aansoek gedoen het om registrasie kragtens hierdie Wet, of die onderwerp was van 'n ondersoek wat die Registrateur uitgevoer het,

en deur 'n besluit van die Raad of Registrateur geraak word, kan, op die voorgeskrewe wyse en binne die voorgeskrewe tydperk na die Appèlraad appelleer.

- (2) Waar die Raad iemand van 'n besluit beoog in subartikel (1) deur middel van 'n skriftelike stuk in kennis stel, word die datum van daardie skriftelike stuk geag die datum te wees waarop die besluit gegee is.
- (3) Die Appèlraad moet 'n appèl wat behoorlik by hom aangeteken word, oorweeg en kan na goeë dunde—
 - (a) die appèl van die hand wys en die besluit bekragtig; of
 - (b) die appèl handhaaf, die besluit ter syde stel, en—
 - (i) die Raad se besluit vervang met 'n ander besluit; of
 - (ii) die aangeleentheid na die Raad terugverwys vir heroorweging; of
 - (c) die appèl gedeeltelik handhaaf en die besluit verander.
- (4) Die Appèlraad kan 'n aansoek om opskorting van die werking van 'n besluit van die Raad of Registrateur waarteen geappelleer word, goedkeur of afkeur, en sodanige aansoek word op die voorgeskrewe wyse en binne die voorgeskrewe tydperk gedoen.

DEEL 8: GAUTENG VERVOERREGISTRATEUR EN REGISTRASIE VAN VERENIGINGS EN OPERATEURS

60. Aanstelling van Gauteng Vervoerregistrateur en paneel van assessore

- (1) Die Provinsiale Registrateur aangestel kragtens artikel 4 van die Gauteng

- Tussentydse Minibus Taxi-tipe Dienstewet word geag die Gauteng Vervoerregistrator soos beoog in artikel 53(1) van die Nasionale Wet.
- (2) Die LUR kan 'n paneel van assessore aanstel bestaande uit die getal van sodanige assessore deur die LUR bepaal, om die Registrator met sy funksies by te staan en van raad te bedien, wat persone moet wees met wye ondervinding van, en bekwaamheid aan die dag gelê het in verband met, openbare passasiersvervoer.
 - (3) Die assessore wat voor die inwerkingtreding van hierdie Wet kragtens artikel 9 van die Gauteng Tussentydse Minibus Taxi-tipe Dienstewet aangestel is, behou hulle ampte as assessore totdat hulle aanstellingstermyne verstryk, tensy die LUR so 'n aanstelling vroeër beëindig.
 - (4)
 - (a) Voordat die Registrator of 'n assessor aangestel word, publiseer die LUR 'n kennisgewing van die voorneme om dit te doen en versoek die LUR dat aansoeke ingedien word, in minstens een koerant wat in die Provinsie sirkuleer, in Engels en minstens een ander amtelike taal wat algemeen in die Provinsie gebruik word.
 - (b) Voordat die Registrator of 'n assessor aangestel word, publiseer die LUR op dieselfde wyse die name van die persone wat die LUR van voorneme is om aan te stel, en versoek die LUR dat kommentaar en verhoë met betrekking daartoe ingedien word.
 - (c) Die LUR moet kommentaar en verhoë wat aldus ontvang word behoorlik oorweeg.
 - (5) 'n Persoon mag nie as Registrator of 'n assessor aangestel word of as sodanig aanbly nie as hy of sy—
 - (a) of sy of haar eggenoot, eggenote, metgesel, huisgesin, afhanklikes, besigheidsvennoot of werkgewer 'n finansiële belang het by 'n openbare padpassasiersvervoerbesigheid of 'n gekose amptenaar is van 'n vereniging, of betrokke is by 'n bedrywigheid wat, na die oordeel die LUR, sal inmeng met die onpartydige uitvoer van die funksies van sy of haar amp nie;
 - (b) ly aan 'n regsonbevoegdheid;
 - (c) 'n ongerehabiliteerde insolvent is; of
 - (d) skuldig bevind is aan 'n misdryf wat oneerlikheid behels of van 'n openbare amp verwyder is as gevolg van wangedrag.
 - (6) As die aanstelling van iemand as Registrator of assessor oorweeg word, moet daardie persoon skriftelik aan die LUR enige belang uitwys wat hy of sy in enige deel van die openbare padpassasiersvervoerbedryf het, en as so 'n persoon in gebreke bly om dit te doen pleeg hy of sy 'n misdryf.
 - (7) Die Registrator en assessore word vir hoogstens drie jaar aangestel en, behoudens hierdie Wet, beklee hulle amp op voorwaardes betreffende besoldiging en andersins wat die LUR by hulle aanstelling bepaal.
 - (8) As die amp van Registrator vakant is of sal word, moet die LUR 'n nuwe Registrator aanstel wat 'n regter of landdros is of was, of 'n prokureur of advokaat wat vir minstens vyf jaar aldus gepraktiseer het, of wat, na die oordeel van die LUR, 'n ekwivalente regsagtergrond of ondervinding het, om die funksies deur hierdie Wet aan die Registrator opgedra, uit te voer.
 - (9) As die amp van 'n assessor vakant is of sal word, moet die LUR 'n nuwe assessor aanstel wat wat iemand moet wees met ondervinding van, en bekwaamheid aan die dag gelê het in verband met, openbare padpassasiersvervoer.

- (10) Iemand kan as Registrateur of assessor heraangestel word as sy of haar ampstermyn verstryk het.
- (11) Die Hoof van die Departement voorsien die nodige personeel om die Registrateur by die uitvoer van sy of haar funksies by te staan, behoudens die wette wat die Staatsdiens reguleer.

61. Bedanking, ontruiming en verwydering uit amp van Registrateur en assessore

- (1) Die Registrateur of 'n assessor kan bedank deur twee maande vooruit skriftelike kennis aan die LUR te gee.
- (2) Die LUR kan die Registrateur of 'n assessor van sy of haar amp verwyder—
 - (a) wat versuim het om aan 'n voorwaarde van sy of haar aanstelling te voldoen;
 - (b) wat skuldig is aan onbetaamlike gedrag of gereeld sy of haar pligte as lid van daardie raad versuim het of versuim het om sodanige pligte regverdig en onpartydig uit te voer;
 - (c) wat nie in staat is om sy of haar pligte doeltreffend uit te voer nie;
 - (d) wat, in die geval van 'n assessor, sonder aanvaarbare rede versuim het om drie agtereenvolgende vergaderings van die assessors by te woon.
- (3) Die Registrateur of 'n assessor ontruim sy of haar amp as hy of sy ingevolge—
 - (a) artikel 60(5) gediskwalifiseer word;
 - (b) subartikel (2) van sy of haar amp verwyder word.

62. Pligte van die Registrateur

Die Registrateur moet—

- (a) oorweging skenk en 'n besluit neem oor aansoeke om registrasie van verenigings, lede en nie-lede kragtens hierdie Wet en registrasie aan dié wat kwalifiseer, toestaan;
- (b) op die voorgeskrewe wyse 'n register van geregistreerde verenigings, hulle lede, en nie-lede instel en op datum hou;
- (c) hou by die voorgeskrewe vorms van die register en sertifikate wat kragtens hierdie Wet gehou, in stand gehou of uitgereik moet word;
- (d) die voldoening deur geregistreerde verenigings en hul lede aan die bepalinge van voorgeskrewe standaard minimugrondwette of, in die geval van 'n nie-lid, aan die voorgeskrewe gedragskode, monitor;
- (e) die LUR op versoek voorsien van inligting met betrekking tot die Registrateur se funksies;
- (f) advies verskaf en bystand verleen aan aansoekers om registrasie;
- (g) 'n jaarverslag vir elke kalenderjaar aan die LUR voorlê oor vordering wat met die uitvoer van die Registrateur se funksies gemaak is;
- (h) op skriftelike versoek en teen betaling van die voorgeskrewe gelde, enige persoon van statistieke inligting vanuit die register voorsien, tensy sodanige inligting potensieel sensitief kan wees uit 'n kommersiële oogpunt of die besigheids- of kommersiële belange of bestaanbaarheid van 'n besondere persoon, organisasie of entiteit kan benadeel of direk of indirek kan lei tot die identifikasie van so 'n persoon, organisasie of entiteit;
- (i) oorweging skenk aan en 'n besluit neem oor die opskorting of

kansellasië van die registrasie van 'n vereniging of enige lid daarvan of enige nie-lid.

63. Bevoegdhede van die Registrateur

(1) Ten einde te kan handel met 'n aangeleentheid beoog in artikel 62(a) of (i) kan die Registrateur

(a) iemand wat geraak word of belang het by daardie aangeleentheid, of die behoorlike gemagtigde verteenwoordiger van so iemand, toelaat om voor die Registrateur te verskyn en—

(i) om getuienis af te lê of mondelinge verhoër te rig wat by die aangeleentheid ter sake is;

(ii) om getuies te roep en getuienis aan te voer op enige vraag wat by die verrigtinge voor die Registrateur ter sake is; of

(iii) om iemand wat getuienis by die verrigtinge afgelê het, te ondervra;

(b) 'n getuiedagvaarding in die voorgeskrewe vormaat uitreik en op die voorgeskrewe wyse beteken, wat iemand aansê om voor die Registrateur te verskyn om getuienis af te lê of 'n boek, plan stuk of ander aantekening of voorwerp, item of teenwerp in sy of haar besit of onder sy of haar beheer oor te lê;

(c) iemand wat in of op die plek waar die verrigtinge gehou word, aanwesig is, aansê om voor die Registrateur te verskyn om getuienis af te lê of 'n boek, plan, stuk of ander aantekening of voorwerp, item of teenwerp wat die persoon by daardie plek by hom of haar het, oor te lê;

(d) iemand wat as 'n getuie verskyn, ondervra;

(e) vereis dat enige mondelingse getuienis onder eed of bevestiging gegee word en, om daardie doel, 'n eed of 'n bevestiging van enige getuie afneem;

(e) weier om enige mondelingse getuienis of verhoër van enige persoon aan te hoor tensy die persoon ingesweer is of 'n bevestiging as 'n getuie gemaak het.

(2) Die Registrateur kan 'n eed of bevestiging aan die persoon wat voor hom of haar as getuie verskyn, afneem.

(3) Die Registrateur moet op versoek skriftelike redes aan belanghebbende partye verskaf vir 'n besluit wat hy of sy geneem het.

64. Vergaderings en besluite van die Registrateur en assessore

(1) Vergaderings van die Registrateur en assessore word gehou ooreenkomstig voorgeskrewe prosedures, te voorgeskrewe tye en by voorgeskrewe lokale.

(2) Besluite by sodanige vergaderings word eenstemmig geneem en die Registrateur het finale seggenskap by gebrek aan eenstemmigheid.

(3) Geen besluit by so 'n vergadering word ongeldig geag nie bloot op grond daarvan dat, toe daardie handeling verrig is, 'n vakature by die assessore bestaan het of iemand wat volgens artikel 60(5) onbevoeg was om 'n assessor te wees, as 'n assessor opgetree het.

65. Aansoek om registrasie

- (1) 'n Vereniging, lid of nie-lid wat geregistreer wil word moet by die Registrateur op die voorgeskrewe wyse en in die voorgeskrewe formaat, 'n aansoek om registrasie indien, tesame met die voorgeskrewe aansoekgelde, indien enige, en die inligting deur hierdie Wet en deur die Registrateur vereis.
- (2) Indien die Registrateur na oorweging van die aansoek en bevestiging van die inligting wat ingedien is, tevrede is dat die aansoeker voldoen het aan die nodige vereistes, moet die Registrateur die applikant registreer.
- (3) Indien die Registrateur na oorweging van die aansoek nie tevrede is dat die applikant aan die nodige vereistes voldoen het nie, moet die Registrateur die applikant in kennis stel van die vereistes waaraan nie voldoen is nie en kan die Registrateur bystand of advies aan die applikant verleen of voorsien om die applikant in staat te stel om aan die vereistes te voldoen.

66. Uitreik van sertifikate en onderskeidingstekens by registrasie

- (1) As 'n vereniging, lid of nie-lid geregistreer is, moet die Registrateur die voorgeskrewe besonderhede daarvan in die provinsiale vervoerregister aanteken, 'n registrasienommer aan die vereniging, lid of nie-lid toeken en 'n registrasiesertifikaat in die voorgeskrewe formaat, aan die vereniging, lid of nie-lid uitreik.
- (2) Die Registrateur moet ook 'n onderskeidingsteken, op die voorgeskrewe wyse en in die voorgeskrewe formaat, vir elke voertuig van die geregistreerde lid of nie-lid uitreik wat kragtens die magtiging van 'n toepaslike permit of bedryfslisensie gebruik word.

67. Verenigings, lede en nie-lede wat interprovinsiale vervoer onderneem

- (1) By registrasie van 'n vereniging, lid of nie-lid wat interprovinsiale vervoer onderneem, stuur die Registrateur 'n afskrif van die registrasiesertifikaat en alle geregistreerde besonderhede na die registrateur, of departement belas met verveoraangeleenthede, in elke provinsie waarna of waarvan die lede van die vereniging, of die nie-lid, dienste bedryf.
- (2) As die Registrateur deur die registrateur van 'n ander provinsie in kennis gestel word dat 'n vereniging, lid of nie-lid in daardie ander provinsie geregistreer is, moet die Registrateur sodanige feit, asook die besonderhede daarvan soos deur die ander registrateur verskaf, in sy of haar rekords aanteken.

68. Reservering van voorregte vir geregistreerde verenigings en operateurs

- (1) Bystand wat die Gauteng Provinsiale Regering aan verenigings en operateurs verleen mag slegs aan dié wat kragtens hierdie Wet geregistreer is, verleen word.
- (2) 'n Operateur of 'n verteenwoordiger van 'n vereniging mag nie op 'n taxiforum, of 'n soortgelyke verteenwoordigende liggaam wat deur hierdie Wet ingestel is, verteenwoordiging hê nie, tensy hy, sy of dit in terme daarvan geregistreer is nie.

DEEL 9: REGISTRASIE VAN MINIBUS TAXI-VERENIGINGS EN -OPERATEURS

69. Verpligte registrasie van verenigings, lede en nie-lede met betrekking tot minibus taxi-tipe dienste

Na 'n datum deur die LUR bepaal deur middel van kennisgewing in die *Provinsiale Koerant*, mag 'n operateur nie minibus taxi-tipe dienste onderneem nie en mag 'n vereniging nie as sulks sake doen nie, tensy hy, sy of dit kragtens hierdie Wet geregistreer is nie.

70. Verenigings en operators geregistreer kragtens Wet 11 van 1997

- (1) 'n Vereniging wat ten volle kragtens artikel 7 van die Gauteng Tussentydse Minibus Taxi-Tipe Dienstewet geregistreer is, word geag kragtens hierdie Wet geregistreer te wees.
- (2) Iemand wat ten volle kragtens artikel 7 van die Gauteng Tussentydse Minibus Taxi-tipe Dienstewet geregistreer is as 'n lid van 'n geregistreerde vereniging, of as 'n nie-lid, word geag kragtens hierdie Wet as sodanig geregistreer te wees.

71. Verkiesings en referendums

- (1) Die LUR kan 'n vereniging deur middel van 'n geskrewe kennisgewing aansê om 'n verkiesing te hou vir die vereniging se uitvoerende raad of om 'n referendum te hou oor aangeleenthede wat konflik of spanning binne die vereniging, of tussen die vereniging en 'n ander vereniging of vereenigings, veroorsaak, binne 'n tydperk gemeld in sodanige kennisgewing, en kan die LUR in die kennisgewing gelas dat die verkiesing of referendum onafhanklik gemonitor word deur—
 - (a) 'n persoon of persone aangestel en besoldig deur die LUR; of
 - (b) 'n persoon of persone aangestel en besoldig deur die vereniging op sy eie koste.
- (2) Die Registrateur kan die registrasie van 'n vereniging opskort of kanselleer indien hy versuim om te voldoen aan 'n lasgewing uitgereik kragtens subartikel (1).

72. Registrasie van verenigings

Die Registrateur staan registrasie toe aan 'n vereniging wat by aansoek die Registrateur tevrede stel—

- (a) dat dit vir 'n tydperk wat nie minder is as die minimum voorgeskrewe tydperk bestaan het;
- (b) dat sy getal lede voldoen aan die voorgeskrewe minimum;
- (c) dat die grondwet en gedragskode wat die vereniging voorgelê het deur elk van sy lede geteken en aanvaar is;
- (d) dat sodanige grondwet en gedragskode bestaanbaar is met en voldoen aan die voorgeskrewe voorskrifte;
- (e) dat die vereniging die ondersteuning van betrokke munisipaliteite en vervoerowerhede geniet;
- (f) dat elke lid van die vereniging 'n geldige permit of bedryfslisensie hou vir elke motorvoertuig wat hy of sy bedryf en dat sodanige bedryf binne die gesag daarvan val;

- (g) dat elke lid van die vereniging bewys tot bevrediging van die Registrateur gelewer het dat die lid geregistreer is as 'n belastingbetaler ingevolge die Inkomstebelastingwet of kragtens daardie Wet nie verplig is om as sodanig te registreer nie, en
- (h) dat alle inligting wat kragtens hierdie Wet of andersing deur die Registrateur vereis word, verskaf is en sodanige inligting op die voorgeskrewe wyse bevestig is.

73. Registrasie van lede van geregisteerde verenigings

As 'n vereniging geregistreer is moet die Registrateur elke lid daarvan in verband waarmee die vereiste inligting in die betrokke aansoekvorm verskaf is en wat 'n geldige en gepaste permit of bedryfslisensie hou, as 'n lid van daardie vereniging registreer.

74. Nuwe lede van geregisteerde verenigings

- (1) As 'n geregisteerde vereniging 'n nuwe lid tot lidmaatskap toegelaat het wat 'n gepaste permit of bedryfslisensie vir die betrokke roete of roetes hou, moet die vereniging die Registrateur binne 14 dae na sodanige toelating skriftelik in kennis stel en die Registrateur van die voorgeskrewe besonderhede van sodanige nuwe lid voorsien, waarop die Registrateur so 'n persoon as 'n lid van daardie vereniging moet registreer.
- (2) As 'n vereniging 'n operateur voorlopig tot lidmaatskap toegelaat het wat nie 'n gepaste permit of bedryfslisensie vir die betrokke roete of roetes hou nie, moet die vereniging die Raad binne 14 dae van sodanige toelating skriftelik in kennis stel en die Raad van die voorgeskrewe besonderhede voorsien.
- (3) 'n Operateur beoog in subartikel (2) moet binne 14 dae nadat hy of sy tot voorlopige lidmaatskap toegelaat is, aansoek doen om die gepaste bedryfslisensie, en bewys van die aansoek aan die Registrateur lewer.
- (4) Die feit dat 'n operateur voorlopig toegelaat is kragtens subartikel (2), of dat so 'n operateur aansoek gedoen het om 'n bedryfslisensie soos beoog in subartikel (3), magtig nie die operateur om 'n openbare padpassasiersvervoerdiens te bedryf nie.
- (5) Indien die Raad 'n gepaste bedryfslisensie aan so 'n voorlopig-toegelate lid uitreik, stel die Raad die Registrateur binne 14 dae in kennis en verskaf hy aan die Registrateur 'n afskrif van sodanige bedryfslisensie en die besonderhede van die lid wat die betrokke vereniging aan die Raad verskaf het.
- (6) By ontvangs van so 'n afskrif en besonderhede, registreer die Registrateur die persoon as 'n lid van die vereniging.
- (7) Indien so 'n voorlopig-toegelate operateur versuim om binne die tydperk in subartikel (3) toegelaat, aansoek te doen om die nodige bedryfslisensie, of as die Raad die operateur in kennis stel dat sodanige aansoek nie geslaag het nie, moet die vereniging die toelating van daardie operateur beëindig binne sewe dae nadat die tydperk gemeld in subartikel (3) verstryk het, of na ontvangs van sodanige kennisgewing, soos die geval mag wees.

75. Registrasie van nie-lede

- (1) 'n Nie-lid kwalifiseer vir registrasie en moet by aansoek daarvoor, geregistreer word waar die nie-lid—
- (a) die voorgeskrewe gedragskode aanvaar het; en
 - (b) 'n gepaste bedryfslisensie of permit hou vir elke voertuig deur middel waarvan die nie-lid 'n openbare padpassasiersvervoerdiens bedryf;
 - (c) die openbare padpassasiersvervoerdiens waarop sodanige bedryfslisensie of permit betrekking het, ingevolge die terme van en voorwaardes geheg aan, die permit of bedryfslisensie, bedryf; en
 - (d) bewys gelewer het tot bevrediging van die Registrateur dat die nie-lid geregistreer is as 'n belastingbetaler ingevolge die Inkomstebelastingwet of kragtens daardie Wet nie verplig is om as sodanig te registreer nie; en
 - (e) aansoek gedoen het om registrasie as 'n nie-lid as gevolg van die volgende oorsake:
 - (i) daar geen geregistreerde vereniging is met betrekking tot die roete of roetes, of, waar van toepassing, in die gebied waar die aansoeker se openbare padpassasiersvervoerdiens bedryf word; of
 - (ii) as daar wel so 'n geregistreerde vereniging is, as—
 - (aa) die aansoeker se aansoek om lidmaatskap van die vereniging afgekeur is;
 - (bb) die vereniging se toelatingsvereistes om lidmaatskap onbillik is;
 - (cc) die aansoeker nie redelik verwag kan word om 'n lid van die vereniging te word nie, in die lig van heersende omstandighede; of
 - (dd) daar 'n redelike suspisie is dat die aansoeker, indien hy of sy tot lidmaatskap van die vereniging toegelaat word, aan onbillike diskriminasie gewerp sal word.
- (2) As 'n nie-lid aansoek wil doen om 'n bedryfslisensie, moet die nie-lid eers by die Registrateur op die voorgeskrewe wyse in die die voorgeskrewe formaat aansoek doen om registrasie as 'n nie-lid.
- (3) Die Registrateur stel vas of die aansoeker wat kragtens subartikel (2) aansoek doen, voldoen aan die vereistes van subartikel (1), en, indien wel, 'n sertifikaat tot dien effekte aan die aansoeker uitreik vir voorlegging aan die Raad.
- (4) As die Raad 'n gepaste bedryfslisensie aan so 'n nie-lid toestaan en uitreik, moet die Raad die Registrateur binne 14 dae in kennis stel en die Registrateur voorsien van 'n afskrif van die bedryfslisensie.
- (5) By ontvangs van sodanige besonderhede registreer die Registrateur die nie-lid.

76. Dissiplinêre maatreëls

- (1) Die Registrateur kan die registrasie van 'n vereniging of operateur opskort of intrek waar hulle versuim het om aan hierdie Wet of aan die reëls bevat in die standaard minimumgrondwet, of gedragskode vir nie-lede, soos die geval mag wees, te voldoen, of vir ander gedrag wat as onbetaamlik voorgeskryf is.
- (2) Die Registrateur kan, by ontvangs van 'n klag, beskuldiging of bewering of op grond van inligting wat tot sy of haar kennis gekom het, 'n ondersoek op die

voorgeskrewe wyse instel.

- (3) Voor hy of sy 'n ondersoek uitvoer, moet die Registrateur 'n skriftelike waarskuwing aan die vereniging of operateur rig wat hom, haar of dit aansê om die versuim binne die tyd in die kennisgewing gemeld, reg te stel, welke tydperk nie minder as 21 dae mag wees nie.
- (4) As die ondersoek sodanige versuim of gedrag uitwys, kan die Registrateur—
 - (a) 'n boete oplê wat die voorgeskrewe bedrag nie oorskry nie;
 - (b) 'n skriftelike bevel, geteken deur die Registrateur, van tydelike opskorting van die registrasiesertifikaat uitstuur; of
 - (c) 'n skriftelike bevel, geteken deur die Registrateur, uitstuur ter intrekking van die registrasiesertifikaat.
- (5) Nadat hy of sy 'n bevel uitgereik het dat die naam van 'n vereniging of nie-lid van die Register geskrap moet word, moet die Registrateur 'n gesertifiseerde afskrif daarvan aan die Raad, en aan 'n senior amptenaar in 'n Staatsdepartement of -instelling wat voordele of bystand aan die vereniging of sy lede, of aan daardie operateur verleen het, aanstuur..

DEEL 10: REGISTRASIE VAN GEMETERDE TAXIVERENIGINGS EN - OPERATEURS

77. Registrasie van gemeterde taxiverenigings, lede en nie-lede

Artikels 69,73, 74 en 76 is van toepassing, met die nodig aanpassings, op die registrasie van gemeterde taxiverenigings, lede and nie-lede, waar in daardie artikels die uitdrukking "gemeterde taxidienste" gelees word vir die uitdrukking "minibus taxi-tipe dienste".

78. Registrasie van gemeterde taxiverenigings

Die Registrateur staan registrasie toe aan 'n gemeterde taxivereniging wat by aansoek die Registrateur tevrede stel—

- (a) dat dit vir 'n tydperk nie minder as die minimum voorgeskrewe tydperk bestaan het;
- (b) dat die grondwet en gedragskode wat die vereniging voorgelê het deur elk van sy lede geteken en aanvaar is;
- (c) dat sodanige grondwet en gedragskode bestaanbaar is met en voldoen aan die voorgeskrewe vereistes;
- (d) dat die vereniging die ondersteuning van betrokke munisipaliteite en vervoerowerhede geniet;
- (e) dat elke lid van die vereniging 'n geldige bedryfslisensie of permit hou vir elke motorvoertuig wat hy of sy bedryf en dat sodanige bedryf binne die gesag daarvan val;
- (f) dat elke lid van die vereniging in besit is van 'n geldige radiofrekwensielisensie;
- (g) dat elke lid van die vereniging bewys tot bevrediging van die Registrateur gelewer het dat die lid geregistreer is as 'n belastingbetaler ingevolge die Inkomstebelastingwet of kragtens daardie Wet nie verplig is om as sodanig te registreer nie, en
- (h) dat alle inligting wat kragtens hierdie Wet of andersins deur die Registrateur

vereis word, verskaf is en sodanige inligting op die voorgeskrewe wyse bevestig is.

79. Registrasie van nie-lede wat gemeterde taxidienste bedryf

- (1) 'n Nie-lid wat gemeterde taxi-dienste bedryf of wil bedryf kwalifiseer vir registrasie en moet by aansoek daarvoor, geregistreer word waar die nie-lid—
 - (a) die voorgeskrewe gedragskode aanvaar het;
 - (b) 'n gepaste permit of bedryfslisensie hou vir elke voertuig deur middel waarvan die nie-lid 'n gemeterde taxidiens bedryf;
 - (c) die gemeterde taxidiens waarop sodanige permit of bedryfslisensie betrekking het, ingevolge die terme van en voorwaardes geheg aan, die permit of bedryfslisensie;
 - (d) in besit is van 'n geldige radiofrekwensie-lisensie;
 - (e) bewys gelewer het tot bevrediging van die Registrateur dat die nie-lid geregistreer is as 'n belastingbetaler ingevolge die Inkomstebelastingwet of kragtens daardie Wet nie verplig is om as sodanig te registreer nie; en
 - (f) alle inligting wat kragtens hierdie Wet of andersins deur die Registrateur vereis word, verskaf is en sodanige inligting op die voorgeskrewe wyse bevestig is.
- (2) As 'n nie-lid aansoek wil doen om 'n bedryfslisensie, moet die nie-lid eers by die Registrateur op die voorgeskrewe wyse in die die voorgeskrewe formaat aansoek doen om registrasie as 'n nie-lid.
- (3) Die Registrateur stel vas of die aansoeker wat kragtens subartikel (2) aansoek doen, voldoen aan die vereistes van subartikel (1), en, indien wel, 'n sertifikaat tot dien effekte aan die aansoeker uitreik vir voorlegging aan die Raad.
- (4) As die Raad 'n gepaste bedryfslisensie aan so 'n nie-lid toestaan en uitreik, moet die Raad die Registrateur binne 14 dae in kennis stel en die Registrateur voorsien van 'n afskrif van die bedryfslisensie.
- (5) By ontvangs van sodanige besonderhede registreer die Registrateur die nie-lid.

80. Spesiale voorskrifte vir bestuurders van voertuie betrokke by gemeterde taxidienste

- (1) Vanaf 'n datum wat die LUR deur middel van 'n kennisgewing in die *Provinsiale Koerant* bepaal mag niemand 'n motorvoertuig bestuur wat gemeterde teaxidienste verskaf tensy die bestuurder die voorgeskrewe toetse op die voorgeskrewe wyse geslaag het, en die LUR of 'n munisipaliteit 'n sertifikaat tot dien effekte op die voorgeskrewe wyse en in die voorgeskrewe formaat aan hom of haar uitgereik het.
- (2) Die vereistes van subartikel (1) is benewens, en nie ter vervanging nie, van die vereistes van die Nasionale Padverkeerswet.

DEEL 11: REGISTRASIE VAN BUS-TIPE EN LUKSE BUS-TIPE VERENIGINGS EN OPERATEURS

81. Registrasie van verenigings, lede en nie-lede wat bus-tipe en luukse bus-tipe dienste bedryf

Artikels 69,73, 74 en 76 is van toepassing, met die nodige aanpassings, op die registrasie van verenigings, lede and nie-lede wat bus-tipe en luukse bus-tipe dienste bedryf, waar in daardie artikels die uitdrukking "bus-tipe dienste" of "luukse bus-tipe dienste", soos die geval mag wees, gelees word vir die uitdrukking "minibus taxi-tipe dienste".

82. Registrasie van verenigings van operateurs van bus-tipe en luukse bus-tipe dienste

Die Registrateur staan registrasie toe aan 'n vereniging van operateurs van bus-tipe en luukse bus-tipe dienste wat by aansoek die Registrateur tevrede stel—

- (a) dat dit vir 'n tydperk nie minder as die minimum voorgeskrewe tydperk bestaan het;
- (b) dat die getal lede voldoen aan die voorgeskrewe minimum;
- (c) dat die grondwet en gedragskode wat die vereniging voorgelê het deur elk van sy lede geteken en aanvaar is;
- (d) dat sodanige grondwet en gedragskode bestaanbaar is met en voldoen aan die voorgeskrewe vereistes;
- (e) dat die vereniging die ondersteuning van betrokke munisipaliteite en vervoerowerhede geniet;
- (f) dat elke lid van die vereniging 'n geldige bedryfslisensie of permit hou vir elke motorvoertuig wat hy of sy bedryf en dat sodanige bedryf binne die gesag daarvan val;
- (g) dat elke lid van die vereniging bewys tot bevrediging van die Registrateur gelewer het dat die lid geregistreer is as 'n belastingbetaler ingevolge die Inkomstebelastingwet of kragtens daardie Wet nie verplig is om as sodanig te registreer nie, en
- (h) dat alle inligting wat kragtens hierdie Wet of andersins deur die Registrateur vereis word, verskaf is en sodanige inligting op die voorgeskrewe wyse bevestig is.

83. Registrasie van nie-lede wat bus-tipe en luukse bus-tipe dienste bedryf

- (1) 'n Nie-lid wat bus-tipe of luukse bus-tipe dienste bedryf of wil bedryf kwalifiseer vir registrasie en moet by aansoek daarvoor, geregistreer word waar die nie-lid—
 - (a) die voorgeskrewe gedragskode aanvaar het;
 - (b) 'n gepaste permit of bedryfslisensie hou vir elke voertuig deur middel waarvan die nie-lid die bus-tipe of luukse bus-tipe diens bedryf;
 - (c) die dienste waarop sodanige bedryfslisensie of permit betrekking het, ingevolge die terme van en voorwaardes geheg aan, die permit of bedryfslisensie; en
 - (d) bewys gelewer het tot bevrediging van die Registrateur dat die nie-lid geregistreer is as 'n belastingbetaler ingevolge die Inkomstebelasting-

wet of kragtens daardie Wet nie verplig is om as sodanig te registreer nie.

- (2) As 'n nie-lid aansoek wil doen om 'n bedryfslisensie, moet die nie-lid eers by die Registrateur op die voorgeskrewe wyse in die die voorgeskrewe formaat aansoek doen om registrasie as 'n nie-lid.
- (3) Die Registrateur stel vas of die aansoeker wat kragtens subartikel (2) aansoek doen, voldoen aan die vereistes van subartikel (1), en, indien wel, 'n sertifikaat tot dien effekte aan die aansoeker uitreik vir voorlegging aan die Raad
- (4) As die Raad 'n gepaste bedryfslisensie aan so 'n nie-lid toestaan en uitreik, moet die Raad die Registrateur binne 14 dae in kennis stel en die Registrateur voorsien van 'n afskrif van die bedryfslisensie.
- (5) By ontvangs van sodanige besonderhede registreer die Registrateur die nie-lid.

DEEL 12: VERVOERFORUMS

84. Algemene bepalings

- (1) Die LUR kan groeperings van gebruikers of operateurs van openbare padpassasiersvervoerdienste, of bestuurders van voertuie wat vir sodanige dienste gebruik word, soos metropolitaanse taxirade, vir doeleindes van hierdie Deel, as teenwoordigend van gebruikers, operateurs of bestuurders, erken.
- (2) Benewens die forums en komitees deur hierdie Deel ingestel, kan die LUR die stigting van ander strukture voorskryf, óf om 'n bepaalde openbare padpassasiersvervoermodus óf 'n groepering van sodanige modusse te verteenwoordig.

85. Provinsiale Openbare Passasiersvervoerforum

- (1) Die LUR moet 'n Provinsiale Openbare Passasiersvervoerforum (POPVF) instel en daartoe lede aanstel waarvan, op die voorgeskrewe wyse, nie meer as—
 - (a) drie die Departement verteenwoordig;
 - (b) een elke metropolitaanse owerheid in die Provinsie verteenwoordig;
 - (c) twee die gemeenskappe wat die vervoerstelsel gebruik moet verteenwoordig;
 - (d) twee die minibus taxibedryf verteenwoordig en elk 'n lid moet wees van 'n metropolitaanse taxiforum of -raad;
 - (e) twee die gemeterde taxibedryf verteenwoordig en lede moet wees van 'n metropolitaanse vervoerforum;
 - (f) twee die busbedryf verteenwoordig en lede moet wees van 'n metropolitaanse vervoer- of busforum;
 - (g) een die spoorpendelbedryf verteenwoordig en 'n lid moet wees van 'n metropolitaanse vervoerforum;
 - (h) een elk van die volgende dienste moet verteenwoordig as die LUR van oordeel is dat die volume van sodanige dienste in die Provinsie dit regverdig:
 - (i) tuk-tukdienste;
 - (ii) onderwysdienste;

- (iii) toeristedienste;
 - (iv) huurdienste;
 - (v) personeeldienste;
 - (vi) hoflikheidsdienste;
 - (vii) luukse bus-tipe geskeduleerde dienste;
 - (viii) pendeldienste;
 - (i) een 'n lid van die Raad moet wees;
 - (j) twee erkende deskundiges in die openbare padpassasiersvervoerbedryf moet wees of persone met wye ondervinding van, of bekwaamheid aan die dag gelê het in verband met vervoer-, omgewings- of finansiële aangeleenthede;
 - (k) twee bestuurdersvakbonde moet verteenwoordig.
- (2) As 'n aangestelde verteenwoordiger nie beskikbaar is nie, kan die LUR sodanige verteenwoordiger vervang, maar sodanige vervanging mag nie permanent wees nie.
 - (3) Voor die LUR lede van die POPVF aanstel, moet hy nominasies van betrokke liggame of organisasies aanvra deur middel van 'n kennisgewing wat op die wyse wat die LUR bepaal, gestuur of gepubliseer word.
 - (4) As nominasies nie binne die tydperk in die kennisgewing gemeld ontvang word nie, kan die LUR, behoudens hierdie artikel, persone as lede van die POPVF aanstel soos wat die LUR goeddink.
 - (5) Die voorsitter van die POPVF is 'n amptenaar van die Department. Lede wys een van hulle getal as ondervoorsitter aan, wat die funksies van die voorsitter moet uitvoer as laasgenoemde nie beskikbaar is nie.
 - (6) Die POPVF bepaal prosedures by en frekwensie van sy vergaderings, maar vergader nie minder as een keer per kwartaal nie.
 - (7) 'n Lid van die POPVF ontruim sy of haar amp as hy of sy ingevolge subartikel (7) van sodanige amp verwyder word of deur middel van skriftelike kennis aan die LUR, bedank.
 - (8) Die LUR kan 'n lid van die POPVF van sy of haar amp verwyder wat—
 - (a) skuldig is aan onbetaamlike gedrag of gereeld sy of haar pligte as lid van die POPVF versuim het;
 - (b) nie in staat is om sy of haar pligte as lid van die POPVF doeltreffend uit te voer nie;
 - (c) sonder aanvaarbare rede versuim het om drie agtereenvolgende vergaderings van die POPVF by te woon;
 - (d) in so 'n mate ongesteld is om nie sy of haar pligte te kan uitvoer nie; of
 - (e) nie meer die organisasie of bedryf wat hy of sy aangestel is om te verteenwoordig, verteenwoordig nie.

86. Funksies van die Provinsiale Openbare Passasiersvervoerforum

Die funksies van die POPVF is om die LUR op sy versoek van raad te bedien oor die volgende onderwerpe in die Provinsie:

- (a) die doeltreffendheid van openbare passasiersvervoerbeleid en die verdere ontwikkeling van sodanige beleid;
- (b) die wyse waarop openbare passasiersvervoerbeleid uitgevoer word;
- (c) die koördinering van vervoer;
- (d) die behoefte aan bykomstige of wysigende wetgewing vir die realisering van openbare passasiersvervoerbeleid;

- (e) regstellende aksie, transformasie en veranderingsbestuur by instellings betrokke by openbare padpassasiersvervoer;
- (f) die inwin en verspreiding van openbare passasiersvervoerinligting;
- (g) kommunikasie tussen openbare passasiersvervoermodusse;
- (h) integrasie tussen openbare passasiersvervoermodusse, met inbegrip van deurkaartjies;
- (i) skakeling met passasiers en groeperings of instellings wat passasiers verteenwoordig, en die oorweging van klagtes en belange van passasiers.

87. Metropolitaanse vervoerforums

- (1) Elke metropolitaanse owerheid in die Provinsie moet 'n metropolitaanse vervoerforum (MVF) vir sy jurisdiksiegebied instel.
- (2) Van die lede van die MTF moet nie meer as—
 - (a) drie die betrokke metropolitaanse owerheid verteenwoordig, verkieslik van die departemente van die owerheid wat belas is met padvervoeraangeleenthede en beplanning;
 - (b) een die Departement verteenwoordig;
 - (c) twee die passasiers wat die vervoerstelsel in die gebied gebruik verteenwoordig;
 - (d) twee die minibus taxibedryf verteenwoordig en elk 'n lid moet wees van die betrokke metropolitaanse taxiraad of -forum;
 - (e) twee die gemeterde taxibedryf verteenwoordig;
 - (f) twee die busbedryf verteenwoordig;
 - (g) een die spoorpendelbedryf verteenwoordig;
 - (h) een bestuurdervakbonde moet verteenwoordig;
 - (i) een persone met ongeskikthede moet verteenwoordig;
 - (j) twee moet erkende deskundiges in die openbare padpassasiersvervoerbedryf wees of persone met wye ondervinding van, of bekwaamheid aan die dag gelê het in verband met vervoer-, omgewings- of finansiële aangeleenthede.
- (3) As 'n aangestelde verteenwoordiger nie beskikbaar is nie, kan die metropolitaanse owerheid sodanige verteenwoordiger vervang, maar die vervanging mag nie permanent wees nie.
- (4) Voor die metropolitaanse owerheid lede van die MVF aanstel, moet hy nominasies van betrokke liggeme of organisasies aanvra deur middel van 'n kennisgewing wat op die voorgeskrewe wyse, gestuur of gepubliseer word.
- (5) As nominasies nie binne die tydperk in die kennisgewing gemeld ontvang word nie, kan die metropolitaanse owerheid, behoudens hierdie artikel, persone as lede van die MVF aanstel soos wat hy goeddink.
- (6) Die metropolitaanse owerheid stel een van sy verteenwoordigers aan as voorsitter. Lede wys een van hulle getal as ondervoorsitter aan, wat die funksies van die voorsitter moet uitvoer as laasgenoemde nie beskikbaar is nie.
- (7) Die MVF vergader by tye en op die wyse en volgens prosedures soos voorgeskryf.
- (8) 'n Lid van die MVF ontruim sy of haar amp as hy of sy ingevolge subartikel (8) van sodanige amp verwyder word of deur middel van skriftelike kennis aan die betrokke munisipaliteit of vervoerowerheid, bedank.

- (9) Die metropolitaanse owerheid kan 'n lid van die MVF van sy of haar amp verwyder wat—
- (a) versuim het om aan 'n voorwaarde van sy of haar aanstelling te voldoen;
 - (b) skuldig is aan onbetaamlike gedrag of gereeld sy of haar pligte as lid van die MVF versuim het;
 - (c) nie in staat is om sy of haar pligte as lid van die MVF doeltreffend uit te voer nie;
 - (d) sonder aanvaarbare rede versuim het om drie agtereenvolgende vergaderings van die MVF by te woon;
 - (e) in so 'n mate ongesteld is om nie sy of haar pligte te kan uitvoer nie; of
 - (f) nie meer die organisasie of bedryf wat hy of sy aangestel is om te verteenwoordig, kan verteenwoordig nie.

88. Funksies van metropolitaanse vervoerforums

'n Metropolitaanse vervoerforum moet—

- (a) as skakel tussen die betrokke metropolitaanse owerheid, en die openbare padpassasiersvervoerbedryf dien;
- (b) optree as 'n meganisme om probleme en geskilpunte by die openbare padpassasiersvervoerbedryf op te los en om die beregting van geskille in die betrokke gebied te fasiliteer;
- (c) inligting oor nuwe verwickelinge en ander aangeleenthede wat die openbare passasiersvervoerbedryf aanraak, versprei;
- (d) insette gee by gesamentlike beleid en aksieplanne oor aangeleenthede soos, maar nie beperk nie, tot—
 - (i) vaardigheidsopleiding en -ontwikkeling;
 - (ii) regulering en beheer;
 - (iii) oplos van geskille;
 - (iv) reisgeldstrukture;
 - (v) bestuurder- en werknemerverhoudings en werksomstandighede;
 - (vi) modale integrasie;
 - (vii) inligting en databanke;
 - (viii) staanplekke, parkeerplekke, terminusse en ander fasiliteite en die ontwikkeling daarvan, en
 - (ix) veiligheidsaangeleenthede;
 - (x) skedulering van dienste.
- (e) insette gee by openbare padpassasiersvervoerbepanningsowerhede, die Raad en ander owerhede, en
- (f) ander funksies onderneem wat die LUR voorskryf of wat in munisipale verordeninge voorgeskryf is, of in riglyne gepubliseer deur die LUR of die metropolitaanse owerheid, aanbeveel is.

89. Metropolitaanse taxiforums

- (1) Elke metropolitaanse owerheid stig 'n metropolitaanse taxiforum.
- (2) Die volgende instansies word op die metropolitaanse taxiforum verteenwoordig op die voorgeskrewe wyse:
 - (a) die betrokke metropolitaanse owerheid;
 - (b) alle plaaskike taxiskakelkomitees in die gebied;

- (c) 'n verteenwoordiger van die taxiraad of soortgelyke instansie, as daar is, en as so 'n raad of instansie nie bestaan nie, alle geregistreerde taxiverenigings wat in die jurisdiksiegebied van sodanige owerheid bedryf;
 - (d) verteenwoordigers van instansies soos bestuurdervakbonde;
 - (e) verteenwoordigers van betrokke passasiersverenigings of -groeperings;
 - (f) ander persone en instansies soos voorgeskryf.
- (3) Die metropolitaanse taxiforum verkies een van sy lede as voorsitter.
- (4) Metropolitaanse taxiforums vergader by tye en op die wyse en volgens prosedures wat voorgeskryf word.

90. Funksies van metropolitaanse taxiforums

Metropolitaanse taxiforums moet—

- (a) as skakel dien tussen plaaslike regering en die taxibedryf in die gebied van die metropolitaanse owerheid;
- (b) as skakel dien tussen taxiverenigings;
- (c) optree as 'n meganisme om probleme en geskille by die taxibedryf op te los en om beregting van geskille te fasiliteer, en aktief vrede in die bedryf nastreef;
- (d) inligting oor nuwe verwickelinge en ander aangeleenthede by die taxibedryf te versprei;
- (e) insette gee by gesamentlike beleid en aksieplanne oor aangeleenthede soos, maar nie beperk nie, tot—
 - (i) vaardigheidsopleiding en -ontwikkeling;
 - (ii) regulering en beheer;
 - (iii) oplos van geskille;
 - (iv) reisgeldstrukture;
 - (v) bestuurder- en werknemerverhoudings en werksomstandighede;
 - (vi) modale integrasie;
 - (vii) inligting en databanke;
 - (viii) staanplekke en ander fasiliteite en die ontwikkeling daarvan, en
 - (ix) veiligheidsaangeleenthede.
- (f) insette gee by openbare padpassasiersvervoerbepanningsowerhede en ander owerhede;
- (g) toesien dat verenigings betrokke inligting aan hulle lede versprei;
- (h) toesien dat alle verenigings op die forum en betrokke plaaslike taxiskakelkomitees verteenwoordig word;
- (i) aanbevelings aan die Raad verskaf oor aansoeke om bedryfslisensies;
- (j) verdoë aan provinsiale en nasionale regering, deur die Provinsiale Openbare Passasiersvervoerforum, rig met betrekking tot bestaande of beoogde openbare passasiersbeleid en wetgewing, asook die aangeleenthede gemeld in paragraaf (e);
- (k) maatreëls oorweeg om winsgewendheid en ekonomie by by taxibedywighe te verbeter;
- (l) ander funksies onderneem soos in munisipale verordeninge voorgeskryf of in riglyne aanbeveel.

91. Plaaslike taxiskakelkomitees

- (1) Elke munisipaliteit behalwe 'n metropolitaanse owerheid stig 'n plaaslike taxiskakelkomitee met betrekking tot sy jurisdiksiegebied of vir 'n bepaalde gebied binne daardie gebied.
- (2) Die funksies van 'n plaaslike taxiskakelkomitee is om insette te gee by die betrokke metropolitaanse taxiforum met betrekking tot die aangeleenthede in artikel 90 gelys.
- (3) Die LUR kan regulasies uitvaardig wat die lidmaatskap en funksionering van sodanige skakelkomitees voorskryf, en prosedures vir sy vergaderings en die frekwensie daarvan, behoudens subartikel (4).
- (4) Lidmaatskap van plaaslike taxiskakelkomitees is beperk tot geregistreeerde plaaslik-gebaseerde verenigings en geregistreeerde nie-lede.

92. Stigting en werking van ander metropolitaanse of plaaslike skakelforums

'n Munisipaliteit kan 'n metropolitaanse of plaaslike skakelforum, soos die geval mag wees, vir ander openbare padpassasiersvervoerdienste of -modusse met betrekking tot sy jurisdiksiegebied stig.

DEEL 13: WETSTOEPASSING

93. Spesiale noodmaatreëls

- (1) Die LUR kan 'n gebied deur middel van 'n kennisgewing in die *Provinsiale Koerant* verklaar waarin die spesiale maatreëls beoog in hierdie artikel van toepassing sal wees, waar hy of sy van oordeel is dat dit nodig is om die situasie in die gebied te normaliseer wat deur geweld, oproerigheid of onstabiele geteister is.
- (2)
 - (a) Die LUR kan regulasies uitvaardig wat bepaal dat een of meer bepaalde roetes of staanplekke, of alle roetes en staanplekke, sonder spesifikasie, gesluit is vir die bedryf van openbare padpassasiersvervoerdienste in 'n gebied wat kragtens subartikel (1) verklaar is, vir 'n tydperk in die kennisgewing gemeld, en dat niemand bepaalde dienste op die betrokke roete of roetes of in die betrokke staanplek of staanplekke mag bedryf gedurende gemelde tydperk nie.
 - (b) Die regulasies kan bepaal dat oortreding daarvan 'n misdryf sal wees en strawwe daarvoor voorskryf.
- (3) Voordat hy of sy regulasies kragtens subartikel (2) uitvaardig moet die LUR 'n kennisgewing in die *Provinsiale Koerant* of in 'n koerant wat in die gebied sirkuleer, laat publiseer, wat uiteensit—
 - (a) 'n kort beskrywing van die aard en doel van die beoogde aksie;
 - (b) die roete of roetes en staanplek of staanplekke wat gesluit sal word, of dat dit beoog word om alle roetes of staanplekke in die verklaarde gebied te sluit;
 - (c) die tydperk waarvoor die voorgestelde regulasies van krag sal wees;
 - (d) dat belanghebbende of geraakte persone redes vir die voorgestelde regulasies kan aanvra;
 - (e) dat belanghebbende of geraakte persone verhoë kan rig;
 - (f) die tydperk waarbinne die verhoë gerig kan word, wat nie minder sa 24 uur mag wees nie;

- (g) die adres waarna vertoë gerig moet word; en
 - (h) die wyse waarop vertoë gerig moet word.
- (4) Die LUR moet alle vertoë wat kragtens subartikel (3) ontvang word, oorweeg voordat 'n regulasie kragtens subartikel (2) uitgevaardig word.

94. Misdrywe

- (1) Iemand is skuldig aan 'n misdryf—
- (a) wat 'n openbare padpassasiersvervoerdiens strydig met artikel 3(3) of 69 bedryf;
 - (b) wat 'n openbare padpassasiersvervoerbedryf teenstrydig met die bepalings en voorwaardes van 'n bedryfslisensie of permit bedryf of onderneem;
 - (c) wat 'n ander bepaling van hierdie Wet oortree;
 - (d) wat, synde die houer van 'n bedryfslisensie of permit of die agent of werknemer van sodanige houer, iemand anders toelaat om daardie bedryfslisensie of permit vir 'n voertuig anders as dié gespesifiseer in in die bedryfslisensie of permit te gebruik;
 - (e) as hy of sy aansoek doen om 'n bedryfslisensie of dit bekom wetende dat 'n lopende bedryfslisensie alreeds vir dieselfe voertuig uitgereik is;
 - (f) as hy of sy, met die opset om te bedrieg, 'n bedryfslisensie, permit of ander amptelike dokument kragtens hierdie Wet uitgereik, vervals, verander, skend, beskadig of iets daarby voeg;
 - (g) as hy of sy, wetende dat 'n dokument nie 'n bedryfslisensie of permit of sodanige ander amptelike dokument is nie, of dat dit verander, geskend, beskadig of daarby gevoeg is, die dokument uitgee of gebruik;
 - (h) as hy of sy valse inligting met betrekking tot 'n aansoek voor die Raad of die Registrateur verskaf, of in die proses om in enige verrigtinge, ondersoek of ondervraging voor die Raad of Registrateur te verskyn;
 - (i) as hy of sy voorgee om 'n gemagtigde beampte te wees;
 - (j) as hy of sy opsetlik 'n gemagtigde beampte wat besig is om die pligte van die betrokke amp uit te voer, belemmer of hinder;
 - (k) as hy of sy weier of versuim om te voldoen aan 'n wetlike bevel van 'n gemagtigde beampte;
 - (l) as hy of sy versuim om 'n permit, bedryfslisensie, registrasiesertifikaat of onderskeidingsteken aan die Registrateur of die Raad, soos die geval mag wees, terug te besorg waar dit deur hierdie Wet vereis word;
 - (m) as hy of sy, sonder aanvaarbare rede—
 - (i) weier of versuim om voor die Raad of Registrateur te verskyn ter voldoening aan 'n bevel of getuiedagvaarding kragtens hierdie Wet uitgereik; of
 - (ii) weier of versuim om na die beste van sy of haar kennis en vermoë, enige vraag wat wetlik aan hom of haar deur 'n lid van die Raad of die Registrateur, soos die geval mag wees, gestel is, te antwoord; of
 - (iii) weier of versuim om 'n boek, stuk, plan, aantekening of voorwerp ter voldoening aan so 'n bevel of getuiedagvaarding oor te lê;

- (n) as hy of sy as 'n passasier op 'n voertuig by die bedryf van 'n openbare padpassasiersvervoerdiens vervoer word, en—
 - (i) versuim om die reiskeld wat vir die rit betaalbaar is, te betaal, waar betaling deur die bestuurder of kondukteur van die betrokke voertuig geëis word; of
 - (ii) op daardie voertuig rook teenstrydig met 'n kennisgewing daarop wat rook verbied; of
 - (iii) opsetlik op so 'n manier optree dat ander passasiers gehinder word; of
 - (iv) 'n redelike aanwysing van die bestuurder of kondukteur van daardie voertuig verontagsaam, welke aanwysing die doel het om orde te handhaaf of om oproerigheid te beëindig of om 'n noodtoestand wat op daardie voertuig bestaan of voortspruit te beheer; of
 - (v) opsetlik 'n handeling in of op sodanige voertuig uitvoer wat beserings kan veroorsaak of die lewe van iemand in gevaar stel of skade aan enige eiendom kan berokken;
 - (o) as hy of sy, synde die houer van 'n bedryfslisensie of permit of die bestuurder van 'n voertuig waarop daardie bedryfslisensie of permit betrekking het, versuim om te voldoen aan 'n plig of verpligting waarmee hy of sy deur hierdie Wet belas is.
- (2) Wanneer 'n bestuurder, agent of werknemer van die houer van 'n bedryfslisensie of permit 'n daad of versuim begaan wat 'n misdryf kragtens subartikel (1) van hierdie Wet sou wees indien daardie houer dit persoonlik begaan het, is daardie houer skuldig aan sodanige misdryf as—
- (a) die houer—
 - (i) daardie daad of versuim oogluikend toegelaat of veroorloof het; of
 - (ii) nie alle redelike maatreëls getref het om 'n daad of versuim van die betrokke aard te voorkom nie; en
 - (b) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard binne die bestek van die bevoegdheid of in die loop van die diens van daardie bestuurder, agent of werknemer geval het nie.

95. Strawwe

Iemand wat skuldig bevind is weens 'n misdryf kragtens hierdie Wet is strafbaar by skuldigbevinding met gevangenisstraf vir 'n tydperk van hoogstens een jaar of 'n boete van hoogstens R100 000 of met daardie gevangenisstraf sowel as daardie boete.

96. Aanwysing van inspekteurs

Die Hoof van die Departement kan 'n beampte of werknemer van die Departement as 'n vervoerinspekteur aanwys.

97. Skut en verbeurdverklaring van voertuie

- (1) Waar 'n gemagtigde beampte na redelike gronde tevrede is dat 'n voertuig vir openbare padpassasiersvervoer gebruik word en vasstel dat die nodige

- permit, bedryfslisensie, ad hoc-magtiging of geskrewe toestemming beoog in artikel 46(1) nie in die voertuig is nie soos vereis deur artikel 47(1)(b) of 52(4), moet die beampte op die voertuig beslag lê.
- (2) 'n Voertuig wat kragtens subartikel (1) in beslag geneem is moet aan die depot beoog in subartikel (6) oorgelê word, en moet in die depot gehou word en aan die betrokke persoon vrygestel word slegs nadat—
- (a) 'n geldige permit, bedryfslisensie, ad hoc-magtiging of sodanige geskrewe toestemming aan 'n gemagtigde beampte getoon is, wat skriftelik bevestig het dat dit getoon is, en die operateur die boete vir die misdryf kragtens artikel 94(1)(o) ten opsigte van versuim om die nodige stukke in die voertuig te hou, as so 'n boete opgelê is;
 - (b) so 'n persoon 'n gemagtigde beampte tevrede gestel het dat die voertuig nie vir openbare padpassasiersvervoer gebruik is nie, en sodanige beampte dit skriftelik bevestig het; of
 - (c) alle aanklagte vir misdrywe met betrekking tot die betrokke ongemagtigde openbare padpassasiersvervoer teruggetrek is of die persone van die ten laste gelegde misdryf vrygespreek is.
- (3) As die voertuig nie binne 90 dae nadat beslaglegging daarvan vrygestel is nie, word dit aan die Provinsie verbeurd verklaar, tensy bewys word dat verdragings om die vrystelling te verkry nie aan die persoon wat sodanige vrystelling verlang, toegeskryf kan word nie.
- (4) 'n Verbeurdverklaring kragtens subartikel (3) maak geen inbreuk op regte wat iemand op die voertuig het nie indien bewys word dat daardie persoon nie geweet het dat die voertuig gebruik is of sou word om ongemagtigde openbare padpassasiersvervoer te verskaf nie of dat hy of sy sodanige gebruik nie kon verhoed nie.
- (5) Artikel 35 (4) van die Strafproseswet, 1977 (Wet No. 51 van 1977) is met die nodige aanpassings van toepassing met betrekking tot 'n verbeurdverklaring ingevolge subartikel (3).
- (6) Die LUR of 'n munisipaliteit kan deur middel van 'n kennisgewing in die *Provinsiale Koerant* 'n lokaal gespesifiseer in die kennisgewing as 'n depot vir doeleindes van hierdie artikel aanwys en kan op dieselfde wyse so 'n kennisgewing wysig of intrek.
- (7) By verbeurdverklaring van voerue ingevolge hierdie artikel moet gemagtigde beampte volgens voorgeskrewe prosedures optree en die voorgeskrewe dokumentasie voltooi.

98. Vermoedens

By 'n vervolging kragtens hierdie Wet—

- (a) word vermoed dat iemand wat 'n persoon deur middel van 'n motorvoertuig vervoer het of wat die vervoer op daardie wyse van 'n persoon benewens die bestuurder van die voertuig toegelaat het, daardeur openbare padpassasiersvervoer te onderneem het, tensy die teendeel bewys word.
- (b) word vermoed dat die eienaar van 'n motorvoertuig waarin iemand vervoer is, daardie persoon te vervoer het tensy bewys word dat hy of sy nie die bestuurder an die motorvoertuig op die tydstip van die betrokke vervoer was nie en nie die gebruik van die voertuig vir die vervoer gemagtig of toegelaat het nie.

99. Ander bevoegdheids van gemagtigde beamptes

- (1) 'n Gemagtigde beampte kan ingevolge 'n bevel van die Raad, beslag lê op 'n permit of bedryfslisensie wat verstryk het of kragtens hierdie Wet ingetrek, opgeskort of gekanselleer is.
 - (2) Benewens die pligte en bevoegdhede beoog in hierdie Wet kan 'n gemagtigde beampte met betrekking tot openbare padpassasiersvervoer—
 - (a) 'n motorvoertuig op die voorgeskrewe wyse laat stilhou en sodanige voertuig betree en die voertuig en die dokumentasie wat die vervoer magtig, ondersoek ten einde vas te stel of dit vir openbare padpassasiersvervoer gebruik word of ten einde enige ander bevoegdheid uit te oefen of plig of gemagtigde handeling uit te voer;
 - (b) eis dat die bestuurder van 'n motorvoertuig sy of haar naam en adres en enige dokumentêre bewys ter staving daarvan en die naam en adres van die eienaar van die voertuig, asook besonderhede van die besigheid in verband waarmee die voertuig gebruik word, verstrek;
 - (c) eis dat die bestuurder of ander persoon in beheer van 'n motorvoertuig daar en dan enige stukke of ander aantekeninge in of op die voertuig of in sy of haar besit wat enigszins betrekking het op die persone wat op die voertuig vervoer word, vir ondersoek toon;
 - (d) eis dat 'n persoon op 'n motorvoertuig wat, na vermoed word, vir openbare padpassasiersvervoer gebruik word of, 'n persoon wat, na vermoed word, onlangs op so 'n voertuig gewees het, sy of haar volle naam en adres en enige dokumentêre bewys ter staving daarvan verstrek, en eis dat hy of sy verklaar of hy of sy vergoeding betaal het of moet betaal vir sy of haar vervoer op gemelde voertuig, en die naam en adres verstrek van die persoon aan wie hy of sy sodanige vergoeding betaal het of moet betaal;
 - (e) eis dat die aantekeninge wat ingevolge hierdie Wet gehou moet word, deur die bestuurder van 'n motorvoertuig of deur die kondukteur, waar 'n kondukteur in diens is, vir ondersoek getoon word;
 - (f) enige perseel op enige redelike tyd betree ten einde 'n ondersoek binne die omvang van sy of haar pligte as gemagtigde beampte in te stel en terwyl hy of sy op die perseel is of op enige ander redelike tyd—
 - (i) iedereen ondervra wat na sy of haar mening in staat mag wees om enige inligting deur hom of haar verlang, te verstrek;
 - (ii) eis dat enigiemand daar en dan, of op 'n tyd en plek deur hom of haar bepaal, aan hom of haar alle boeke en geskrifte oorhandig, wat volgens sy of haar oordeel as bewys kan dien van die pleeg van 'n misdryf of 'n beweerde misdryf ingevolge hierdie Wet; en
 - (iii) so 'n boek of geskrif ondersoek en uittreksels daaruit of afskrifte daarvan maak en 'n verduideliking van enige inskrywings in so 'n boek of geskrif eis;
- maar enige persoon wat aldus ondervra word of 'n verduideliking moet verstrek geregtig is op al die voorregte waarop 'n persoon wat voor 'n hof geuienis aflê, geregtig sou wees;
- (g) eis dat die bestuurder van of 'n ander persoon op 'n motorvoertuig wat vir openbare padpassasiersvervoer gebruik word, stukke oorelê wat deur die Raad of die Registrateur met betrekking tot die voertuig of die vervoer waarvoor dit gebruik word, uitgereik is, en wat volgens wet op

- die voertuig gehou moet word;
- (h) eis dat die bestuurder of ander persoon in beheer van 'n motorvoertuig wat vir openbare padpassasiersvervoer gebruik word en so gebrekkig is dat dit 'n moontlike gevaar vir persone en eindom is, daar en dan die bestaande bedryfslisensie of permit, asook die onderskeidingstekens wat op die voertuig betrekking het, oorhandig en dat hy of sy, sy of haar bedrywighede staak tot tyd en wyl die gebrek herstel is;
 - (i) wanneer deur die Raad of Registrateur daartoe gelas, elke bedryfslisensie of permit in die lasgewing vermeld, in beslag neem en dit oorhandig aan die Raad of Registrateur.

100. Strafstelsel

- (1) Behoudens hierdie artikel kan die LUR deur middel van regulasies 'n strafpuntestelsel instel vir persone wat hierdie Wet oortree, in verband met misdrywe wat nie in die Wet op die Administratiewe Beregting van Padverkeersmisdrywe, 1998 (Wet No. 46 van 1998) beoog word nie, en waardeur voorsiening gemaak word—
 - (a) vir optekening van 'n bepaalde getal strafpunte teen die naam van 'n oortreder vir elke geval waar die oortreder vir sodanige oortredings skuldig bevind is;
 - (b) vir die oplegging van 'n bepaalde boete of strafmaatreël beoog in subartikel (2)(b) teen oortreders wie se strafpunte gelyk is aan 'n bepaalde getal of dit oorskry.
- (2) (a) Sonder afbreuk aan die LUR se bevoegdhede kragtens subartikel (1) in verband met die optekening van strafpunte teen oortreders, kan bepaal word dat die getal strafpunte wat per geval opgeteken kan word, vermeerder kan word na gelang van 'n bepaalde glyskaal of formule—
 - (i) vir tweede of daaropvolgende oortredingsgevalle;
 - (ii) na gelang van die erns van die misdryf, met die gevolg dat die getal opgetekende strafpunte na gelang van die erns van die misdryf vermeerder.
- (b) Gevangesetting of 'n boete kan op oortreders by gepaste gevalle opgelê word, of as alternatief—
 - (i) 'n skriftelike berisping en waarskuwing;
 - (ii) opskorting van 'n bedryfslisensie of permit gehou deur die oortreder. Die opskorting is vir 'n voorgeskrewe tydperk en word in die skriftelike opskortingskennisgewing aan die oortreder uiteengesit;
 - (iii) intrekking van die bedryfslisensie of permit; of
 - (iv) 'n voorgeskrewe strafmaatreël wat minder is as dié beoog in subparagraaf (ii) of (iii).
- (3) Die LUR gee kennis van die beoogde instelling van die stafpuntestelsel, en in die kennisgewing—
 - (a) beskryf hy of sy die beoogde stelsel in die algemeen; en
 - (b) nooi hy of sy belanghebbende persone uit om kommentaar oor die beoogde stelsel te lewer en, in besonder, die voorgestelde boetes en ander strafmaatreëls, en nooi hy hulle uit om geskrewe kommentaar en vertoë nie later as 30 dae na die datum van die kennisgewing nie, in te dien of te rig.

- (4) Die bepalings van die strafpuntestelsel word op die voorgeskrewe wyse gepubliseer en tree in werking en word afdwingbaar en bindend 30 dae na publikasie.
- (5) 'n Boete of ander strafmaatreeël word nie kragtens subartikel (2)(b) afdwing tensy die reëls van natuurlike geregtigheid met betrekking tot die oortreder toegepas is nie.

DEEL 14: ALGEMEEN

101. Verpligte versekering vir operateurs

- (1) Die LUR kan regulasies uitvaardig wat bepaal dat houers van permitte of bedryfslisensies vir bepaalde soorte openbare padpassasiersvervoer voorsiening moet maak vir openbare versekeringsdekking vir passasiers of ander soorte versekering bepaal in die regulasies, teen bedrae wat die LUR in die regulasies bepaal. Die regulasies kan ook kwalifikasies of vereistes vir versekeraars wat sodanige versekering verskaf, bepaal.
- (2)
 - (a) Die Raad kan voorwaardes by bedryfslisensies opleë betreffende vereistes vir versekering beoog in subartikel (1) wat nie met sodanige regulasies strydig is nie.
 - (b) Die regulasies kan ook bepaal dat bewys van sodanige versekering aan die Raad of ander persone bepaal in die regulasies, binne die aldus bepaalde tydperk voorgelê moet word.
- (3) Die versekering beoog in subartikel (1) verskaf dekking onder andere in verband met verlies of skade wat gely word deur skade aan eiendom of die dood of besering van iemand as gevolg van 'n opsetlike of nalatige handeling of versuim deur die operateur of sy of haar agente of werknemers in verband met die verskaffing van openbare padpassasiersvervoerdienste.
- (4) Die LUR moet regulasies kragtens subartikel (1) ten opsigte van toeristedienste binne 180 dae na inwerkingtreding van hierdie Wet uitvaardig.

102. Maatreëls om openbare padpassasiersvervoer te bevorder

- (1) Die LUR kan regulasies uitvaardig wat toegewese lane op paaie onder beheer van die Provinsie vir die uitsluitlike gebruik van voertuie wat by openbare padpassasiersvervoerdienste gebruik word, opsysit, ondanks die bepalings van die Nasionale Padverkeerswet.
- (2) Die LUR kan finansiële bystand aan vervoerowerhede of munisipaliteite verskaf vir—
 - (a) die instelling van parkeer- en ryskemas en die beplanning, aanbou en onderhoud van die nodige infrastruktuur vir sodanige skemas;
 - (b) die opsysit van toegewese lane op paaie onder hulle beheer vir die uitsluitlike gebruik van voertuie wat vir openbare padpassasiersvervoerdienste gebruik word;
 - (c) die beplanning, aanbou en onderhoud van infrastruktuur om die doeltreffendheid en gerief van openbare padpassasiersvervoerdienste te bevorder.

103. Oorgangsbepalings

- (1) Waar, te eniger tyd voor die inwerkingtreding van hierdie Wet—
 - (a) iemand skuldig bevind is, kragtens 'n wet wat deur artikel 104 herroep is, aan 'n misdryf wat in terme van hierdie Wet 'n misdryf is, word die persoon waar van toepassing vir doeleindes van hierdie Wet, beskou en mee gehandel as iemand wat 'n ooreenstemmede misdryf gepleeg het waarvoor in hierdie Wet voorsiening gemaak is; en
 - (b) word enige onderskeidingsteken uitgereik kragtens enige sodanige herroepde wet vir 'n voertuig waarop 'n permit betrekking het, beskou en mee gehandel vir doeleindes van hierdie Wet as 'n onderskeidingsteken kragtens hierdie Wet uitgereik, tot tyd en wyl daardie permit verval, omskep is in 'n bedryfslisensie, of kragtens hierdie Wet ingetrek of gekanselleer is.
- (2) 'n Aanstelling, aanwysing, regulasie, kennisgewing of stuk of ander iets kragtens 'n deur artikel 104 herroepde wet uitgevoer, gepubliseer, uitgereik of gedoen, word geag verklaar, gestig, uitgevoer of gedoen kragtens die ooreenstemmende bepaling van hierdie Wet.
- (3) Vir doeleindes van subartikel (2) word 'n aansoek om die toestaan of uitreiking van 'n permit wat nie teen die inwerkingtreding van hierdie Wet afgehandel is nie, geag 'n aansoek kragtens hierdie Wet vir die toestaan van die toepaslike bedryfslisensie.
- (4) Die datum 1 Julie 1999 gepubliseer kragtens artikel 25(1) van die Gauteng Tussentydse Wet op Minibus Taxi-tipe Dienste in Kennisgewing 1211 van 1998 (*Buitengewone Provinsiale Koerant* 495 van 22 Mei 1998) word geag verleng te wees na die datum van inwerkingtreding van Deel 6 van hierdie Wet.
- (5) 'n Appèl wat kragtens artikel 8(5) van die Gauteng Tussentydse Wet op Minibus Taxi-tipe Dienste by die LUR aangeteken is maar nie by die inwerkingtreding van hierdie Wet afgehandel is nie, word geag 'n appèl na die Appèlraad kragtens artikel 59.
- (6)
 - (a) As hierdie Wet vereis dat enige vervoerplan in oorweging geneem moet word, kan die Raad, kontrakterende owerheid, vervoerowerheid, kernstad of munisipaliteit met die betrokke aangeleentheid voortgaan, met die instemming van die LUR, ondanks die feit dat die betrokke vervoerplan nie voorberei is nie of nie vir vereiste goedkeurings voorgelê is nie of nie ingevolge artikel 29(1) van die Nasionale Wet gepubliseer is nie.
 - (b) Die LUR kan sodanige goedkeuring óf in die algemeen óf 'n spesifieke gevalle toestaan.
 - (c) Sodanige Raad, owerheid, kernstad of munisipaliteit moet oorweging skenk aan enige beskikbare vervoerbepanning of ander aangeleentheid wat hy as relevant beskou.
- (7) 'n Bevoegdheid, plig of funksie wat geldig deur die Gauteng Vervoerpermitraad beoog in artikel 29(1) kragtens a 'n wet wat deur artikel 104 herroep is, na die inwerkingtreding van die Nasionale Wet, uitgevoer is, word geag geldiglik kragtens die ooreenstemmende bepaling van hierdie Wet uitgevoer te wees.

104. Herroep van wette en uitsluitings

- (1) Die volgende wette word hierby herroep:
 - (a) Die Gauteng Tussentydse Wet op Minibus Taxi-tipe Dienste;
 - (b) Die Gauteng Tussentydse Wet op Padvervoer, 1998 (Wet No. 2 van 1998).
- (2) Die Wet op Padvervoer, 1977 (Wet No. 74 van 1977) is nie in Gauteng van toepassing nie.

105. Wet bind die Staat

Hierdie Wet bind die Staat.

106. Korttitel en inwerkingtreding

- (1) Hierdie Wet heet die Gauteng Openbare Padpassasiersvervoerwet, 2001, en tree in werking op 'n datum bepaal deur die Premier by Proklamasie in die *Provinsiale Koerant*.
- (2) Verskillende dele of artikels van hierdie Wet kan op verskillende datums, of met betrekking tot verskillende gebiede, in werking gestel word.
- (3) Artikel 29(1) word geag op 1 Desember 2000 in werking te getree het.

BYLAE A KATEGORIEË VAN VOERTUIE/SOORTE PASSASIERSVervoERDIENSTE

KATEGORIE VAN VOERTUIG	SOORT DIENS											
	Tuk-tuk-diens	Ge eterade taxidiens	Mini bus taxi- tip e diens	Bus-tipe diens	Onderwys- diens	Toeriste- diens	Huurdiens	Person- eeldiens	Pendel- diens	Toeganklike vervoer- diens	Hoflikheid s-diens	Luukse Bus- tipe gesked- uleerde diens
Minder as 4* bv. tuk-tuk	A B C	nee	nee	nee	nee	nee	nee	nee	nee	nee	A B C D	nee
Limousine	nee	nee	nee	nee	nee	Ja	Ja	G/C	ja	Ja	Ja	nee
4 tot 8* bv motor	nee	Ja	G	nee	Ja	Ja	N	G/C	ja	Ja	Ja	nee
9 tot 18* minibus	nee	E F M	G	Ja	Ja	Ja	N	G/C	ja	Ja	Ja	nee
19 tot 35* midibus	nee	nee	PQR	Ja	Ja	Ja	N	G/C	ja	Ja	Ja	nee
36 tot 70* standaardbus	nee	nee	nee	Ja	Ja	Ja	N	G/C	ja	Ja	Ja	nee
Verdiepingbus	nee	nee	nee	L K	Ja	Ja	N	G/C	ja	Ja	nee	nee
Bus trein	nee	nee	nee	L K	Ja	nee	N	G/C	nee	Ja	nee	nee
Leunwa	nee	nee	nee	Ja	Ja	Ja	Ja	Ja	nee	Ja	Ja	nee
Luukse bus	nee	nee	nee	nee	nee	Ja	Ja	G/C	nee	Ja	Ja	Ja
Ingerigte LAV	nee	nee	Ja	nee	Ja	I	I	Ja	nee	nee	nee	nee

* insluitende bestuurder

BYLAE B KATEGORIË PASSASIEDIENSTE MET BETREKING TOT BEPLANNINGSBEGINSELS (TOEKOMS)

BEGINSEL		SOORT DIENS												
		uk-tuk	T	Gemeterede taxi	Minibus taxi	Bus-tipe	Onderwys	Toeriste	Huurdiens	Personeel	Pendel	Toeganklike vervoerdiens	Hofliheidsdiens	Luukse bus-tipe
Gesubsidieerde dienskontrakte	geskeduleerde diens	Nee		Nee	Nee	Ja	Ja in beginsel	Nee	Nee	Nee	Ja	Ja	Nee	Nee
Nie-gesubsidieerde dienskontrakte	geskeduleerde diens	Ja in beginsel		Nee	Nee	Ja	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Nee
	nie-geskeduleerde diens	Ja in beginsel		Nee	Ja	Nee	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Nee
	gebiedsdienst	Ja in beginsel		Ja in beginsel	Nee	Nee	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Nee
Nie-gekontraakteerde dienste	geskeduleerde diens	Ja		Nee	Nee	Ja	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Ja
	nie-geskeduleerde diens	Ja		Nee	Ja	Nee	Ja	Nee	Ja	Ja	Ja	Ja	Ja	Nee
	gebiedsdienst	Ja		Ja	Nee	Nee	Ja	Ja	Nee	Ja	Ja	Ja	Ja	Nee

BYLAE C KATEGORIË PASSASIEDIENSTE MET BETREKKING TOT BEPLANNINGSBEGINSELS (OORGANG)

BEGINSEL		SOORT DIENS											
		Tuk-tuk	Gemeterde-taxi	Minibus taxi	Bus-tipe	Onderwys	Toeriste	Huur	Person-eel	Pendel	Toegank- like vervoer- diens	Hoflik- heids- diens	Luukse bus-tipe
Gesubsidieerde dienskontrakte	geskeduleerde diens	Nee	Nee	Bespreek te word	Ja	Ja in beginsel	Nee	Nee	Nee	Ja	Ja	Nee	Nee
Nie-gesubsidieerde dienskontrakte	geskeduleerde diens	Ja in principle	Nee	Nee	Ja	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Nee
	Nie-geskeduleerde diens	Ja in beginsel	Nee	Ja	Nee	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Nee
	Gebiedsdiens	Ja in beginsel	Ja in beginsel	Ja	Nee	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Nee
Nie-gekontrakteerde dienste	Geskeduleerde diens	Ja	Nee	Nee	Ja	Ja	Nee	Nee	Nee	Ja	Ja	Nee	Ja
	Nie-geskeduleerde diens	Ja	Nee	Ja	Nee	Ja	Nee	Ja	Ja	Ja	Ja	Ja	Nee
	Gebiedsdiens	Ja	Ja	Ja	Nee	Ja	Ja	Nee	Ja	Ja	Ja	Ja	Nee

SLEUTEL VIR BYLAE A

- A voertuig slegs op voorgeskrewe stedelike padnetwerk toegelaat
- B voertuig moet binne bepaalde maksimum-spoed bedryf
- C gebied-gebonde diens
- D "hoflike entiteit" moet eienaar van voertuig wees
- E voertuig moet toegerus wees met gesamentlike meterfasiliteit
- F kategorie van voertuig moet aanbeveling van gemeterde taxibedryf wegdra
- G roete-gebaseerde diens tensy gebied in buitengewone omstandighede toegelaat is
- I beperk tot avontuurstoere
- J voertuig en enige oorskakelingsonderdele moet deur 'n geregistreerde vervaardiger vervaardig of ingerig wees, of volgens voorgeskrewe standarde ingerig wees
- K beperk te word om nie in bepaalde gebiede or padnetwerke te bedryf nie
- L diens moet voldoen aan huidige verkeersregulasies
- M getal passasiers deur die bedryfslisensie beperk te word (bv. 7 vir minibusse)
- N houer moet reeds 'n openbare passasierspermit vir voertuig (dws minibus taxi-tipe, bus-tipe, onderwys, luukse bus-tipe of toeristediens)
- O dienste moet in betrokke vervoerplanne gespesifiseer wees
- P toepaslike staanplekfasiliteite moet beskikbaar wees
- Q betrokke verenigings moet toestem

MEMORANDUM OOR DIE OOGMERKE VAN DIE GAUTENG WETSONTWERP OP OPENBARE PADPASSASIEVERVOER, 2001

1. Agtergrond

Die oogmerk van die Gauteng Wetsontwerp op Openbare Padpassasiersvervoer, 2001 (die Wetsontwerp) is om op 'n omvattende wyse voorsiening te maak vir die beplanning, bevordering en regulering van openbare padpassasiersvervoer in Gauteng.

2. Doewitte van die Wetsontwerp

Die rede vir die Wetsontwerp is om op 'n omvattende wyse voorsiening te maak vir openbare padpassasiersvervoerdienste in Gauteng, en om openbare vervoer te bevorder, in ooreenstemming met die aanbevelings van die Gauteng Strategiese Bestuursplan, die Gauteng Taxi-inisiatief, die Nasionale Taxi Taakspan en nutste provinsiale beleid, soos in die *Gauteng Witskrif oor Vervoerbeleid, 1997* en ander geskryfte uiteengesit.

Die Wetsontwerp word beoog as 'n "vervangende provinsiale wet" soos bedoel in artikel 3(b)(i) van die Nasionale Oorgangswet op Landvervoer, 2000 (Wet No. 22 van 2000) (die Nasionale Wet) met betrekking tot alle aangeleenthede wat in die Wetsontwerp behandel word, en vervang dus Hoofstuk 3 van die Nasionale Wet met betrekking tot sodanige aangeleenthede. Die Nasionale Wet is hoofsaaklik opgedeel in Hoofstuk 2, wat aangeleenthede van nasionale belang behandel, en Hoofstuk 3 oor aangeleenthede van provinsiale belang. Hoofstuk 2 van die Nasionale Wet behandel aangeleenthede beoog in artikel 146(2) van die Grondwet, en is bedoel om provinsiale wetgewing te oorheers. Hoofstuk 3 kan deur provinsiale wette vervang word, en die Wetsontwerp vervang dit met betrekking tot openbare padpassasiersvervoer-aangeleenthede, hoofsaaklik om die volgende redes, benewens die redes wat hieronder uiteengesit is:

Uit die aard van die saak is Hoofstuk 3 van die Nasionale Wet algemeen van aard, omdat dit vir die behoeftes van al nege provinsies voorsiening moet maak. Dit word bedoel as 'n invullingsmaatregel vir provinsies wat nie hulle eie wetgewing oor landvervoeraangeleenthede het nie, en verskaf aangeleenthede van provinsiale belang wat die provinsies kan verander as hulle wil. In hierdie verband bevat die Wetsontwerp heelwat meer detail en word dit bedoel om die betrokke onderwerpe aan te pas vir doeleindes van die unieke eienskappe van Gauteng, byvoorbeeld dat dit hoofsaaklik 'n stedelike provinsie is bestaande uit metropolitaanse munisipaliteite, of distriksmunisipaliteite wat hoofsaaklik stedelik van aard is.

Die wetgewing wat tans in Gauteng met betrekking tot padvervoer van toepassing is, is:

- Die Gauteng Tussentydse Wet op Minibus Taxi-tipe Dienste 11 van 1997;
- Die Gauteng Tussentydse Wet op Padvervoer 2 van 1998.

Die Wet op Padvervoer, 1977 en die Gauteng Wysigingswet op Padvervoer, 1997 is alreeds deur bostaande stukke wetgewing van toepassing in Gauteng uitgesluit, of herroep, soos die geval mag wees. Dit sal op sy beurt deur die Wetsontwerp vervang word. Die bestaande wetgewing, soos blyk uit die name van die Wette, is tussentyds van aard.

Die fundamentele benadering wat by die opstel van die Wetsontwerp gevolg is, is om opnuut na die betrokke behoeftes te kyk. Die benadering in die verlede by die opstel van wetgewing oor openbare passasiersvervoer was om dit op wat voorheen geskryf is te baseer. Gewoonlik is vorige wette wat die onderwerp behandel, dus slegs gewysig om nuwe situasies te akkommodeer soos dit opgeduik het. Die Wetsontwerp is uit die aard van die saak met die oog op ander wetgewing opgestel, maar is "ab initio" benader. Dit is gebaseer op 'n nuwe stelsel van benadering tot die organisasie van openbare passasiersvervoer.

Die nuwe stelsel erken die behoefte vir beide regulering en buigzaamheid om 'n ekonomiese en institusionele omgewing te skep wat operateurs help om dienste te verskaf, terwyl dit terselfdertyd die regte en veiligheid van passasiers beskerm. Die stelsel erken dat daar 'n wye verskeidenheid openbare passasiersvervoerdienste is, dat verskillende voertuie vir verskillende dienste gebruik word, en dat in die praktyk 'n wye verskeidenheid voertuie vir dieselfde dienste gebruik word. Sommige van

hierdie voertuie is geskik en sommige nie, en sommige slegs onder voorgeskrewe omstandighede en toestande. Die stelsel laat dus toe dat verskeie voertuie vir verskillende doeleindes gebruik word, met genoeg buigsaamheid om voorsiening te maak vir markverstellings, in die belang van passasiers. Waar 'n voertuig duidelik nie vir 'n diens geskik is nie, sal die stelsel nie toelaat dat dit vir die diens gebruik word nie.

Die Wetsontwerp is op bepaalde beginsels gegrond, wat die volgende insluit:

- Bedryf van alle openbare padpassasiersvervoer moet ooreenkomstig geldige en spesifieke bedryfslisensies onderneem word;
- alle openbare padvervoeroperateurs moet by die Gauteng Vervoerregistrator geregistreer wees;
- beskerming van passasiers;
- professionele bedryfspraktyke;
- ondersteunende en toepaslike institusionele strukture;
- bekwame en doeltreffende wetstoepassing;
- integrasie van beide modusse en grondgebruiks- en vervoerbeplanning, om beweging van passasiers en die doeltreffendheid van die stelsel te bevorder;
- die behoefte om openbare passasiersvervoer slegs te subsidieer in die mate dat sulke bystand die behoeftes van verbeterde bekostigbaarheid, mobiliteit en grondgebruik bevredig; en
- 'n strafstelsel vir operateurs.

Die Wetsontwerp behels dus verskeie nuwighede en veranderings van bestaande wetgewing, byvoorbeeld om dienste en voertuigsoorte, soos hierbo aangedui, te verbind. Die Wetsontwerp neem in ag die bepalinge van die jongste wetgewing en beoogde wetgewing oor plaaslike regering.

3. Inhoud van die Wetsontwerp

Die Wetsontwerp word verdeel in 14 dele, soos volg:

- Deel 1: Inleidende bepalinge
- Deel 2: Openbare padpassasiersvervoerdienste
- Deel 3: Bevoegdhede en pligte van die LUR en munisipaliteite
- Deel 4: Openbare passasiersvervoerbeplanning
- Deel 5: Die Gauteng Vervoerbedryfslisensieringsraad
- Deel 6: Bedryfslisensies
- Deel 7: Gauteng Openbare Passasiersappélraad
- Deel 8: Gauteng Vervoerregistrator en registrasie van verenigings en operateurs
- Deel 9: Registrasie van minibus taxiverenigings en operateurs
- Deel 10: Registrasie van gemeterde taxiverenigings en operateurs
- Deel 11: Registrasie van bus-tipe en luukse bus-tipe verenigings en operateurs
- Deel 12: Vervoerforums
- Deel 13: Wetstoepassing
- Deel 14: Algemeen.

Deel 1: Inleidende bepalinge

Klousule 1 verduidelik die doelwitte van die Wetsontwerp. Dit gee 'n uiteensetting van provinsiale beleid oor openbare padpassasiersvervoer en die beginsels wat by die uitleg en toepassing van die Wetsontwerp toegepas moet word. Hierdie klousule sal handig wees om die Wetsontwerp in perspektief te plaas en om dié wat dit moet gebruik, van hulp te wees. Die Nasionale Wet bevat nie 'n soortgelyke artikel nie.

Klousule 2 van die Wetsontwerp maak voorsiening vir woordomskrywings.

Deel 2: Openbare padpassasiersvervoerdienste

Klousule 3 bepaal dat vervoerowerhede, kernstede en munisipaliteite, wat die drie nuwe metropolitaanse rade en die drie distriksmunisipaliteite as gevolg van die nuwe afbakeningsproses is, openbare passasiersvervoerdienste in hulle vervoerplanne moet bepaal en spesifiseer. Niemand mag openbare vervoer onderneem tensy hy of sy in besit is van die nodige bedryfslisensie of permit nie, en slegs een bedryfslisensie word per voertuig uitgereik.

Klousule 4 bepaal vrystellings van die omskrywing van "openbare vervoer", naamlik pasiente in ambulanse en persone wat as deel van 'n saamryklub vervoer word. Die Nasionale Wet laat hierdie aspek aan die Wet op Padvervoer, 1977 of vervangende provinsiale wetgewing oor.

Klousule 5 behandel die regulering van bestuurders en voertuie. Die LUR kan 'n gedragskode vir bestuurders van openbare vervoervoertuie voorskryf, en bepaal dat hulle opleidingskursusse moet bywoon. Dit kan regulasies insluit wat bepaal dat bestuurders van gemeterde taxis topografiese toetse moet ondergaan. Die klousule maak ook voorsiening vir voorskrifte vir openbare vervoervoertuie, om te verseker dat dit skoon is, ens.

Klousule 6 lys kategorieë van dienste. Die klousule maak voorsiening vir meer dienste as wat in die Nasionale Wet beoog word, byvoorbeeld tuk-tukdienste, luukse bus-tipe dienste en pendeldienste. Soorte dienste word in klousule 6 gelys en in klousule 2 omskryf. Die Nasionale Wet behandel hierdie dienste op 'n meer algemene wyse, byvoorbeeld as geskeduleerde of nie-geskeduleerde dienste. Die Wetsontwerp gaan dan voort om die verskillende soorte dienste met voertuigtipes te verbind op 'n meer gestruktureerde wyse as wat by die Nasionale Wet die geval is (sien Bylaes A, B en C van die Wetsontwerp in hierdie verband). Dit is in lyn met die doel van provinsiale wetgewing om gedetailleerde vorm aan die bepalings van Hoofstuk 2 van die Nasionale Wet te gee.

Klousule 7 skryf die parameters vir tuk-tukdienste voor.

Klousule 8 skryf die parameters vir gemeterde taxidienste voor.

Klousule 9 skryf die parameters vir minibus taxi-tipe dienste voor.

Klousule 10 skryf die parameters vir bus-tipe dienste voor.

Klousule 11 skryf die parameters vir onderwysdienste voor.

Klousule 12 skryf die parameters vir toeristedienste voor.

Klousule 13 skryf die parameters vir huurdienste voor.

Klousule 14 skryf die parameters vir personeeldienste voor.

Klousule 15 skryf die parameters vir hofflikheidsdienste voor.

Klousule 16 skryf die parameters vir luukse bus-tipe dienste voor.

Klousule 17 skryf die parameters vir pendeldienste voor.

Klousule 18 skryf voor die soorte motorvoertuie wat vir openbare padpassasiers-vervoerdienste gebruik kan word. Die Wetsontwerp erken meer voertuigsoorte as wat in die Nasionale Wet beoog word, dit wil sê ingerige ligte afleweringvoertuie, luukse busse, bustreine, verdiepingbusse, limousines, ope verdiepingbusse, standaardbusse en tuk-tuks. Voorstaande is nodig om die betrokke vertuie met die dienssoorte te verbind. Sodanige voertuie word in klousule 18 gelys en in klousule 2 omskryf.

Deel 3: Bevoegdhede en pligte van die LUR en munisipaliteite

Klousule 19 maak voorsiening vir die bevoegdhede van die LUR kragtens die Wetsontwerp.

Klousule 20 skryf die pligte van die LUR kragtens die Wetsontwerp voor.

Klousule 21 bepaal regulasies wat die LUR kragtens die Wetsontwerp kan uitvaardig.

Klousule 22 maak voorsiening vir verordeninge wat metropolitaanse owerhede en munisipaliteite kragtens die Wetsontwerp kan uitvaardig. Dit maak ook voorsiening vir ooreenkomste tussen munisipaliteite en privaatpersone of -instansies met betrekking tot die toedeel of gebruik van fasiliteite vir openbare passasiersvervoerdienste op privaateiendom. Die Nasionale Wet bevat nie sodanige bevoegdhede nie, wat vir die doeltreffende toepassing van die Wetsontwerp nodig geag word.

Klousule 23 bepaal dat die LUR 'n inligting- en terugvoerstelsel vir openbare padpassasiersvervoer moet instel en instandhou. Dit sal in samewerking met munisipaliteite en vervoerowerhede gedoen word.

Klousule 24 maak voorsiening vir delegasie van die LUR se bevoegdhede.

Deel 4: Openbare padpassasiersvervoerbeplanning

Klousule 25 skryf beginsels vir openbare padpassasiersvervoerbeplanning voor. Dit sluit in die vereiste van geïntegreerde en omvattende beplanning vir openbare padpassasiersvervoer en dat deurkaartjies en soortgelyke maatreëls gebruik moet word om reistye te verkort en om die gerief van passasiers te bevorder.

Klousule 26 bevat addisionele voorskrifte waar openbare vervoerplanne kragtens die Nasionale Wet deur vervoerowerhede, kernstede en munisipaliteite voorberei word. Hierdie planne val saam met die openbare voervoerplanne vereis deur die Nasionale Wet en bevat gedetailleerde roetes, tydtafels, bestaande kapasiteit op roetes, ens.

Klousule 27 skryf voor die pligte van owerhede met betrekking tot beplanning. Hulle moet, onder andere, toesien dat passasiers van dienste voorsien is, behoudens die beskikbaarheid van fondse, en dat oorvoorsiening van dienste vermy word.

Klousule 28 verskaf oorgangsbepalings met betrekking tot beplanning.

Deel 5: Die Gauteng Vervoerbedryfslisensieringsraad

Klousule 29 behandel die stigting en samestelling van die Gauteng Vervoerbedryfslisensieringsraad. Hierdie Raad is basies dieselfde liggaam as die huidige Gauteng Vervoerpermittraad. Raadslede moet onpartydig wees en word nie toegelaat om 'n finansiële belang by openbare padpassasiersvervoer te hê nie.

Klousule 30 maak voorsiening vir bedanking, ontruiming en verwydering uit hulle amp van lede van die Gauteng Vervoerbedryfslisensieringsraad.

Klousule 31 skryf die bevoegdhede van die Gauteng Vervoerbedryfslisensieringsraad voor.

Klousule 32 bepaal die prosedures vir vergaderings en besluite van die Gauteng Vervoerbedryfslisensieringsraad.

Klousule 33 maak voorsiening vir die stigting van 'n raadgewende paneel vir die Gauteng Vervoerbedryfslisensieringsraad. Hierdie paneel het breë verteenwoordiging van verskeie sektore van die openbare passasiersvervoerbedryf, soos in detail in die klousule uiteengesit.

Klousule 34 maak voorsiening vir die stigting van vervoer bedryfslisensie administratiewe organe. Hierdie organe dien as administratiewe "takkantore" vir die Raad. Dit is slegs verantwoordelik om

aansoeke met betrekking tot bedryfslisensies te aanvaar en proseseer, en het nie bevoegdheid om aansoeke te oorweeg nie.

Deel 6: Bedryfslisensies

Klousule 35 maak voorsiening vir die oorskakeling van permitte in bedryfslisensies. Dit moet voor 'n datum bepaal deur die LUR deur middel van 'n kennisgewing in die *Provinsiale Koerant* afgehandel word. Elke houër van 'n permit moet teen daardie datum aansoek doen om oorskakeling daarvan in 'n bedryfslisensie. Bedryfslisensies verskaf dieselfde magtiging as dié vervat in die betrokke lopende permit.

Klousule 36 skryf parameters vir dienskontrakte voor.

Klousule 37 bepaal dat wanneer 'n gekontrakteerde diens tot 'n einde kom, alle bedryfslisensies of permitte wat die diens gemagtig het aan die Raad vir kansellasië oorgelê moet word. Dit bepaal ook dat operateurs nie mag tender vir gesubsidieerde dienskontrakte nie tensy hulle alle bedryfslisensies of permitte vir die roetes gedek deur die kontrakdiens, oorgelê het.

Klousule 38 behandel aansoeke om bedryfslisensies. Die klousule bepaal die prosedure vir sodanige aansoeke en dat dit op die basis van 'n aparte aansoek per motorvoertuig ingedien moet word.

Klousule 39 behandel die afhandeling van aansoeke om bedryfslisensies.

Klousule 40 behandel aansoeke om interprovinsiale vervoer en die afhandeling daarvan.

Klousule 41 behandel aansoeke om oorgrensvervoer. Dit verwys na internasionale vervoer, wat deur die Wet op Oorgrenspadvervoer, 1998 gereël word.

Klousule 42 maak voorsiening vir die publisering van aansoeke om bedryfslisensies. Tans word hierdie aansoeke in die *Provinsiale Koerant* gepubliseer, maar soos by MINCOM ooreengekom en in artikel 37 van die Nasionale Wet bepaal, sal aansoeke nou in die nasionale *Staatskoerant* gepubliseer word.

Klousule 43 bepaal die tydsduur van bedryfslisensies en die hernuwing daarvan.

Klousule 44 behandel die uitreik van bedryfslisensies en vir minimum aangeleentheid wat in bedryfslisensies uiteengesit moet word.

Klousule 45 maak voorsiening vir duplikaat-oorspronklikes en verwante aantekeninge van uitgereikte bedryfslisensies.

Klousule 46 behandel tydelike vervanging van 'n voertuig waarop 'n bedryfslisensie betrekking het. Dit kan vir hoogstens 21 dae gedoen word waar die voertuig waarop die bedryfslisensie betrekking het, onklaar geraak het.

Klousule 47 skryf die pligte van die houër van 'n bedryfslisensie voor.

Klousule 48 skryf die voorwaardes en beperkings van die magtiging verleen deur 'n bedryfslisensie voor.

Klousule 49 behandel die intrekking, opskorting of verandering van 'n bedryfslisensie of permit in die geval van wangedrag of waar die houër versuim het om aan die voorwaardes daarvan te voldoen. Kennis moet aan die houër gegee word van die voorneme om die bedryfslisensie of permit in te trek en die houër word geleentheid gegee om voor die Raad te verskyn en redes aan te voer waarom dit nie ingetrek moet word nie.

Klousule 50 skryf voor dat waar 'n bedryfslisensie nie binne 180 dae vanaf die omskakeling daarvan in gebruik gestel is nie, die Raad dit kan kanselleer as die houër nie in staat is om goeie redes vir die versuim om dit in gebruik te stel, te verskaf nie.

Klousule 51 behandel die intrek van surplus bedryfslisensies of permitte waar daar 'n oorvoorsiening van dienste op 'n bepaalde roete is. 'n Alternatiewe diens moet aan die houer aangebied word, en, as dit nie moontlik is nie, moet die houer ooreenkomstig riglyne deur die Nasionale Minister gepubliseer, vergoed word.

Klousule 52 behandel *ad hoc*-magtigings. Dit word vir spesiale eenmalige ritte uitgereik. Die magtiging word deur die operateur voltooi en aan die Raad binne 'n voorgeskrewe tyd oorgelê.

Klousule 53 behandel bedryfslisensies vir spesiale omstandighede waar roetes deur die LUR in omstandighede van onrus of geweld gesluit is.

Klousule 54 bepaal dat houers van permitte of bedryfslisensies wat aan tariewe goedgekeur deur die Raad onderworpe is, die tariewe kan verhoog waar brandstofpryse verhoog is, mits hulle binne 10 dae by die Raad aansoek doen om wysiging van die betrokke permit of bedryfslisensie.

Deel 7: Gauteng Openbare Passasiersappélraad

Klousule 55 behandel die stigting, samestelling en funksies van die Gauteng Openbare Passasiersappélraad. Die funksie van die Appélraad is om appéle met betrekking tot aansoeke om bedryfslisensies in verband met intraprovisiale dienste aan te hoor.

Klousule 56 behandel die bedanking, ontruiming en verwydering uit hulle amp van lede van die Appélraad.

Klousule 57 bepaal die bevoegdhede van die Appélraad.

Klousule 58 maak voorsiening vir vergaderings en besluite van die Appélraad.

Klousule 59 behandel appéle na die Appélraad teen besluite van die Gauteng Vervoerbedryfslisensieringsraad of van die Registrateur.

Deel 8: Gauteng Vervoerregistrateur en registrasie van verenigings en operateurs

Klousule 60 behandel die aanstelling van die Gauteng Vervoerregistrateur en 'n paneel van assessore om die Registrateur van raad te bedien en by te staan. Die Registrateur moet onpartydig wees en geen finansiële belang by die openbare passasiersvervoerbedryf hê nie.

Klousule 61 behandel bedanking, ontruiming en verwydering uit hulle amp van die Registrateur en assessore.

Klousule 62 bepaal die pligte van die Registrateur. Sodanige pligte is hoofsaaklik om openbare passasiersvervoerverenigings, hulle lede, en nie-lede te registreer.

Klousule 63 bepaal die bevoegdhede van die Registrateur.

Klousule 64 behandel vergaderings en besluite van die Registrateur en paneel van assessore.

Klousule 65 behandel aansoeke om registrasie.

Klousule 66 behandel die uitreik van registrasiesertifikate en onderskeidingstekens.

Klousule 67 skryf voor bykomstige vereistes met betrekking tot registrasie vir interprovinsiale vervoer.

Klousule 68 maak voorsiening vir die reservering van sekere voorregte vir geregistreerde verenigings en operateurs.

Deel 9: Registrasie van minibus taxiverenigings en operateurs

Klousule 69 skryf voor die verpligte registrasie van taxiverenigings, lede en nie-lede met betrekking tot minibus taxi-tipe dienste. Na 'n datum bepaal deur die LUR, nie vroeër as 180 dae na inwerkingtreding van die artikel, kan niemand minibus taxi-tipe dienste bedryf en kan geen taxivereniging sake bedryf tensy hy, sy of dit geregistreer is nie.

Klousule 70 maak voorsiening vir die voortgesette registrasie van taxiverenigings en operateurs wat kragtens Wet 11 van 1997 geregistreer is.

Klousule 71 bepaal dat die LUR 'n vereniging kan aansê om 'n verkiesing van sy uitvoeringsraad, of 'n referendum, binne 'n bepaalde tyd moet hou. Versuim om dit te doen kan lei tot opskorting of kansellasië van sy registrasie.

Klousule 72 behandel die registrasie van taxiverenigings.

Klousule 73 behandel die registrasie van lede van geregistreerde taxiverenigings.

Klousule 74 behandel die registrasie van nuwe lede van geregistreerde taxiverenigings.

Klousule 75 behandel die registrasie van nie-lede van taxiverenigings.

Klousule 76 maak voorsiening vir dissiplinêre maatreëls teen geregistreerde verenigings, lede en nie-lede.

Deel 10: Registrasie van gemeterde taxiverenigings en operateurs

Klousule 77 bepaal dat klousules 69, 73, 74 en 76, wat by die registrasie van minibus taxi-tipe dienste van toepassing is, ook op gemeterde taxi-dienste van toepassing is.

Klousule 78 behandel die registrasie van gemeterde taxiverenigings.

Klousule 79 behandel die registrasie van nie-lede wat gemeterde taxi-dienste bedryf.

Klousule 80 skryf spesiale vereistes voor vir persone wat voertuie bestuur wat vir gemeterde taxidienste gebruik word.

Deel 11: Registrasie van bus-tipe en luukse bus-tipeverenigings en operateurs

Klousule 81 bepaal dat klousules 69, 73, 74 en 76, wat by die registrasie van minibus taxi-tipe dienste van toepassing is, ook op bus- en luukse bus-tipe dienste van toepassing is.

Klousule 82 behandel die registrasie van verenigings van bus-tipe en luukse bus-tipe dienste.

Klousule 83 behandel registrasie van nie-lede wat bus- of luukse bus-tipe dienste bedryf.

Deel 12: Vervoerforums

Klousule 84 behandel die stigting van forums, komitees en soortgelyke instellings wat gebruikers en bestuurders van openbare passasiersvervoerdienste verteenwoordig.

Klousule 85 behandel die stigting van die Provinsiale Openbare Passasiersvervoer-forum.

Klousule 86 bepaal die funksies van die Provinsiale Openbare Passasiersvervoerforum.

Klousule 87 behandel die stigting van Metropolitaanse Openbare Passasiersvervoer-forums.

Klousule 88 bepaal die funksies van Metropolitaanse Openbare Passasiersvervoer-forums.

Klousule 89 behandel die stigting van Metropolitaanse Taxiforums.

Klousule 90 bepaal die funksies van Metropolitaanse Taxiforums.

Klousule 91 behandel die stigting van plaaskike taxi skakelkomitees.

Klousule 92 behandel die stigting en werking van ander metropolitaanse of plaaslike skakelforums.

Deel 13: Wetstoepassing

Klousule 93 maak voorsiening vir spesiale noodmaatreëls deur die LUR. Die LUR kan noodgebiede in die geval van onrus of geweld afkondig, en roetes en staanplekke in sulke gebiede vir 'n bepaalde tydperk sluit.

Klousule 94 lys die misdrywe wat kragtens die Wetsontwerp geskep word.

Klousule 95 skryf maksimum strawwe voor vir iemand wat kragtens die Wetsontwerp aan 'n misdryf skuldig bevind word.

Klousule 96 behandel die aanwys van amptenare of werknemers van die Departement as vervoerinspekteurs.

Klousule 97 magtig die skut en verbeurdverklaring van voertuie gebruik vir ongemagtigde openbare padpassasiersvervoerdienste.

Klousule 98 bepaal vermoedens wat by vervolgings kragtens die Wetsontwerp van toepassing is.

Klousule 99 bepaal addisionele bevoegdhede van gemagtigde beamptes.

Klousule 100 maak voorsiening vir 'n stafstelsel vir operateurs. Sodanige stelsel is vir misdrywe kragtens die Wetsontwerp en nie vir padverkeersmisdrywe beoog in die Wet op die Administratiewe Beregting van Padverkeersmisdrywe, 1998 (die AARTO-Wet)

Deel 14: Algemeen

Klousule 101 behandel verpligte versekering vir operateurs van openbare padpassasiersvervoer soos en wanneer die LUR regulasies in daardie verband uitvaardig.

Klousule 102 skryf ander maatreëls voor om openbare padpassasiersvervoer te bevorder.

Klousule 103 maak voorsiening vir oorgangsmatreëls.

Klousule 104 herroep en sluit uit vorige wette.

Klousule 105 bepaal dat die Wetsontwerp die Staat sal bind.

Klousule 106 behandel die korttitel en inwerkingtreding van die Wetsontwerp en bepaal dat verskillende bepalings van die Wetsontwerp te verskillende tye in werking gestel kan word.

**UMNYANGO WAZOKUTHUTA NOWEMESEBENZI
YOMPHAKHATHI**

**MTHETO WEZITHUTHI ZABAGIBELI
BOMPHAKATHI EGAUTENG**

(NJENGOBA WETHULWE)

YI-

**MEC WEZITHUTI ZABAGIBELI BOMPHAKATHI
EGAUTENG**

NOTICE 4596 OF 2001

UMTHETHOSIVIVINYWA

Ukushintsha umthetho owengamele ezokuthuthwa kwabantu abahamba ngezimoto zomphakathi e-Gauteng, ngokwale nhloso—

Ukwenzela abahamba ngezimoto zomphakathi izinto zokuhamba njengengxenye yezinto zokuhamba ngomgwaqo e-Gauteng, ezisezingeni elifanayo nezokuthutha zikazwelonke kanye nezokuthutha kwizifundazwe;

Ukwenzela ukuhlelwa kwezokusebenza ngezokuthuthathutha abahamba ngezimoto zomphakathi kanye nezokwakhiwa kwemigwaqo kuhlangane nohlelo lokusetshenziswa kwomhlaba;

Ukwenzela ukuhambisa ngedlela nokuqondisa ezokuthutha abahamba ngezimoto zomphakathi nguhulumeni wendawo nowesifundazwe;

Ukusungula izikhungo ezingaphumelelisa lezizinhloso;

Ukuchitha uMthetho wesiKhashana wamaTekisi anGamakhumbi wase-Gauteng ka 1997(umthetho 2 ka 1998);

ukuhlanganisa umthetho wezokuthutha abahamba ngezimoto zomphakathi nesahluko 2 soMthetho kaZwelonke weNguquko kweZokuthutha, ka 2000 (umthetho ongunombolo 22 ka 2000) nokushintsha isahluko sesithathu salowomthetho ngokwezokuthutha abantu kuzwelonke;

nokwenzela okuhambisana nalokhu.

MAKUMISWE NGUMTHETHO WESIFUNDAZWE sase-Gauteng,
ngokulandelayo:

OKUQUKETHWE

INGXENYE 1: IMITHETHO EYISINGENISO

1. Inhloso yalo mThetho
2. Izincazelo

INGXENYE 2: EZOKUTHUTHA ABAHAMBAN GGEZIMOTO ZOMPHAKATHI

3. Izindlela zokubonisa ezokuthutha abahamba ngezimoto zomphakathi kwizinhlelo zokuthutha abahamba ngezimoto zomphakathi
4. Okuxolelwayo
5. imithetho mayelana nabashayeli kanye nezimoto
6. Imikhakha yokusebenza
7. Ezama Taki-Taki (Tuk-Tuk services)

8. Ezamatekisi amamitha
9. Ezamatekisi angamakhumbi
10. Ezamabhasi
11. Ezemfundo
12. Ezokuvakasha
13. Ezokuqashisa
14. Ezabasebenzi
15. Ezokuphakamela
16. Ezokungcebeleka
17. Ezokuthutha
18. Imikhakha yezimoto

**INGXENYE 3: AMANDLA NEMISEBENZI KA-MEC (UNGQONGQOSHE)
NOMASIPALA**

19. Amandla ka-MEC
20. Imisebenzi ka-MEC
21. Izinqubomgomo
22. Imithetho eshaywa yisiphathimandla sesifundazwe
23. Izidingongqangi zemininingwane nezokubika
24. Ukwabiwa kwemisebenzi

**INGXENYE 4: UKUHLELA EZOKUTHUTHA ABAHAMBAB NGEZITHUTHI
ZOMPHAKATHI**

25. Imithetho yokuhlela ezokuthutha abahamba ngezimoto zomphakathi
26. Izinhlelo zokuthutha abahamba ngezimoto zomphakathi
27. Imisebenzi yeziphathimandla zezokuthutha, inkaba yamadolobha, nomasipala mayelana nezinhlelo
28. Izinguquko mayelana nokuhlela

**INGXENYE 5: IBHODI YELAYISENSI YOKUSEBENZA NGEZOKUTHUTHA
E-GAUTENG**

29. Ukumiswa nemithethosisekelo yeBhodi leLayisensi yoKusebenza Ngezokuthutha e-Gauteng
30. Ukushiya, ukuphuma nokususwa ehovisi kwamalunga eBhodi
31. Amandla eBhodi
32. Imihlangano kanye nezinqumo zeBhodi
33. Ukumiswa kwabaluleki beBhodi
34. ukumiswa kweqembu labaphathiswa bamalayisense yokusebenza ngezokuthutha

INGXENYE 6: ILAYISENSE YOKUSEBENZA

35. Ukuguqula izimvume zibe ngamalayisense okusebenza
36. Isivumelwano sensizakalo
37. ukuphelelwa ngamandla nokunqanyulwa kwamalayisense okusebenza nezimvume ezimayelana nesivumelwano
38. Ukufaka isicelo esimayelana nelayisense yokusebenza

39. Ukusakaza isicelo selayisense yokusebenza
40. Ezokuthutha phakathi kwezifundazwe
41. Izikuthuthi zemigwaqo ezinqamula amabhoda
42. Ukwazisa umphakathi ngesicelo esimayelana nelayisense yokusebenza
43. Isikhathi nokuvuselela ilayisense yokusebenza
44. Ukunikeza ilayisense nemithetho yakho
45. Imibhalo eqoshiwe yamalayisense okusebenza
46. ukushintshwa kwesikhashana kwemoto enemvume noma ilayisense yokusebenza
47. Imisebenzi yalowo onemvume noma ilayisense yokusebenza
48. Amandla adluliswa yilayisense yokusebenza
49. Ukuhoxisa, ukumisa noma ukwehlukahlukana kwelayisense yokusebenza
50. Ukunqanyulwa kwelayisense yokusebenza engasetshenziswa
51. Ukuhoxiswa kwezimvume noma amalayisense okusebenza angaphezu kokuba kudingeka
52. Amandla okusebenza esikhathi esisodwa noma kanye
53. Izimo ezehlukile zamalayisense okusenza
54. Ukwenyuka kwezintela ezithize ngaphambi kokufaka isicelo sokushintsha imvume noma ilayisense yokusebenza efanele

INGXENYE 7: UMBHALISI NOMA IBHODI LOKUDLULISELA IZIKHALO ZABAHAMBA NGEZIMOTO ZOMPHAKATHI E-GAUTENG

55. Ukumiswa, umthethosisekelo nemisebenzi yeBhodi Lezikhalo Zabahamba Ngezimoto Zomphakathi e-Gauteng
56. Ukushiya, ukuphuma nokususwa ehhovisi kwamalunga eBhodi Lezikhalo
57. Amandla eBhodi lokudlulisela izikhalo
58. Imihlangano nezinqumo zeBhodi Lokudlulisela Izikhalo
59. Ukudlulisela isikhalo kwiBhodi lokudlulisela izikhalo

INGXENYE 8: UMBHALISI NOKUBHALISA IZINHLANGANO NABASENZA NGEZOKUTHUTHA E-GAUTENG

60. Ukuqashwa kwababhalisi nabelekeleli bezokuthutha e-Gauteng
61. Ukushiya, ukuhamba noma ukukhishwa ehhovisi lababhalisi nabelekeleli
62. Imisebenzi yombhalisi
63. Amandla ombhalisi
64. Imihlangano nezinqumo zombhalisi nabelekeleli
65. Ukufaka isicelo sokurejista
66. Ukukhishwa kwezitifiketi nezimpawu eziyizinkomba uma kurejista
67. Izinhlango, amalunga nabangemalunga abasebenza ngezokuthutha phakathi kwezifundazwe
68. Ukubekisa amalungelo ayisihe ezinhlango nabasebenza ngezithuthi

INGXENYE 9: UKUBHALISA IZINHLANGANO ZAMATEKISI NABASEBENZA NGAMATEKISI ANGAMAKHUMBI

69. Impoqo yokubhalisa izinhlango, amalunga, nabangemalunga mayelana namatekisi angamakhumbi
70. Izinhlango nabasebenza ngamatekisi abarejiste ngaphansi komthetho 11

ka 1997

71. Ukhetho nokuvota ngemibuzo yezepolitiki
72. Ukurejistwa kwezinhlangano
73. Ukurejistwa kwamalunga ezinhlangano ezirejistile
74. Amalunga amasha ezinhlangano ezirejistile
75. Ukurejistwa kwabangemaluna
76. Izindlela zokuqondisa izigwegwe

**INGXENYE 10: UKUREJISTWA KWEZINHLANGANO ZAMATEKISI
ANAMAMITHA NABASEBENZA NGAMATEKISI**

77. Ukurejistwa kwezinhlangano zamatekisi anamamitha, amalunga nabangemalunga.
78. Ukurejistwa kwezinhlangano zamatekisi anamamitha
79. Ukurejistwa kwabangemalunga abasebenza ngamatekisi anamamitha
80. Izidingongqangi ezehlukile ezifuneka kubashayeli bezimoto ezingamatekisi anamamitha

**INGXENYE 11: UKUREJISTWA KWEZINHLANGANO NABASEBENZA
NGEZASAMABHASI NEZOKUNGCEBELEKA**

81. Ukurejistwa kwezinhlangano, amalunga nabangemalunga abasebenza ngezisamabhasi nezokungcebeleka
82. Ukurejistwa kwezinhlangano zabasebenza ngezisamabhasi nezokungcebeleka
83. Ukurejistwa kwabangemalunga abasebenza ngezisamabhasi nezokungcebeleka

INGXENYE 12: IZIKHUNGO ZEZOKUTHUTHA

84. Imithetho engujikelele
85. Isikhungo sezithuthi zomphakathi kwisi Fundazwe
86. Imisebenzi yesikhungo sezithuthi zomphakathi kwisi Fundazwe
87. Izikhungo zezokuthutha kwi Dolobhakazi
88. Imisebenzi yezikhungo zezokuthutha kwi Dolobhakazi
89. Izikhungo zamatekisi kwi Dolobhakazi
90. Imisebenzi yezikhungo zamatekisi kwi Dolobhakazi
91. Izinhlangano zendawo zoxhumaniso zamatekisi
92. Ukumiswa nokusebenza kwezikhungo zamanye ama Dolobhakazi noma zoxhumaniso lwendawo

INGXENYE 13: UKUGCINOMTHETHO

93. Izimo ezehlukile eziphuthumayo
94. Amacala
95. Inhlawulo
96. Ukubekwa kwabahloli
97. Ukwephucwa nokulahlekelwa yizimoto
98. Ukuziqhayisa / ukuthatha kalula
99. Amanye amandla ommeli wehhovisi

100. Indlela yokwenyeza

INGXENYE 14: OKUNGUJIKELELE

- 101. umshwalense oyimpoqo wabasebenza ngezokuthutha abahamba ngezimoto zomphakathi
- 102. Izindlela zokuxhasa ezokuthutha abahamba ngezimoto zomphakathi
- 103. Imithetho yesikhashana
- 104. Ukuchithwa komthetho nokukhishwayo
- 105. Imithetho ibophezela uMbuso
- 106. Isihloko esifushane nokuqhubekela phambili

ISHEDULI A: IMIKHAKHA YEZIMOTO / IZINHLOBO ZEZOKUTHUTHA ABAHAMBAMBA NGEZIMOTO ZOMPHAKATHI

ISHEDULI B: IMIKHAKHA YEZOKUTHUTHA ABAHAMABA NGEZIMOTO ZOMPHAKATHI MAYELANA NEMITHETHO YOKUHLELA (YOKUHLELELA INGOMUSO)

ISHEDULI C: IMIKHAKHA YEZOKUTHUTHA ABAHAMBAMBA NGEZIMOTO ZOMPHAKATHI MAYELANA NEMITHETHO YOKUHLELA (NGOSHINTSHO)

INGXENYE 1: ISINGENISO ESINGUJIKELELE

1. Inhloso yalo mThetho

- (1) Inhloso yalo mThetho ukuphakamisa nokwenza ezothutho lwabahamba ngezimoto zomphakathi e-Gauteng zibe nempumelelo. Lokhu kungaphumelela ngokugcwalisa inhloso yokuqala yalo mThetho, engokulandelayo-
 - (a) ukwenza isiqiniseko sokusebenza kwemithetho yesifundazwe nekahulumeni kazwelonke eqondene nezokuthutha abahamba ngezimoto zomphakathi, ukulandela ukuthi lemithetho iyasebenza kwisifundazwe, ukwenza uphenyo ngalokho okuvela ngesikhathi kusetshenziswa lemithetho bese kwenziwa izinguquko ezifanele;
 - (b) ukuphakamisa nokuqquguzela ukwanda kokusetshenziswa nokuthuthukiswa ezokuthutha abahamba ngezimoto zomphakathi kwisi Fundazwe;
 - (c) ukusebenzisa uhlelo nokuthuthukisa ezokuthutha njengesikhali sokwakha kabusha isizwe ukuze—
 - (i) kwenzele futhi kukhuthaze abasebenzi ukuthi bahlale eduze nalapho besebenza khona, ikakhulukazi lapho izindawo zokuhlala zisezingeni noma endaweni engenhle ngenxa yemithetho edlule yobandlululo;
 - (ii) ukukhuthaza ukuthi izindawo zokuhlala zibe seduze nezindawo zokusebenza;
 - (iii) ukuphakamisa ukuhamba kalula kwabantu kwisi Fundazwe;
 - (iv) ukuphakamisa ukuvuselela amadolobha, ukuhlanganisa nokusetshenziswa komhlaba okuxubile;
 - (d) ukuhlanganisa nokuxhumanisa ezokuthutha abahamba ngezimoto

- zomphakathi nohlelo lwezokuthutha nokusetshenziswa komhlaba nohlelo lokuthuthukisa ukuze kukhushulwe izinga lokuhamba ngezokuthutha abahamba ngezimoto zomphakathi ezinempumelelo;
- (e) ukuthatha izinyathelo ezifanele ukuphakamisa usetshenziswano phakathi kweziphathimandla zokuthutha nezinye iziphathimandla ezihlelayo kwisi Fundazwe, noma phakathi kwalezi ziphathimandla nesiFundazwe, ngenhloso yokugwema ukuphindaphinda into eyodwa;
- (f) ukuphakamisa ukuxhumana phakathi kwezindlela zokuthutha abahamba ngezimoto zomphakathi nokuhamba kwabagibeli okungenazihibe;
- (g) ukuxhumana nokusebenzisana nomphakathi ngaphambi kokuthatha noma yisiphi isinqumo noma ukwenza noma yisiphi isenzo esisemthethweni nokubeka izindlela okumele zilandelwe mayelana nezokuthutha;
- (h) ukuphatha nokuhambisa ngendlela ezokuthutha abahamba ngezimoto zomphakathi ngokunika amalayisense okusebenza labo abasebenza ngalomkhakha, nokuyekisa labo abasebenza ngaphandle kwamalayisense asemthethweni;
- (i) ukuvumela ukuthi izimoto zisetshenziselwe ukuthutha abahamba ngezimoto zomphakathi kulowo mkhakha ezivunyelwe kuwona kuphela;
- (j) ukwenzela ukurejistwa kwalabo abasebenza ngezinhlalo ezithile zokuthutha abahamba ngezimoto zomphakathi nezinhlangano zalabo abasebenza ngalezizithuthi;
- (k) ukwenzela ukuphepha nezidingo zabagibeli abasebenzisa ngezithuthi zabahamba ngezimoto zomphakathi;
- (l) ukusungula izikhungo zokuxhasa izinhloso zalomthetho;
- (m) ukuphakamisa ukugcizelelwa okuyimpumelelo nokunomphumela komthetho omayelana nezokuthutha abahamba ngezimoto zomphakathi, kuhlangele nemithetho yezemigwaqo nezokuphepha emigwaqweni;
- (n) ukuphakamisa ukusebenza ngobuchwephesha yilabo abasebenza ngezokuthutha abahamba ngezimoto zomphakathi;
- (o) ukuphakamisa uxhumano phakathi kokuba khona ngokwanele nokufinyeleleka kwezemigwaqo yezithuthi zababahamba ngezimoto zomphakathi;
- (p) ukuphakamisa ukuthi labo abathola ukusizakala bakukhokhele, ngaphandle kwalapho kudingeka khona ukwelekelelwa ukuze abantu bakwazi ukusebenzisa izithuthi nomhlaba ngempumelelo, ukwenzela ukuthi izinhlobo ezahlukene zabagibeli zikwazi ukufinyelela kwizithuthi nokwangayinoma yimuphi umthetho ozwakalisayo, nokuqinisekisa ukuthi usizakalo luxhaswe kuphela lapho kunezimo eziludingayo;
- (q) ukwenzela uqhudlwano lwethenda yezokuthutha abahamba ngezimoto zomphakathi ezinoxhaso;
- (r) ukwenzela ukuthi kube nempumelelo neminingwane ehlangene nokubhekeleka kweminingwane yezokusebenza ngezokuthutha abahamba ngezimoto zomphakathi;
- (s) ukwenzela ukuthi kube nohlelo lokwephuca amalungelo kulabo abasebenza ngezokuthutha abahamba ngezimoto zomphakathi; futhi
- (t) ukuphakamisa ezamabhizinisi amancane, aphakathi nalawo

amancinyane kakhulu nabasebenzi (operators) ababebukeleka phansi ngenxa yobandlululo kulesikhathi esedlule.

- (2) Lo Mthetho ume esikhundleni sesahluko 3 soMthetho ka Zwelonke ngokwezinto eziqukethwe kulo Mthetho.

2. Izincazelo

kulo Mthetho, ngaphandle uma okuqukethwe kuchaza ngokunye—

"izimoto ezincane zokuthutha ezenzelwe isimo esithile" kusho imoto yokuthutha lapho lemoto nanoma yikuphi kuyona okushintshiwe ekhiqizelwe noma eshintshelwe ukuthi ithuthe abantu ngumkhiqizi orejistiwe ngokuhambisana no Mthetho ka Zwelonke we Zemigwaqo;

"ukunikwa amandla esikhashana" kusho ukunikwa amandla okusebenza ngezokuthutha abahamba ngezimoto zomphakathi okwesikhashana njengoba kubekwe kusigaba 52;

"I ambulense" isho imoto eyakhiwele noma eshintshelwe ukuthutha abantu abagulayo noma abalimele ukubahambisa noma ukubalanda lapho bengathola khona ukwelashwa futhi erejistwe njengane ambulense ngokomthetho ofanele wezokuthutha;

"Ibhodi lezikhalo" lisho ibodi lokwethula izikhalo ngabahamba ngezimoto zomphakathi e-Gauteng njengoba kumiswe kusigaba 55;

"inhlango" isho iqembu labantu abasebenza ngezokuthutha abahamba ngezimoto zomphakathi —

- (a) okungeyona inhloso yayo ukwenza inzuzo;
- (b) okunhloso yayo ngukuphakamisa izidingo zamalunga ayo; futhi
- (c) izimali zayo zisetshenziselwa ukuphakamisa lezidingo;

"ummeli wehhovisi" kusho—

- (a) umhloli;
- (b) ilunga lamaphoyisa ase ingizimu Afrika, okubalwa kulo ilunga lephoyisa akamasipala njengoba kuchaziwe kusigaba 1 so Mthetho wama Phoyisa ase Ningizimu Afrika (u Mthetho 68 ka 1995);
- (c) umuntu osebenzela umnyango othile noma umasipala, okungumsebenzi wakhe ukuhlola izimoto, amalayisense ezimoto noma ukukubhekela isiminyamina;
- (d) umhloli wezokuthutha ngomgwaqo njengokuba kubekwe kusigaba 39 wezo Mthetho wezokuthutha zamabhoda, ka 1998 (u Mthetho 4 ka 1998);

"Ibhodi" lisho I Bhodi lamalayisense okusebenza lase Gauteng elamiswa ngokwesigaba 29;

"isitimela-bhasi" kusho imoto—

- (a) enezigaba ezimbili ezixhumene ukuze yenze imoto eyodwa;
- (b) engakwazi ukuthi isigaba esisodwa sijike sime siqondane nesinye;
- (c) emiselwe ukuthi ikwazi uthwala umshayeli nabantu abangengaphansi kuka

100 kuphela;

(d) inephaseji eyodwa engangobude bayo;

"ezamabhasi" zisho imoto ethutha abahamba ngezimoto zomphakathi ehamba ngesikhathi ithwala abantu abevile kwisishiyagalombili, ehamba ngemigudu ethile ngokwezimali ezazisiwe kumphakathi, ekufanele ukuthi zivunywe ngokusemthethweni uma kunoxhaso olutholakala kuhulumeni, njengoba kutshengiswe kusigaba 10;

"ubukhulu" kusho inombolo esemthethweni yabantu abangathuthwa yimoto, ngaphandle komshayeli, njengoba kuboniswe kwisitifiketi somgwaqo saleyomoto;

"ezokuqashisa" kusho ezokuthutha abahamba ngezimoto zomphakathi ezifaka ukuqashwa ngemali kwemoto nomshayeli, eziqashelwa uhambo olubekiselwa luseza, lapho—

- (a) kungekho oothatha imali kumgibeli ngamunye phakathi komshayeli nomphathi kuqashisa;
- (b) lowo oqasha imoto unelungelo lokuzikhethela umgudu, usuku nesikhathi sokuthatha uhambo; futhi
- (c) abagibeli bahanjiswa endaweni efanayo;

"eyokungcebeleka" kusho imoto enomfonomfo enomshini wokupholisa, indlela yokuxhumana nabagibeli kanye nokunye nje okungabekwa yibhodi;

"ezokungcebeleka" kusho ezokokuthwala abantu abahamba ngezimoto zomphakathi ezibekelwe isikhathi, ezisebenzisa eyokungcebeleka esebenzisa umgudu osowubekiwe nemali echazwe ngokukwesigaba 16;

"uMthethosisekelo" usho uMthethosisekelo wase Ningizimu Afrika, ka 1996; (uMthetho 108 ka 1996);

"isivumelwano" sisho isivumelwano soxhasomali, isivumelwano esingenalo uxhasomali, isivumelwano esisanda kuvezwa noma isivumelwano sesikhashana;

"isiphathimandla sesivumelwano" sisho—

- (a) uMnyango wezoku Thutha ka Zwelonke;
- (b) u Mnyango;
- (c) isiphathimandla sezokuthutha;
- (d) umasipala noma inkaba yedolobha, elibophezelwe yisivumelwano noma isiyekelelo esaphethwa nosebenza ngezithuthi;

"inkaba yedolobha" isho umasipala obekwe ngokukwesigaba 4 so Mthetho wezokuthutha eDolobheni, ka 1977 (uMthetho 78 ka 1977), njenganenkaba yedolobha lezokuthutha kwi idolobhakazi, bese ifaka nanoma yimuphi umasipala, emva kokuqala kwawo lo Mthetho, njengokuba kubekiwe;

"ezokuphakamela" isho ezokuthutha ezinikelwa mahhala kumakhasimende enikwa yinhlangotho engasebenzi ngezokuthutha, lapho inhlangotho inikezela ngemoto yayo noma lapho imoto inikezela ngosebenza ngezimoto ngokwesivumelwano

naleyonhlangano kodwa osebenza ngokuqashisa izimoto engathathi imali ngqo kumgibeli;

"ezokuthutha phakathi kwamabhoda" kusho ezokuthutha ngokweqa amabhoda omhlaba wonke njengokuchazwa ku Mthetho wezokuthutha Ngokweqa Amabhoda ka 1998(uMthetho 4 ka 1998);

"Isivumelwano esisha sethenda" sisho isivumelwano esangenelwa ngaphambi kokuqala koMthetho ka Zwelonke okusebenza kwezokuthutha abahamba ngezimoto zomphakathi phakathi koMnyango wezokuthutha ka Zwelonke ne Sifundazwe kwenye ingxenye nosebenza ngezokuqashisa izimoto kwenye ingxenye, kulowo onikezwe ithenda yokwenza umsebenzi yibhodi lethenda lo Mbuso noma yibhodi lethenda lase Gauteng elamiswa ngokoMthetho webhodi lethenda lase Gauteng, ka 1994 (uMthetho 2 ka 1994) futhi osabophezela, isikhathi sawo siphela emuva kokuqala kwalo Mthetho, futhi ifaka nomthetha oysisibophezelo phakathi—

- (a) kosebenza ngezimoto ne Sifundazwe ngenxa yokudlulisela koMnyango kaZwelonke amalungelo nezibophezelo zawo ikudlulisela kwi Sifundazwe ngokungathathaleki ukuthi okumelwe kwenziwe kwaqala ngaphambili noma ngemuva kokuqala ko Mthetho ka Zwelonke; noma
- (b) osebenza ngezimoto nesiphathimandla sezokuthutha, umasipala noma inkaba yedolobha, lapho iSifundazwe, emva kokuqala ko Mthetho ka Zwelonke—
 - (i) kungenzeka ukuthi sedlulisele amalungelo nezibopho; noma
 - (ii) njengoba kungenzeka, ukuthi siwadlulisele phambili amalungelo nezibopho ebekade kudluliselwe kusona ngu Mnyango ka Zwelonke ngokwendinyana (a);

"uMnyango" usho uMnyango kwisi Fundazwe obhekele ezokuthutha umphakathi;

"amabhasi athwelene" kusho imoto elekene engathwala abagibeli abangevile ku 110;

"ezemfundo" kusho ezokuthutha abahamba ngezimoto zomphakathi ezimiselwe kuphela ukuthi zithuthe abafundi bemfundo ephakeme, abafundi basezikoleni, abafundi basenkulisa, yizinduna phakathi kwalapho abafundi behlala khona nasezikhungweni zemfundo nasohambweni olungamisiwe ukuya nokubuya ezikhungweni zemfundo, oluqondene kuphela nezinto ezihambelana nemfundo, njengoa kukhonjwe kusigaba 11;

"uMthetho wesikhashana wamakhumbi angamatekisi e-Gauteng", usho uMthetho wesikhashana wamakhumbi angamatekisi e-Gauteng, ka 1997 (uMthetho 11 ka 1997);

"uMthetho wezo Kuvakasha e-Gauteng", usho umthetho wezokuvakasha e-Gauteng ka 1998 (uMthetho 18 ka 1998);

"uSomqulu" usho usomqulu wesi Fundazwe;

"umphathi" kusho lowo onemvume eqondile noma ilayisense lokusebenza;

“uMthetho we Ntela yeNzuzo” kusho uMthetho we Ntela yeNzuzo, ka 1962 (uMthetho 58 ka 1962);

“umhloli” kusho umhloli obekwe ngaphansi kwesigaba 96;

“uhlelo oluhlangene lwezokuthutha” kusho uhlelo oluhlangene lwezokuthutha njengoba lutshengiswe kusigaba 27 soMthetho ka Zwelonke;

“isivumelwano sesikhashana” sisho isivumelwano, okungesona isivumelwano esisebenza ngalesosikhathi, isivumelwano sokusebenza ngensizakalo emisiwe enoxhaso, isikhathi saso lesivumelwano siphela emva kokuqala kokusebenza ko Mthetho ka Zwelonke futhi

(a) esangenelwa ngaphambi kwalolosuku phakathi kwe Sifundazwe noMnyango weZokuthutha kaZwelonke ngakwenye ingxenye nomsebenzi (operator) ozosebenza

ngalensizakalo ngakwenye ingxenye, futhi sisayisibopho phakathi kwabo noma sibe

yisibopho kuphela phakathi kweSifundazwe nomsebenzi (operator); noma

(b) siyisibopho phakathi komsebenzi nesikhulu sezokuthutha, inkaba yedolobha noma umasipala ngenxa yokudluliselwa kuyena, emuva kokuqala kwalo Mthetho, kwamalungelo nezibopho zesi Fundazwe ngaphansi kwesivumelwano esikwisigaba (a);

“ezokuthutha phakathi kwe ziFundazwe” kusho ezokuthutha abahamba ngezimoto zomphakathi ezisebenza phakathi kwezifundazwe ezimbili noma ngaphezulu;

“ezokuthutha ngaphakathi kwi ziFundazwe” kusho ezokuthutha abahamba ngezimoto zomphakathi ezisebenzela ngaphakathi kwemingcele yesi Fundazwe;

“ilimozini” isho imoto enomfonomfo ephakanyiswe yibhodi njenganemoto yokungcebeleka engathwala abagibeli abane kuya kwabayisishiyagalombili;

“ezokusebenzela amabanga amade” kusho ezokuthutha abahamba ngezimoto noma izitimela zomphakathi ezimisela noma ezingamisela isikhathi, ezihamba nangaphandle komngcele wendawo ebekwe ohlelweni, lapho abagibeli bekhokha khona izimali ezehlukene;

“ezamatekisi anamamitha” kusho ezokuthutha abahamba ngezimoto zomphakathi ezisebenza ngezimoto ezenzelwe, noma ezishintshwe ngokomthetho ngumkhiqizi orejistiwe ngokuhambelana no Mthetho wezokuthutha ngomgwaqo zika Zwelonke, zithwale abantu abangaphansi kwesishiyagalolunye, sekuhlangene nomshayeli, lapho lemoto—

(a) itholakala ngokuyikhwaza, ngocingo noma eyiphi nje enye indlela;

(b) ingalindela ukuqashwa erenki; futhi

(c) ifakelwe imitha evalalwe, isebenza kahle, ukuze ikwazi ukutshengisa imali efanele ukukhokhwa umgibeli;

"isiphathimandla sedolobhakazi" sifaka idolobhakazi lakwamasipala noma umasipala wesigodi, njengoba kuchazwe kusigaba 1 sikahulumeni wendawo: uMthetho wezakiwo kamasipala, 1998 (uMthetho 117 ka 1998);

"ibhasi encane" kusho imoto yokuthutha abahamba ngezimoto zomphakathi eyenzelwe noma eshintshwe ngokomthetho ngumkhiqizi orejistiwe ngokuhambelana no Mthetho wezoku Thutha ka Zwelonke, ethwala abagibeli abasukela ku 19 kuya ku 35 abahleli phansi, ngaphandle komshayeli;

"amakhumbi" kusho imoto eyenzelwe noma eshintshwe ngokomthetho ngorejistiwe ngokuhambisana no Mthetho wezokuThutha ka Zwelonke, ethwala abagibeli abasukela ku 9 kuya ku 18 abahleli phansi, ngaphandle komshayeli;

"amakhumbi angama tekisi" kusho ezokuthutha abahamba ngezimoto zomphakathi ezingamiselwe sikhathi ezihamba ngemigudu ethile, noma kwesinye isikhathi, ngaphakathi kwendawo elithile, ngemoto, ikhumbi, ibhasi encane noma imoto encane eshintshwe isimo;

"imoto" isho imoto encane, ngaphandle kwesithuthuthu, imoto enamasondo amathathu, imoto enamasondo amane njengoba ichazwe ku Mthetho wezemigwaqo ka Zwelonke, eyenziwele noma eshintshwe ngokomthetho ngorejistiwe ngokuhambisana noMthetho ukuze ithwale abantu abangevile kwisishiyagalombili, ngaphandle komshayeli;

"imoto encane " kanye **"nemoto"** kusho imoto njengoba ichazwe kusigaba 1 soMthetho wezoku Thutha ka Zwelonke;

"umasipala" ufaka bonke omasipala abakhonjwe kusigaba 155(6) soMthethosisekelo, bese kuthi ngokwesigatshana C umasipala okhonjwe kusigaba 155(1)(c) walapho, ufaka futhi nesigatshana B somasipala abakhonjwe kusigaba (1) (b) kwindawo yawo;

"uMthetho ka Zwelonke" kusho uMthetho wesikhashana wezokuthutha ngomhlaba ku Zwelonke, uMthetho, 2000 (uMthetho 22 ka 2000);

"uMthetho kaZwelonke wesiminyamina emigwaqweni" usho uMthetho kaZwelonke wesiminyamina emigwaqweni, 1996 (uMthetho 93 ka 1996);

"ezingabophezelwe yisivumelwano" kusho ezokuthutha abahamba ngezimoto zomphakathi ngaphandle kwalezo ezisebenza ngesivumelwano sokungatholi uxhaso, isivumelwano soxhaso, isivumelwano sokusebenza esisebenzayo noma isivumelwano sesikhashana;

"abangemalungu" kusho noma yimuphi umuntu, noma umuntu ngokwemvelo noma umuntu ngokwebhizinisi, ongelona ilunga lenhlangano;

"amabhasi alekene avuleke phezulu" asho amabhasi alekene enzelwe noma ashintshwe ngumkhiqizi orejistiwe ngokuhambelana noMthetho wezokuthutha ngemigwaqo ka Zwelonke, ezokuvakasha noma ezokuqashwa futhi ezihambelana namazinga abekiwe okuphepha futhi eziphakamiswe yibhodi liziphakamisela

leyonhloso;

"ilayisense yokusebenza" isho ilayisense yokusebenza ngezokuthutha umphakathi efunwa yisigaba 33 soMthetho ka Zwelonke, ekhishwa futhi inikezwe ngokuhambelana ne Ngxenywe 6;

"umsebenzisi" kusho osebenza ngezokuthutha umphakathi njengoba kuchazwe kuMthetho ka Zwelonke, kube kungumuntu owenza ibhizinisi lokusebenza ngezokuthutha abahamba ngezimoto zomphakathi;

"ilungu lombuso" lisho ilungu lombuso njengoba kuchazwe kusigaba 239 soMthethosisekelo;

"imvume" isho imvume yokuthwala emgwaqweni womphakathi noma amandla afanayo anikezwe ngumthetho odlule, njengoba kuchazwe kuMthetho kaZwelonke, futhi esebenza kusukela ekuqaleni kwalomthetho ngokuwesigaba 78 soMthetho kaZwelonke;

"okubekiwe" kusho okubekwe inqubomgomo;

"iSifundazwe" sishi isiFundazwe sase Gauteng;

"isikhungo sezokuthutha abahamba ngezimoto zomphakathi kwisiFundazwe" sisho isikhungo sezokuthutha abahamba ngezimoto zomphakathi kwiSifundazwe esabekwa ngokwesigaba 85;

"ezokuthutha abahamba ngezimoto zomphakathi", ngokuya ngesigaba 4, kusho ukuthwala abagibeli ngezinto ezihamba ngomgwaqo, noma ngabe ukusebenza kuhamba ngesivumelwano noma qha, futhi lapho ukusizakala kunikezelwa ngokukhokhelwa noma ngokunye ukubonelelwa noma umklomelo, okukhona kukho noma yikuphi okulandelayo—

- (a) ama takitaki;
- (b) aamatekisi anamamitha;
- (c) amatekisi angamakhumbi;
- (d) amabhasi;
- (e) ezemfundo;
- (f) ezokuvakasha;
- (g) ezokuqashwa;
- (h) ezabasebenzi;
- (i) ezokuphakamela;
- (j) ezokungebeleka ezibekelwe isikhathi;
- (k) ezokuthutha;

"umkhiqizi orejistiwe" ufaka umkhiqizi, umlandi phesheya noma umakhi wezimoto orejistwe ngokuwesigaba 5 somthetho wezoku Thutha ngomgwaqo kaZwelonke;

"umbhalisi" usho umbhalisi wezokuthutha e-Gauteng obekwe ngokwesigaba 60;

"ezibekelwe isikhathi" kusho ezokuthutha abahamba ngezimoto zomphakathi ezisebenza ngemigudu ebekiwe nezikhathi ezibekiwe;

"ezisanqola edonswayo" kusho ezisanqola edonswayo njengoba kuchazwe kusigaba 1 soMthetho kaZwelonke wezsiminyaminyama emigwaqweni;

"izinsizakalo" kusho ezokuthutha abamba ngezimoto zomphakathi;

"ezokuqashwa" kusho ezokuthutha abahamba ngezimoto zomphakathi endaweni noma kwimigudu ebaliwe engabekelwa isikhathi uma kukhona abafuna lokho noma ingabekelwa sikhathi, njengoba kukhonjwe kwisigaba 17;

"ezabasebenzi" kusho ezokuthutha abahamba ngezimoto zomphakathi ngokwemoto yomqashi noma imoto enikezelwe ngumsebenzi ngezithuthi ngokwesivumelwano nomqashi, uma isetshenziselwa kuphela ukuthutha abasebenzi bomqashi ukuya nokubuya emsebenzini, noma ukusetshenziselwa izindlela eziqondene nomsebenzi futhi ezingakhokhiselwa ngqo;

"amabhasi angashintshi" kusho imoto emisellwe noma eshintshwe ngokomthetho ngumkhiqizi orejistiwe ngokomthetho wezoku Thutha kaZwelonke, engathwala abagibeli abangu 36 noma 70 abahlezi phansi nabanye abagibeli abamile abavunyelwe yisitifiketi esisemthethweni sezokuphepha emgaqweni;

"ezesivumelwano esinoxhaso" kusho isivumelwano, ngaphandle kwesivumelwano sesikhashana noma leso esisanda kunikwa isivumelwano sethenda, esaphethwa phakathi koMnyango, isiphathimandla sezokuthutha, umasipala noma inkaba yedolobha ngakwenye ingxenye, nosebenza ngezokuthutha kwenye ingxenye, ukusebenza ngensizakalo ebekelwe isikhathi nalapho osebenza ngezokuthutha ethola khona uxhasomali ngaphezu kwalokho okukhokhwa ngabagibeli;

"lo Mthetho" ufaka nenqubomgomo;

"uMthetho wezokuvakasha" usho uMthetho wezokuvakasha, 1993 (uMthetho 72 ka 1993);

"ezokuvakasha" zisho ezokuthutha abahamba ngezimoto zomphakathi ezithwala abavakashi ukuya nokubuya ezikhangisweni zabavakashi, lapho abavakashi bephelezela khona ngumbonisi ndlela orejistwe ngokukwesigaba 21 soMthetho wezokuVakasha;

"umthetho wenkundla wokudlulisela izikhalo ngezokuthutha" usho umthetho wenkantolo wokudlulisela izikhalo ngezokuthutha, ka 1998 (umthetho 39 ka 1998);

"isiphathimandla sezokuthutha" kusho isiphathimandla esikhonjwe kusigaba 10(1) somthetho ka Zwelonke;

"abaphathiswa belayisense yokusebenza ngezokuthutha" kusho abaphathiswa belayisense yokusebenza ngezokuthutha ekhonjwe kusigaba 34;

"uhlelo lwezokuthutha" kusho uhlelo olubhelelwe kusigaba 19 so Mthetho ka Zwelonke;

"ama taki-taki" kusho izimoto ezinamasondo amathathu ezingathwala abagibeli abangaphansi kwabathathu;

"ezamatakitaki" kusho ezokuthutha abahamba ngezimoto zomphakathi ezingabekelwe sikhathi ezithwala abagibeli abangeqile kwabathathu, ezihamba ngemigudu ezibekelwe yona emadolobheni, ngesivinini esingaphansi kuka 45 wama khilomitha nge hora njengoba kukhonjiwe kusigaba 7;

"ezokuthutha abahamba ngezimoto zomphakathi ezingekho emthethweni" kusho ezokuthutha abahamba ngezimoto zomphakathi ezinganikwanga umthetho ngokwelayisense yokusebenza noma imvume kufaka nalezo zokuthutha eziphethwe yilowo onelayisense yokusebenza noma imvume kodwa okungahambisani nemigomo yelayisense yokusebenza noma imvume;

"ezingabekelwe isikhathi" kusho ezokuthutha abahamba ngezimoto zomphakathi ezihamba ngomgudu noma imigudu ethile, noma, lapho kungenzeka khona, ngaphakathi kwendawo ethile, ngaphandle kwezikhathi ezimisiwe noma ezibekiwe, lapho abagibeli bekhokhiswa khona ngamunye;

"ezezivumelwano ezingenalo uxhasomali" kusho isivumelwano sohwebo esikhonjwe ku Mthetho ka Zwelonke, kube kuyisivumelwano phakathi kwesiphathimandla sesivumelwano nombebenzisi, ngalemigomo elandelayo—

- (a) umsebenzisi usebenza ngezokuthutha abahamba ngezimoto zomphakathi, ngendlela ebekwe ohlelweni lwezokuthutha;
- (b) umsebenzisi ubhekene nezimali zokugibela ezikhokhwa abagibeli abagibeliswayo futhi, lapho abagibeli bekhokha khona imali eyehlisiwe, nalapho futhi umphathi wesivumelwano evuselela isivumelwano nomsebenzisi; nalapho
- (c) osebenza ngezokuthutha engatholi uxhasomali noma ukusizwa ngokwemali kunoma yiliphi ilungu nanoma iyiphi ingxenye kahulumeni ngakho ke ngokwalesigaba, ukuvuselelwa okwenziwe kosebenza ngezokuthutha ngokwemali yokugibela eyephuliwe angeke ibhekwe njengoxhasomali nanganoma iyiphi enye indlela yokusizwa ngezezimali.

INGXENYE 2: EZOKUTHUTHA ABAHAMBA NGEZIMOTO ZOMPHAKATHI

3. Izindlela zokuBombisa ezokuthutha abahamba ngezimoto zomphakathi kwizinhlelo zokuthutha

- (1) Kumele kuphakamiswe amacebo okuphumelelisa ukuhlangana kwezindlela, ezokuthutha ezifinyeleleka kalula yilabo abanokukhubazeka, ukushintsha nokuthuthukisa amabhizinisi amancane nabantu ababenamathuba amancane ngenxa yobandlululo olungeluhle.
- (2) Omunye nomunye weziphathimandla zokuthutha, inkaba yedolobha nomasipala kumele akhethe futhi abonise ezokuthutha abahamba ngezimoto zomphakathi ezizophakanyiswa ohlelweni lwezokuthutha ngokwalemigomo elandelayo—

- (a) izivumelwano ezinoxhasomali zezokuthutha ezibekelwe isikhathi;
- (b) izivumelwano ezingenalo uxhasomali ze—
 - (i) zokuthutha ezibekelwe isikhathi;
 - (ii) zokuthutha ezingabekelwe isikhathi;
 - (iii) ezokuthutha ngokwezindawo;
- (c) ezokuthutha ezingangenele isivumelwano ze—
 - (i) zokuthutha ezibekelwe isikhathi;
 - (ii) zokuthutha ezingabekelwe isikhathi;
 - (iii) zokuthutha ngokwezindawo;
 ukusebenza ngaphandle koxhasomali.
- (3) Umuntu oqoke ukusebenza ngezokuthutha ngomgwaqo womphakathi kumele—
 - (a) Abe nemvume efanele, ilayisense yokusebenza noma amandla esikhashana; futhi
 - (b) Arejistwe ngokwalo Mthetho maqondana namakhumbi angamatekisi, amatekisi anamamitha, amabhasi kanye nezithuthi zokungcebeleka ngokwesigaba 69, isigaba 77 nesigaba 81.
- (4) Inhlangano kungenzeka ingabi nayo ilayisense yokusebenza noma invume.
- (5) Imoto noma iyiphi ifumana ilayisense yokusebenza eyodwa kuphela.

4. Okuxolelwayo

Ngenxa yalo mThetho, incazelo ye "zokuthutha abahamba ngezimoto zomphakathi" ifanele ingakufaki lokhu okulandelayo:

- (a) ukuthuthwa kwabagulayo nge ambulense ukuya nokubuya lapho bethola khona ukwelashwa;
- (b) ukuthuthwa kwabantu abakwi kilabhu yokugibelisana, lapho amalunga eshintshana ngokugibelisana noma ukuhlela ukugibelisa amanye amalunga noma labo abaqokwe yilawo malunga ukuya nokubuya kwizindawo eziqokiwe ngenhloso eqokiwe nalapho kungekho khona uhlelo noma olunjani lokukhokhelana ngokugibelisana.

5. Imithetho eqondene nabashayeli kanye nezimoto

- (1) U MEC angababekela imigomo yokuziphatha abashayeli bezimoto ezisetshenziselwa izinhlobo ezehlukene zezokuthutha abahamba ngezimoto zomphakathi futhi lababashayeli kumele ngasosonke isikhathi lapho besebenza lomsebenzi—
 - (a) bahlanzeke futhi bagqoke kahle;
 - (b) bangabhemi; futhi
 - (c) bayazi kahle indawo abasebenzela kuyo.
- (2) Isigatshana (1) angeke sisebenze kubasenzi abasebenzela lapho kucace khona kahle ukuthi asingangeni.
- (3) UMEC angashaya umthetho wokuthi bonke abashayeli bezithuthi zabahamba ngezimoto zomphakathi baye kofundiswa ngokuthile.
- (4) Ibhodi—
 - (a) kumele liphakamise uhlobo nesimo sezimoto ezisetshenziselwa ukuthutha abahamba ngezimoto zomphakathi;

- (b) noma ummeli wehho visi angacela lowo ofaka isicelo selayisense ukuthi ahambise imoto iye kohlolwa kabusha uma esola ukuthi ayikho esimweni sokuba semgaqweni, noma ngabe leyomoto ibisinayo ilayisense esemthethweni yokuba semgaqweni; futhi
 - (c) angenqaba ukuphanisa ngelayisense yokusebenza uma ngokwakhe ebona imoto ingekho esimweni sokuba semgaqweni.
- (5) Izimoto ezisetshenziselwa ukuthutha abahamba ngezimoto zomphakathi kumele zisuke esikhungweni sazo zihlanzekile, ngaphakathi nangaphandle, ngokwemigomo yokuqondisa, uma kunesivumelwano, ngokubekwe kwisivumelwano.
- (6) Ngokwemigomo yo Mthetho ka Zwelonke wesiminyamina emgaqweni, izimoto ezisetshenziselwa ukuthutha abahamba ngezimoto zomphakathi kumele zibe sesimweni esihle ngaphakathi nangaphandle.
- (7) (a) Imoto esebenza ukuthutha abahamba ngezimoto zomphakathi kumele ibe nesicishamlilo okungenani esisodwa esisebenza kahle nebhokisi losizo lokuqala elinezimfanelo zalo.
- (b) Isicishamlilo nebhokisi losizo lokuqala kumele kubekwe noma kufakwe ngendlela nasendaweni ebekiwe emotweni, kuthi izicishamlilo zishintshwe ngezikhathi ezifanele.

6. Imikhakha yensizakalo

- (1) Amalayisense okusebenza ngezokuthutha abahamba ngezimoto zomphakathi akhishwa ngokwalezindlela ezilandelayo:
- (a) amatakitaki njengokuba kukhonjwe kusigaba 7;
 - (b) amatekisi anamamitha njengokuba kukhonjwe kusigaba 8;
 - (c) amakhumbi angamatekisi njengokuba kukhonjwe kusigaba 9;
 - (d) amabhasi njengokuba kukhonjwe kusigaba 10;
 - (e) ezokuthutha abafundi njengokuba kukhonjwe kusigaba 11;
 - (f) ezokuvakasha njengokuba kukhonjwe kusigaba 12;
 - (g) ezokuqashisa njengokuba kukhonjwe kusigaba 13;
 - (h) ezokuthutha abasebenzi njengokuba kukhonjwe kusigaba 14;
 - (i) ezokuthutha ezifinyelelekayo;
 - (j) ezokuthutha njengokuba kukhonjwe kusigaba 17;
 - (k) ezokuphakamela njengokuba kukhonjwe kusigaba 15;
 - (l) ezokungcebeleka ezibekelwe isikhathi njengokuba kukhonjwe kusigaba 16.
- (2) U MEC, ngokwazisa kuSomqulu nangemuva kokuxhumana nesikhungo sezokuthutha abahamba ngezimoto zomphakathi sesi Fundazwe, anganezelelaza insizakalo, ashintshe noma asuse insizakalo efakwe kusigatshana (1).
- (3) Imikhakha yezinsizakalo ebalwe kusigatshana (1) emayelana nemithetho ekhonjwe kusigaba 3 yengomuso zitshengiswe kusheduli B, bese kuthi ezesikhathi soshintsho zitshengiswe kusheduli C.

7. Ezamatakitaki

Ezamatakitaki—

- (a) azimele ukuthwala abagibeli abangaphezulu kwabathathu;
- (b) zingaphathwa kuphela yizimoto ezingamatakitaki, lapho ibhodi libeka ngokwelayisense esemthethweni—
 - (i) umgudu noma umgwaqo osedolobheni lapho ezamatakitaki zingasebenzela khona;
 - (ii) isivinini samatakitaki asedluli kumakhilomitha angu 45 ngehora.

8. Ezamatekisi anamamitha

- (1) Ezamatekisi anamamitha zingasebenzisa izimoto noma amakhumbi kuphela, kodwa—
 - (a) imoto kumele ibe nemitha elivalekile elisebenza kahle futhi elihambelana nalokho okubekiwe, ukuze likale ukubiza kohambo;
 - (b) ngokwamakhumbi, uhlobo nokungakuthwala kumele kuvunywe noma kuphakanyiswe yiBhodi ngemuva kokubonisana nenhlangano yamatekisi asebenzela kuleyondawo;
 - (c) iBhodi kumele limise isibalo sabagibeli abangathwalwa, ekufanele sibe ngaphansi kwaba yisishiyagalolunye, futhi esingaba ngaphansi kwaleso esingathwalwa;
 - (d) iBhodi lingamisa izindawo ezicacisiwe lapho kungathathwa khona abagibeli;
 - (e) lapho kugitsheliswe abagibeli abangaphezu kwabane, imoto kumele ibe nemitha elisetshenziswanayo;
 - (f) imoto kumele ibonise ukuthi iyitekisi ngendlela ebekiwe.
- (2) Ibhodi lingabeka ubukhulu noma ubuncane bemali yokugibela amatekisi anamamitha okumele ikhishwe kuSomqulu.
- (3) UMEC angabeka indlela yokuhlukanisa amatekisi anamamitha futhi abeke nendlela ethile yokukhombisa amatekisi angamamitha ngokwehlukahlukana kwawo nalapho lokhukwehlukana kwenziwa khona, kumele kubhalwe kumalayisense okusebenza ahlukene.
- (4) Amatekisi anamamitha angashiya izindawo zawo ezehlukene zokusebenza uma—
 - (a) ethwele abagibeli abafanayo ukuya nokubuya lapho beya khona;
 - (b) itekisi-ibuya ingathwele muntu; noma
 - (c) kumele enze kanjalo ngokwesivumelwano esivunywe yiBhodi.
- (5) noma ekhona usigatshana (1), itekisi enemitha ingasebenza ngemali yokugibela engatshengisiwe imitha uma imali yohambo oluthile kuvunyelwene ngayo ngaphambi kohambo.

9. Ezamatekisi angamakhumbi

- (1) Ezamatekisi angamakhumbi zingasebenzisa kuphela izimoto ezincane, amakhumbi, amabhasi amancane noma izimoto ezincane zokuthutha ezishintshwe isimo.
- (2) Ilayisense yokusebenza ekhishelwe itekisi eyikhumbi kumele ibonise ukuthi ukusebenza kwaletekisi kuhamba ngomgudu noma ibalazwe, ngaphandle kwalapho isimo esehlukile sivunywe yilo Mthetho.
- (3) Amakhumbi angamatekisi ayizithuthi zabahamba ngezimoto zomphakathi ayizithuthi ezingabekelwe isikhathi ezithwala abantu abangedluli ku 35 abangavinjwa yimigomo ethile ngokwemali yokugibela nezikhathi ezibekelwe ukuhamba.

10. Ezamabhasi

- (1) ezamabhasi zisebenza kuphela ngamakhumbi, amabhasi amancane, amabhasi ajwayelekile, asamachwane adonswayo, alekene nasasitimela.
- (2) ngokwamabhasi alekene noma asasitimela iBhodi linganciphisa ukusebenza kwelayisense likunciphisele kwizindawo noma imigudu ethile.
- (3) Ezamabhasi kumele kube ezibekelwe isikhathi ezisebenzela ezindaweni noma kwimigudu ebekiwe ngokukhokhisa imali ebonisiwe nokuhamba ngezikhathi ezibekiwe, okufanele uma kunoxhasomali, ivunyelwe yisiphathimandla esikhokha uxhasomali.

11. Ezemfundo

- (1) ezemfundo kumele zimiselwe isikhathi sokuthutha abafundi besikole, abafundi bemfundo ephakeme, abafundi basenkulisa, nezinduna phakathi kwezindawo abahlala kuzo nezokufunda, kodwa zingafaka uhambo olungabekelwe isikhathi ukuya nokubuya ezikhungweni zemfundo uma loluhambo luqondene kuphela nezinto ezihlobene nemfundo.
- (2) ezemfundo zingasebenzisa izimoto ezincane, amakhumbi, amabhasi amancane, amabhasi ajwayelekile, amabhasi alekene, izitimela-mabhasi noma izimoto ezincane ezishintshelwe okuthile.
- (3) Ngaphambi kokubonelela isicelo sokuphiwa, ukuvuselela, ukushintsha noma ukudlulisela ilayisense yokusebenza ngezemfundo, iBhodi kumele lihambise isicelo kulesosikole esithintekayo noma ezinye izikhungo zemfundo ukuzwa uvo noma izincomo zazo ngendlela ebekiwe, futhi kumele libhekisise lololuvo noma izincomo ezitholile.

12. ezokuvakasha

- (1) Ezokuvakasha kumele zibekiswe ukuze kwenzelwe ukuhamba kahle ngokungcebeleka lapho abavakashi bephelezela ngumbonisi-ndlela orejistiwe ngokwesigaba 21 so Mthetho wezoku Vakasha.
- (2) Ayikho ilayisense egunyaza ukusebenza ngezokuvakasha engakhishwa ngaphandle uma iBhodi selithole futhi labonelela

izincomo eziphuma kwisiphathimandla sezokuthutha ezivumelana no MEC, kodwa ibhodi lingaqhubeka ngaphandle kwalezizincomo lapho isiphathimandla singazange sikhophe izincomo ngesikhathi esibekiwe ekucelweni yiBhodi.

- (3) Ekukhipheni ilayisense lokusebenza ngezokuvakasha iBhodi lingabeka imigomo yokuthi imoto ibe nesipholisi, izipikha zokudlulisela umculo noma umlayezo, izitsha zasekhishini nanoma yiziphi ezinye izinto ezingabekwa yiBhodi, noma izindlu zangasese lapho uhambo lweqa amakhilomitha angu 200, noma yimiphi ke nje eminye imigomo.
- (4) Ibhodi lingabeka ubuningi babagibeli abangathwalwa imoto esetshenziselwa ezokuvakasha, ngaphandle kokunaka ukuthi ubukhulu bemoto bungaphezulu kwalesosibalo esibekiwe.
- (5) Lapho kufanelekile, iBhodi lingabeka izindawo ezithile noma imigudu yokusebenza ezokuvakasha.
- (6) Umshayeli wemoto esetshenziselwa ezokuvakasha kumele ngaso sonke isikhathi lapho lezizokuvakasha zisebenza ahambisane nezinqumo ezibekwe ngumthetho wezokuthutha nanjengoba kunqunyiwe.
- (7) Ezokuvakasha akumele zisetshenziselwe ibhasi-sitimela.

13. Ezokuqashisa

- (1) Ezokuqashisa kumele zisetshenziswe kuphela lapho abagibeli beyiswa endaweni eyodwa bonke, usuku nesikhathi sokuqala uhambo sibekwe ngumuntu ohlela ukubekisa uhambo.
- (2) Ezokuqashisa akumele zisebenzise ama taki-taki.

14. Ezabasebenzi

Ezabasebenzi zingasebenzisa izimoto ezivunye yi Bhodi, okukhipha kuzo ama taki-taki, uma ilayisense yokusebenza enikeziwe ikhomba ukuthi kusetshenzwe ngomgudu noma ibalazwe noma indawo.

15. Ezokuphakamela

Ezokuphakamela akumele zisetshenziselwe amabhasi alekene noma ibhasi-sitimela.

16. Ezokungcebeleka

- (1) Ezokungcebeleka zingasetshenziselwa ezintofontofo kodwa—
 - (a) kumele bonke abagibeli babe nezindawo zokuhlala;
 - (b) imoto kumele ibe nendlu yangasese uma izohambisa abagibeli ibanga eledlule kumakhilomitha angu 200;
 - (c) izithuthi kumele zisebenze ngesikhathi esibekiwe ngemigudu eseyibekiwe nangemali yokukhokhwa eseyibekiwe.
- (2) IBhodi lingazibekela eminye imigomo ezokungcebeleka.

17. Ezokuthutha

- (1) ezokuthutha zingasetshenziselwa ilimozini, imoto encane, ikhumbi, ibhasi encane, ibhasi ejwayelekile, ibhasi elekene noma ibhasi enomfonomfo.
- (2) Ezokuthutha kumele zisebenzise imali yokukhokhela uhambo lomgudu eseyibekiwe futhi ekhangiswe ngendlela eyamukelwa yi Bhodi.
- (3) IBhodi lingamisa ubuningi babagibeli abangathwalwa yimoto esetshenziselwa ezokuthutha, noma ngabe yona ingathwala inani elingaphezulu.
- (4) IBhodi kumele limisele ezokuthutha—
 - (a) indawo noma umgudu obekelwe ezokuthutha; futhi
 - (b) noma ngabe indawo ayibekelwe isikhathi ngokufunwa ngabagibeli noma ibekelwe isikhathi.
- (5) ekunikezeleleni ngelayisense yezokuthutha, iBhodi lingabeka imigomo yokuthi imoto ifakelwe isipholisi noma ezinye izinto ezibekwa yi Bhodi.

18. IMIKHAKHA YEZIMOTO

- (1) Lezinhlolo ezilandelayo ezezimoto zingasetshenziswa njengezithuthi zabahamba ngezimoto zomphakathi, kodwa ngokuya futhi ekhonjwe kusheduli A noma njengoba kuboniswe kusigaba 7 ka 17:
 - (a) amataki-taki;
 - (b) amalimozini;
 - (c) izimoto ezincane;
 - (d) amakhumbi;
 - (e) amabhasi amancane;
 - (f) amabhasi ajwayelekile;
 - (g) amabhasi alakene;
 - (h) amabhasi-sitimela;
 - (i) izimoto ezincane eziyizithuthi ezishintshiwe;
 - (j) izimoto ezisamachwane adonswa yizimoto;
 - (k) izithuthi zokungcebeleka.
- (2) U MEC angenezela, ashintshe noma asuse izimoto kuluhla olunikwe kusigatshana (1), ngokufaka isaziso kuSomqulu nangemuva kokuthintana neZikhungo zeZithuthi zaBahamba ngezimoto zomPhakathi zesi Fundazwe.
- (3) Imikhakha yezimoto mayelana nezinhlolo zokusebenza eziboniswe kusheduli A.
- (4) Imoto encane eyisithuthi ingasetshenziselwa ezokuthutha abahamba ngezimoto zomphakathi kuphela uma kuyimoto encane eyisithuthi eshintshiwe.

INGXENYE 3: AMANDLA NEMISEBENZI KANGQONGQOSHE NOMASIPALA**19. Amandla KA-MEC**

Ngaphandle kwamandla esekukhulunywe ngawo kulo Mthetho, nakuMthetho kaZwelonke, ngokuxhumana noMEC weze Zimali, u MEC—

- (a) angalukhokhela ucwaningo lwezokuthutha abahamba ngezimoto zomphakathi;
- (b) angawukhokhela umbukiso nokusebenza kokuhlola lezizithuthi;
- (c) angakhipha imininingwane ngalezizithuthi kumaphephandaba, imisakazo, omabonakude nezinye izinhlobo zokusakaza;
- (d) angasiza omasipala abangenabo abasebenzi noma izidingo ezifanele ukuqalisa imisebenzi abanikwe yona ngaphansi kwalo Mthetho;
- (e) angakhokhela ukuqeqeshwa kwabasebenzisi, abashayeli nabaphathiswa balemisebenzi;
- (f) angabonisa noma aqondise izinhlangano noma amaqembu abantu abalwela ukuthuthukiswa kwezokuthutha abahamba ngezimoto zomphakathi;
- (g) angangenela isivumelwano nezinye iziFundazwe mayelana nokuhambelana phakathi kwezi Fundazwe ngezimoto ezisetshenziselwa ukuthutha abahamba ngezimoto zomphakathi nokunye okuhlobene nakho;

20. IMISEBENZI KA-MEC

U MEC kumele—

- (a) ahlole ukuqalisa kokusebenza komthetho wezokuthutha abahamba ngezimoto zomphakathi kwisi Fundazwe, enze uphenyo ngezinto ezivezwa ukuqaliswa komthetho abese enza ushintsho olufanele;
- (b) aphakamise futhi akhuthaze inqubekela phambili yokusetshenziswa kwezokuthutha abahamba ngezimoto zomphakathi kwisi Fundazwe;
- (c) athathe izinyathelo ezifanele ukuphakamisa ukuxhumana phakathi kweziphathimandla zokuthutha nezinye iziphathimandla ezenza uhlelo kwisi Fundazwe, ngenhloso yokugwema ukuphindaphindeka kwento eyodwa;
- (d) akhuthaze ukusebenza ngempumelelo nangokohwebo kwabasebenzi bezokuthutha abahamba ngezimoto zomphakathi, akhuthaza okusebenza ngokoqhudlwano lwethenda ngokwezivumelwano nesiyekelo;
- (e) lapho lo Mthetho udinga ukuxhumana nokusebenzisana nomphakathi ngaphambi kokuthatha izinqumo noma ukwenza noma iziphi izenzo ezisemthethweni, abeke izaba okumele zilandelwe ngalokhu;
- (f) alwele ukwenza isiqiniseko sokuthi izimali ezinikezelwe yisi Fundazwe neziphathimandla zezokuthutha abahamba ngezimoto zomphakathi zisetshenziswa ngempumelelo, ngokwazisa, ngobuqotho nangokusobala;
- (g) ukuphakamisa ukuthuthukiswa kwezithuthi zabagibeli ngendlela yokuthi—
 - (i) anake amazanga ka Zwelonke nawomhlaba wonke kanye nemisebenzi esezingeni eliphakeme ka Zwelonke neyomhlaba wonke;

- (ii) aqhubezele phambili ukhuseleko lwabagibeli, kuzozonke izinhloso zezokuthutha ezweni;
- (iii) akhuthaze ubuqotho, ukuzimisela nokusebenza ngobuhwebo ekusebenzeni ngezokuthutha abahamba ngezimoto zomphakathi;
- (iv) aqhubezele phambili ukubhekela ngobuchule nangendlela exhumene ukunikezela ngezokuthutha abahamba ngezimoto zomphakathi ngokuxhumanisa ezokuthutha abahamba ngezimoto zomphakathi, ezemigwaqo nezokusebenza emgaqweni;
- (v) aqhubezele phambili ukongiwa kwamandla nokwehlisa izinga lokuthinteka kwemvelo;
- (h) aphaklamise ezokuthutha abahamba ngezimoto zomphakathi ukuze kuphumeleliseke—
 - (i) impumelelo ekufezeni izimfuneko;
 - (ii) ubuqotho ekusebenziseni okukhona (resources);
 - (iii) izinga eliphakeme nelifinyelelekayo losizo, nezemigwaqo eziyimpumelelo ezihambisana nokubiza okufanelekile; futhi;
 - (iv) ukusebenza ngokukhuseleka kwabagibeli nabanye abasebenzisa imigwaqo;
- (i) ukuqhubezela phambili ukuxhumana nokubonisana phakathi kwezindlela zokuthutha abahamba ngezimoto zomphakathi ukuphakamisa ukufinyeleleka nobulula bokutholakala nokwehliseka kwesikhathi sohambo.

21. Izingqubomgomo

- (1) U MEC angeza izinqubomgomo ezimayelana nalokhu—
 - (a) imininingwane ehamba nesicelo sokunikwa, ukuvuselela ukushintsha noma ukudlulisela ilayisene yokusebenza;
 - (b) indlela nesimo ekumele kwenziwe ngayo izicelo zamalayisense okusebenza;
 - (c) indlela ekumele ilandelwe ezokuthutha ezisebenza ngobuphathiswa bamalayisense noma iBhodi ekubhekaneni nezokufaka izicelo;
 - (d) imininingwane ekumele ihambisane nesikhalo esifakwa kwi Bhodi lezikhalo ngo Mthetho, indlela noma isinqumo se Bhodi noma uMbhalisi;
 - (e) imininingwane ekumele ihanjiswe yi Bhodi noma uMbhalisi kwi Bhodi lezikhalo noma lowo odlulisela isikhalo mayelana nesikhalo, nendlela nesikhathi okumele imininingwane ilethwe ngaso;
 - (f) izindlela ekumele zilandelwe yi Bhodi ekubhekaneni nezikhalo;
 - (g) amacala ekumele iBhodi liwabhekisise uma licwaninga isicelo selayisense yokusebenza ngaphansi kwesigaba 38;
 - (h) ukubalwa kwemigudu nokuyabela izinhlangano noma abanamalayisense, nezindlela nokukhishwa kwezimpawu zokubonisa ngokwalokwabiwa;

- (i) imithetho yokusebenza ngezemfundo;
- (j) izindlela zokuxazulula izinkinga nokungaboni ngaso linye phakathi kwezinhlangano nabasebenza ngezithuthi;
- (k) indlela yokubeka ngamazinga kwabasebenza ngezithuthi nabashayeli abahlangene nezokuthutha abahamba ngezimoto zomphakathi;
- (l) izindlela namazinga ezokuthutha abahamba ngezimoto zomphakathi kwisi Fundazwe;
- (m) ukulungisa, ukuhlolisisa, ukuthuthukisa nokuqalisa izinhlelo zezokuthutha, ngaphezu kwemigomo nezidingongqangi ezimiswe ngaphansi ko Mthetho ka Zwelonke;
- (n) isiphakamiso nenqubomgomo yokusebenzisa izithuthi zabahamba ngezimoto zomphakathi kwisi Fundazwe;
- (o) izidingongqangi ngokokulandelayo—
 - (i) imininingwane yezithuthi zabahamba ngezimoto zomphakathi;
 - (ii) ukuzwakalisa nokusebenzisana nomphakathi ekwakheni uhlelo nemithetho yezokuthutha abahamba ngezimoto zomphakathi;
 - (iii) ukuhlola ukusebenza nokuqhubeka kweziphathimandla zokuthutha, izinkaba zamadolobha nomasipala ekuqaliseni imithetho yezokuthutha abahamba ngezimoto zomphakathi;
- (p) imiphumela yokungagcini isikhathi esibekwe ngaphansi kwalo Mthetho;
- (q) izimo nezidingongqangi ekumele imoto esetshenziselwa ukuthutha abahamba ngezimoto zomphakathi izifeze, nangaphezu kwalezo ezibekwe ngumthetho wezokuthutha;
- (r) imibhalo eqoshiwe ekumele igcinwe ngumuntu osebenza ngezincwajana nemininingwane yezokuthutha abahamba ngezimoto zomphakathi ekumele ihanjiswe yilowomuntu kwi Bhodi noma komunye umuntu noma isikhungo esithile;
- (s) izimali ezikhokhwayo noma zokuxhasa (allowances) ezikhokhelwa umuntu ocelwe ukuthi avele ngaphambi kwe Bhodi noma umbhalisi ukuyoveza ubufakazi noma akhiphe ibhuku, uhlelo noma iyiphi enye incwajana noma ibhukwana;
- (t) imithetho emayelana nokhuseleko nokuphatheka kahle kwabagibeli abahamba ngezithuthi zabahamba ngezimoto zomphakathi nokunye okuhlobene nakho;
- (u) uhlobo nesimo sophawu lokwehlukana, ukubonisa, ilayisense yokusebenza, isaziso noma elinye ibhukwana elikhishwa noma elifuneka ngokwalo Mthetho, sekuhlangene nesimo, ukuma, usayizi nombala nemininingwane ekumele iqukathwe kulelibhukwana, noma ukwethwesa amandla iBhodi noma umbhalisi ukuthi abeke isimo salo;
- (v) indlela uphawu lokwehlukana, ukubonisa, ilayisense yokusebenza, isaziso noma ibhukwana noma umbhalo okumele utshengiswe noma uthwalwe noma ufakwe yimoto ngokwalo Mthetho, noma isimo eyethweswe sona ngokwomthetho, kumele lutshengiswe noma lufakwe, nokuma kwalo kuyo imoto;

- (w) imithetho yokusebenza ngokuphepha kwezimoto ezisetshenziselwa ukuthutha abahamba ngezimoto zomphakathi;
- (x) isimo sezitifiketi zokurejista zabasebenza ngezithuthi nezinhlango;
- (y) izinhlobo zezimoto ezingasetshenziselwa izinhlobo ezahlukene zokuthutha abahamba ngezimoto zomphakathi;
- (z) ubuncane besibalo sabantu ekumele babe kwinhlangano ukuze ikwazi ukuba sesimweni sokurejista;
- (aa) ubufushane besikhathi ekufanele inhlango ibe naso ikhona ukuze ikwazi ukurejistwa;
- (bb) ezinye izidingo ngqangi ekumele inhlango ihlangabezane nazo ukuze ikwazi ukurejista;
- (cc) ukuthola izindlela zokuphenya ngokubekwa kwamacala okungaziphathi kahle kwezinhlangano ezirejistile, amalungu nabangemalungu;
- (dd) indlela inhlango noma abangemalungu abangafaka ngayo isicelo sokurejista, indlela ekumele lezicelo zenziwe ngayo, izimali ezikhokhwa kumbhalisi zikhokhelwa ukufakwa kwesicelo nezimali ezikhokhwa ngonyaka okumele inhlango noma abangemalungu bazikhokhe kumbhalisi;
- (ee) ukuqeqeshwa kwabashayeli noma abasebenza ngezokuthutha abakhethe ukusebenza ngezokuthutha abahamba ngezimoto zomphakathi;
- (ff) ukuthuthwa kwabafundi bemfundo ephakeme nabantwana besikole;
- (gg) ubulunga nokusebenza kwamakomidi okuxhumanisana amatekisi endawo ezikhonjwe kusigaba 91 noma izikhungo zendawo zoxhumaniso ezikhonjwe kusigaba 92, nenqubo nokuthi zihlangana kaningi kangakanani;
- (hh) izidingongqangi namazinga amamitha okufanele afakwe kumatekisi anamamitha;
- (ii) izimali ezikhokhwa ngonyaka ngabanezimvume noma amalayisense okusebenza asebenza isikhathi esingaphezu konyaka;
- (jj) noma yikuphi okunye okuphakamisa izinhloso zalo Mthetho.
- (2) U MEC angenza inqubomgomo eyenza kufuneke kukhokhwe izimali zalokhu okulandelayo—
- (a) isicelo sokukhishwa, ukuvuselela, ukushintsha noma ukudlulisela ilayisense yokusebenza;
- (b) ukufaka isikhalo kwi Bhodi lezikhalo ngomthetho, inqubo noma isinqumo se Bhodi;
- (c) ukukhishwa kophawu lokwehlukana noma iliphi elinye ibhukwana noma impindakabili yalo yiqembu lezobuphathiswa belayisense yokusebenza,
- ekhokhiwe nokubeka ubungako bemali ekumele ikhokhwe, izimo lemali eyobanjwa noma ibuyiswe ngaphansi kwazo iphelele noma ingxenywe, ubungako bemali okubuya ingxenywe yayo nezimo ezenza ukuthi lemali

ebeyikhokhiwe ibuye

iyingxenye noma iphelele ngokuya ngokubona kwe Bhodi noma iBhodi

lezikhalo.

- (3) U MEC angazibekela izinhlangano umthethosisekelo wobuncane bezinga nesimo sokuziphatha kwabangemalunga, aphinde enze eminye imithetho ephethe indlela yalokhu okulandelayo—
 - (a) izinhlangano ezirejistiwe namalunga azo kumele baziphathele izindaba zabo;
 - (b) ongelungu orejistile kumele aziphathele amabhizinisi akhe.
- (4) imigomo eyehlukene engaphansi kwalesisigaba ingasebenza ezindaweni ezehlukene e-Gauteng nakwizinhlangano ezintsha kunakulezo esezazinda.
- (5) izinqubo ezivezwe kulesisigaba noma yikomuphi umThetho zingasho ukuthi umuntu owephula lokho okubekelwe wona noma ohluleka ukuwugcina uyotholwa enecala bese kufanela ukuthi ahlawuliswe noma avalelwe isikhathi esingeqile ezinyangeni eziyisithupha.
- (6) noma yimiphi imigomo eyenziwe ngokomthetho ochithwe noma okhishwe yilo Mthetho bese usebenza ngaphambi kokuqala kwalo Mthetho ngokwezinto U MEC angakwazi ukuzibekela imigomo ngokwalesisigaba, ithathwa njengenqubomgomo eyenziwe ngokwalesisigaba, ukwenzela lo Mthetho, kuze kufike isikhathi lapho u MEC enza khona inqubomgomo eyengama inqubomgomo yalesisigaba.

22. Imithetho yesiphathimandla sendawo

- (1) Isiphathimandla sedolobhakazi singakwazi, ngokwohlelo lwezokuthutha oluhlangene—
 - (a) ukubonelela ubukhulu noma isibalo sezimoto ezisetshenziselwa ezokuthutha abahamba ngezimoto zomphakathi ezingangena kwigatsha lendawo yazo yomthetho bese abonelele isikhathi noma izikhathi lemoto engangena ngaso kwigatsha;
 - (b) ukubonelela noma ukwenqabela ukungena kwalemoto kwigatsha elithile ngesikhathi esibekiwe;
 - (c) ukwenqabela ukuthi lemoto lgibelise noma yehlise abagibeli kumagatsha athile ngezikhathi ezithile, bese ebeka izikhathi zokugibelisa nokwehlisa abagibeli.
- (2) Umasipala angenza imithetho yendawo ukuqhubela phambili izinhloso zalo Mthetho ezingashayisani nalo Mthetho noma izinqubo ezenziwe ngaphansi kwawo, okukhona kuzo—
 - (a) ukubalwa kwemigudu nokwabiwa kwayo yabelwa izinhlangano ezithile noma abasebenza ngezokuthutha abahamba ngezimoto zomphakathi, nezimo nokukhishwa kwezimpawu ezibonisa ukwehlukahlukana ngokwalemigudu;
 - (b) ukwabiwa kwezinto zokusebenza zabelwa izinhlangano noma abasebenza ngezokuthutha nokukhokhisa imali ngalokhu;
 - (c) ukukhethwa nokuziphatha kwabaphethe amarenki;
 - (d) ukuziphatha kwabashayeli bezimoto ezisetshenziselwa ukuthutha abahamba ngezimoto zomphakathi, okungaba khona

kuko ukuncenga nokuthutha ukuze kuheheke abagibeli.

- (3) Umasipala angangena kwisivumelwano nabantu noma izikhungo mayelana nokubeka noma ukusebenzisa izinto zokusebenza ngokuthutha abahamba ngezimoto zomphakathi ezisezindaweni zabantu, ngokuhambisana nenqubo nemigomo eyenziwe nguMEC, uma ukubekwa noma ukusetshenziswa kuhambelana nezinhlelo zezokuthutha.

23. izidingongqangi zeminingwane nezokubika

U MEC—

- (a) kumele aqalise futhi agcine iminingwane nendlela yokubika ngezokuthutha abahamba ngezimoto zomphakathi ngokusebenzisana nomasipala neziphathimandla zokuthutha ukuze kuqoqeke iminingwane ehlobene nalo Mthetho noma yomthetho wezokuthutha ngemigwaqo ku Zwelonke noma kwisi Fundazwe;
- (b) angamunika umasipala noma isiphathimandla sezokuthutha iziphiwo (appropriations or grants) kusukela ngosuku aluqokile, ngaphandle uma isiphathimandla sithobela imigomo yokubika ekhonjwe kwindima (a);
- (b) kumele akhiphe izidingongqangi noma imigomo ebeka ukuhambisa (system) ekhonjwe kwindima (a) ku *Somqulu*;
- (c) angasungula ukuqoqa iminingwane mayelana nezokuthutha abahamba ngezimoto zomphakathi bese eyinika labo abayifunayo bese ekhipha leminingwane ngezokuthutha kumaphephandaba, imisakazo, omabonakude nanoma yiluphi uhlelo lokusakaza.

24. Ukwedlulisela

U MEC angedlulisela noma anikeze amandla noma umsebenzi onikwe yena awudlulisele kumsebenzi wehho visi loMnyango, ngaphandle kwamandla okwenza imigomo, futhi angawahoxisa lamandla noma umsebenzi noma nini.

INGXENYE 4: UHLELO LWEZOKUTHUTHA ABAHAMBABA NGEZIMOTO ZOMPHAKATHI

25. Imithetho yohlelo lwezokuthutha abahamba ngezimoto zomphakathi

Lemithetho elandelayo iyosebenza kwizinhlelo zokuthutha abahamba ngezimoto zomphakathi kwisi Fundazwe:

- (a) uhlelo oluhlangene, oluhlekile kumele lwenzeke kumbono ovulekile wokuthuthuka ohlanganisa ezokuthutha nohlelo olwehlukene;
- (b) izinhlelo zezokuthutha kumele zibonise iziboniso okungakhethwa kuzo;

- (c) noma ngabe iziphathimandla zokuthutha zingeke zikhiphe izithuthi zikajantshi esikhathini esifushane noma esiphakathi, ezikajantshi kumele zihlangane ngokuphelele ohlelweni lwezokuthutha oluhlangene ngokuxhumana nabasebenza ngezokajantshi;
- (d) kumele kuncishiswe isikhathi sohambo futhi kukhushulwe ukuhamba kalula kwabagibeli ngokusetshenziswa kwamathikithi nezinye izindlela;
- (e) kumele kube nohlelo olufanele lwezokuthutha olutshengisa izindlela ezizosetshenziswa noma ezisetshenzisiwe ukusiza abagibeli abanezidingo ezehlukile, njengabantu abakhubazekile.

26. Izinhlelo zezokuthutha umphakathi

- (1) Uma kulungiselelwa uhlelo lwezokuthutha umphakathi ngokwesigaba 26 somThetho ka Zwelonke lokhu okulandelayo, kokunye okuningi, kumelwe kucwaningwe:
 - (a) zonke izivumelwano ezifanelekile;
 - (b) imigudu esetshenziswa abezokuthutha abathola uxhasomali nabangalutholi.
- (2) lezizinhlelo kumele zincike kokulandelayo, kokunye okuningi:
 - (a) imigudu eboniswe ngokuhlaziywa ngokulandela imigwaqo noma imigwaqwana ethile, kunaleyo migudu ehamba ngezindawo;
 - (b) ithebula ebonisa izikhathi ezibekiwe;
 - (c) okungathwaleka ngokuboniswa kwileyo migudu;
 - (d) okufunwa ngabagibeli bakuleyo migudu;

futhi kumele ifake izinhlobo zezithuthi njengoba zibalwe kusigaba 6 njengoba zingabekwa.
- (3) Lezizinhlelo kumele zibe neminingwane njengoba ibekwe inqubomgomo noma eminye imithetho kazwelonke noma yesifundazwe.
- (4) Lezizinhlelo kumele zibe neminingwane eyanele ukuze izikhulu zezokuthutha zikwazi ukubona okunikezelwayo nezimfuneko kwezithuthi kumgudu ngamunye lapho kuhamba khona izithuthi zabahamba ngezimoto zomphakathi.
- (5) ngesikhathi sokulungiselela lezizinhlelo, iziphathimandla zokuthutha kumele zisebenzise ukuxhumana nomphakathi okubekiwe futhi bavumele abantu abathandayo isikhathi esanele ukuthi baphawule futhi babeke izimvo zabo ngezinto Ezisezinhlelweni ezibathintayo.

27. Imisebenzi yeziphathimandl zokuthutha, izinkaba zamadolobha kanye nomasipala mayelana nokuhlela

- (1) Omunye nomunye weziphathimandla zokuthutha kumele athathe isivumelwano nabasebenzi ngezokuthutha abasendaweni yakhe ngezithuthi ezicatshangelwe umthetho wesifundazwe nokazwelonke.
- (2) Lapho kunesidingo sokwenezelela izithuthi kwimigudu engenazo futhi engeke inikezelwe ngezithuthi ngokwesivumelwano, isiphathimandla kumele simeme izicelo zelayisense yokusebenza kuleyomigudu ezingafakwa kwi Bhodi ngokuya ngokohlelo lwayo lwezokuthutha ngokwesigaba 38.

- (3) Iziphathimandla zokuthutha, izinkaba zamadolobha nomasipala kumele benze isiqiniseko, ngokungangoba kungenzeka, ngezincomo ezifanelekile kwi Bhodi, ukuthi ukukhishwa kwamalaysense okusebenza kwenzeka ngendlela yokuthi abagibeli bemigudu efanele bathole izithuthi, ngokuya ngobukhona bezimali, nokuthi ukunikezela ngezithuthi ezingaphezu kokuba zidingeka kugwenywe.
- (4) Uma uhlelo lokuthutha lubonisa ukunikezela ngezithutho ezingaphezu kokuba zidingeka kumgudu othile, isiphathimandla sezokuthutha kumele—
- (a) Singazimemi izicelo zamalaysense okusebenza;
- (b) sibhalele iBhodi silicele ukuthi lingakhiphi amalaysense amasha okusebenza, futhi lingashintshi amalaysense okusebenza anikeza amandla okusebenza kulowomgudu; futhi
- (c) sithathe izinyathelo ezingqala ngokugcizelela ukusebenza komthetho noma ngokuhoxisa amalaysense okusebenza ngokwesigaba 51 so Mthetho ka Zwelonke kwisifundwa nalo Mthetho, noma ngendlela ebekiwe ukwehlisa inani lezithuthi lifinyelele kulelo elidingekayo.
- (5) Ekwenzeni uhlelo lwezivumelwano, iziphathimandla kumele zibheke imigudu yonke, lokhu kusho ukuthi Zinake izithuthi ezithola uxhasomali nezingalutholi futhi, banikezele ngezivumelwano ezihlanganise ezokuthutha ezinoxhasomali nezingenalo lapho kufaneleke khona.

28. Izimo zesikhashana zokuhlela

- (1) Uhlelo lwezokuthutha oluvunyiwe ngaphansi kwesigaba 6(1) so Mthetho wezoku Thutha Emadolobheni, ka 1977 (uMthetho 78 ka 1977) nanoma yiluphi uhlelo lwezokuthutha lwendawo oludwetshwe yikhansela lezokuthutha lendawo ngoko Mthetho wezamaxhansela endawo, ka 1985 (uMthetho 109 ka 1985) luyosebenza kuze kube luyalungiswa noma lushintshwa wuhlelo olufanelekile ngaphansi ko Mthetho ka Zwelonke.
- (2) Noma yimiphi imibhalo eqoshiwe yezokuthutha umphakathi elungiswe ngokwesigaba 3 so Mthetho wesikhashana wokuhlela wezithuthi ka Zwelonke, ka 1998 (uMthetho 45 ka 1998) iyothathwa njengombhalo oqoshiwe ofuneka ngokukwesigaba 23 so Mthetho ka Zwelonke.
- (3) Ukwenzela ukulungiselela okwenzekayo okuphuma kwisigatshana (1), U MEC, ngokokuvumelana, angazinika iziphathimandla ezithile noma omasipala imisebenzi ngokumemezela ku *Somqulu*.
- (4) Lapho kwenzeka khona ukuthi ekuqaleni kwalo Mthetho isiFundazwe kade kuyisona esenza izinhlelo zezokuthutha umphakathi, ngaphandle kwezokuthutha ezikhonjwe kusigaba 20(4) so Mthetho ka Zwelonke, okufanele ziphathwe ngumasipala ngokomthethosisekelo, UMEC neziphathimandla zokwakha uhlelo ezithintekayo kumele benze amalungiselelo okudluliselela kwiziphathimandla zokwakha uhlelo ezifanele umsebenzi wokwakha uhlelo.

INGXENYE 5: IBHODI LAMALAYISENSE OKUSEBENZA NGEZOKUTHUTHA E-GAUTENG

29. Ukumiswa nomthethosisekelo we Bhodi lamalayisense okusebenza ngezokuthutha e-Gauteng

- (1) Igama elithi iBhodi leziMvume zeZithuthi e-Gauteng elamiswa ngaphansi kwesigaba 2 so Mthetho weSikhashana weZithuthi zaPhansi e-Gauteng, ka 1998 (u Mthetho 2 ka 1998) ushintshelwe kwi Bhodi laMalayisense Okusebenza nge Zokuthutha e-Gauteng futhi lithathwa njengebhodi elikhonjwe kusigaba 30(1) so Mthetho ka Zwelonke.
- (2) IBhodi kumele libe nomphathisihlalo namalunga ambalwa abekwa ngu MEC okumele kube ngabantu abanezipiliyoni ngezinto ezechukene, futhi batshengise nekhono kwezokuthutha abahamba ngezimoto zomphakathi, ezezimboni, ezomnotho, ezamabhizinisi, ezezimali nezomthetho noma ekuphatheni izindaba zomphakathi.
- (3) Amalunga eBhodi leziMvume Zezithuthi e-Gauteng aqashwa ngaphambi kokuqala kwalo Mthetho azoqhubeka ehhovisi kuze kuphele isikhathi sokuqashwa kwawo ngaphandle uma u MEC enqamula ukusebenza kwabo ngaphambi kokufika kwesikhathi.
- (4)
 - (a) Ngaphambi kokuqasha amalunga eBhodi, u MEC kumele akhiphe isaziso ngenhloso yokuqasha, futhi ameme izicelo zomsebenzi wobulunga, okungenani kanye kwiphephandaba lesi Fundazwe, ngolwimi lwesingisi nangolwimi okungenani olulodwa olusemthethweni olusetshenziswa kakhulu kwisi Fundazwe.
 - (b) Ngaphambi kokuqasha noma yiliphi ilunga, u MEC kumele akhiphe isaziso, ngendlela efanayo, amagama abantu acabanga ukubaqashela iBhodi, bese emema izimvo nokumelana ngalokhu.
 - (c) U MEC kumele ahlolisise noma yiziphi izimvo nezimelwano azitholayo.
- (5) Umuntu akumelwe aqashwe noma aqhubeke nokuba ilunga le Bhodi uma—
 - (a) ashade naye noma umlingani wakhe, abomndeni, abantwana, umlingani kwezamabhizinisi noma umqashi, enenzuzo ngokwemali ebizininisi lezokuthutha abantu abahamba ngezimoto zomphakathi, noma enesikhundla ngokokhetho kwinhlangano, noma ebandakanyeka ezintweni, ngokombono ka-MEC, ezingaphazamisa ukusebenza ngokungenzeleli imisebenzi yakhe yehhovisi ;
 - (b) engase abe nesicii kwezomthetho;
 - (c) engowawa futhi engakavuki kwezamabhizinisi; noma
 - (d) ake atholwa enecala elinokungathembeki noma esake wasuswa ehhovisi ngenxa yokungaziphathi kahle.
- (6) Uma kucatshangelwa ukuqashwa kwanoma ngubani njengelunga le Bhodi, lowomuntu kumele abhalele u MEC, ambikele nanganoma iyiphi inzuzo angaba nayo kunoma iyiphi imboni yezokuthutha abahamba ngezimoto zomphakathi, ukwehluleka ukwenza lokhu kuyicala.

- (7) Umphathisihlalo we Bhodi kumele aqashwe isikhathi esingevile eminyakeni emithathu, amanye amalunga eBhodi isikhathi esingevile kwiminyaka emibili, futhi, ngokulandela lo Mthetho, aphaathe ihhovisi ngokomgomo wokuhola futhi uma u MEC engabeka lapho beqashwa.
- (8) Uma kuzoba noma kukhona isikhala somsebenzi ehhovisi lomphathisihlalo we Bhodi noma ilunga le Bhodi, u MEC kumele athathe izinyathelo eziphuthumayo ukugcwalisa lezozikhala ngokuqasha, ngokuya ngokwalesisigaba, umuntu ofanelekile ongeke ehliswe esikhundleni ngalendlela ebalwe kusigaba (5).
- (9) Umuntu osephelelwe yisikhathi sokuba yilunga le Bhodi uvumelekile ukuthi aqashwe kabusha.
- (10) Inhloko yo Mnyango kumele, ngokulandela umthetho ophethe ezomphakathi, anikezele ngabasebenzi abafanele ukusiza iBhodi ekwenzeni umsebenzi walo.

30. ukushiya, ukuphuma nokususwa ehhovisi kwamalunga eBhodi

- (1) Ilunga lebhodi lingashiya umsebenzi ngokubhalela UMEC incwadi kusasele izinyanga ezimbili
- (2) U MEC angasusa ilunga le Bhodi ehhovisi—
 - (a) elehlulekile ukugcina imigomo yokuqashwa kwalo;
 - (b) elinecala lokungaziphathi kahle, noma eliyekelele umsebenzi walo kaninginingi njengelunga le Bhodi noma lehlulekile ukwenza umsebenzi ngokungenzeleli;
 - (c) elingakwazi ukwenza umsebenzi walo ngempumelelo njengelunga le Bhodi;
 - (d) esehluleke ukuhambela imihlangano ye Bhodi kwaze kwa yizihlandla ezintathu zilandelana ngaphandle kwesizathu esicacile.
- (3) Ilunga le Bhodi kumele liphume ehhovisi uma—
 - (a) lizithola linezaba ezehlisayo esikhundleni ezibalwe kusigaba 29(5);
 - (b) lisusiwe ehhovisi ngokwesigatshana (2).

31. Amandla eBhodi

- (1) Ngaphezu kwamandla abalulwe yilo Mthetho, iBhodi—
 - (a) lingaphenya ngezinto eziwela kulo Mthetho, bese lihambisa izincomo ku MEC;
 - (b) licabangela bese lithatha isinqumo, noma libhekele, ngoko Mthetho, isicelo esifakwe kulona—
 - (i) sokuthola ilayisense yokusebenza egunyaza ezokuthutha abahamba ngezimoto zomphakathi e-Gauteng;
 - (ii) sokuthola ilayisense yokusebenza egunyaza lezizithuthi eziqala e-Gauteng ziphinde zisebenze kwezinye izifundazwe ngokuvumelana ne Bhodi lakwesinye isifundazwe;
 - (iii) sokuvuselela, ukushintsha nokudlulisela ilayisense yokusebenza ekhishwe yilona iBhodi;

- (c) likhiphe, ngokuvunyelwa yizimiso zalo Mthetho, ilayisense yokusebenza ekhishwe, yashintshwa, noma yadluliselwa yilona;
- (d) ngenhloso yokubhekana nalokho okuphambi kwalo ngokwalo Mthetho—
 - (i) ngokombono walo iBhodi livumele umuntu ophathekayo noma lowo ommele ngokomthetho, ukuthi avele phambi kwalo bese—
 - (aa) anike ubufakazi noma amumelwano ngomlomo mayelana nodaba okubhekenwe nalo;
 - (bb) libize ofakazi futhi lithole ubufakazi ngodaba okubhekenwe nalo; noma
 - (cc) lifake imibuzo lowo ofakazayo kulolodaba;
 - (ii) licele umuntu, ngokubhala incwadi liyihambise njengoba kubekiwe, ukuthi avele ngaphambi kwalo ukuzokwethula ubufakazi noma ukubuyisa incwadi, uhlelo noma elinye nje ke ibhukwana noma incwajana engakuyena noma ephathwa nguye;
 - (iii) libize umuntu okhona lapho iBhodi libhekene khona nodaba, ukuthi avele ngaphambi kwalo ukuze ethule ubufakazi noma abuyise incwadi, uhlelo noma ibhukwana noma incwajana engakuyena;
 - (iv) lifake imibuzo lowomuntu ovela ngaphambi kwalo njengofakazi;
 - (v) lenqabe ukuzwa ubufakazi bomuntu owenqaba ukufunga noma ukufungiswa.
- (2) Umuntu ophethe umhlangano weBhodi lapho kunomuntu ozokwethula ubufakazi njengoba kukhonjwe kusigatshana (1), angamfungisa lowomuntu owethula ubufakazi.
- (3) IBhodi kumele libanike labobantu abafuna izizathu ezibhalwehe phansi ngezinqumo ekufinyelelwe kuzo.

32. Imihlangano nezinqumo ze Bhodi

- (1) Imihlangano ye Bhodi kumele ibanjwe ngezindlela nangezikhathi nasezindaweni ezibekiwe.
- (2) Umphathisihlalo kanye namalunga okungenani amabili banegunya lokubamba umhlangano we Bhodi osemthethweni.
- (3) Isinqumo seningi samalunga e Bhodi akhona emhlanganweni siyoba yisinqumo se Bhodi mayelana naloko nalezozenzo nalapho kunamavoti alinganayo, lowo ophethe umhlangano unegunya lokufaka ivoti eliyisinqumo nangaphezu kwevoti alifake kanye nabanye.
- (4) Uma usihlalo we Bhodi engakwazi ukuza emhlanganweni we Bhodi, usihlalo we Bhodi angakwazi ukukhetha omunye wamalunga eBhodi ukuthi abe usihlalo kulowomhlangano.
- (5) Awukho uMthetho, indlela noma isinqumo se Bhodi esingathathwa njengesingekho emthethweni ngesizathu sokuthi, ngesikhathi lowomthetho wenziwa noma indlela noma isinqumo sithathwa, kwakunesikhala kwi Bhodi noma umuntu owabe elilunga le Bhodi wayehlisiwe esikhundleni sokuba lilunga ngaphansi kwesigaba 29(5), noma ngabe ukuvumelana namanye amalunga kwalowomuntu

bekubalulekile ekwenzeni noma ekuthatheni indlela noma isinqumo.

33. ukumiswa kohla lwabeluleki be Bhodi

- (1) U MEC angakwazi, uma ecelwa yi Bhodi, ukumisa uhla lwabeluleki ababizwa ngokuthi bawuhla lwabeluleki be Bhodi lamalaysense okusebenza e-Gauteng ukweluleka iBhodi.
- (2) Uhla lwabeluleki kumele lweluleke iBhodi ngezomthetho futhi kungazibandakanyi ezinqumeni eziqondene ne Bhodi ngaphandle kokuthi licelwe ngqo yi Bhodi futhi uma liceliwe, likhiphe iseluleko esejwayelekile noma esingokomthetho.
- (3) (a) Uhla lwabeluleki kumele lube nalamalunga alandelayo, okumele akhethwe
 izinhlangotho zalo, uma inhlangotho irejistwe ngokwalo Mthetho noma
 ibonwa ngu MEC, futhi ikhethwe ngu MEC:
 - (i) oyedwa omele uMnyago;
 - (ii) oyedwa omele isiphathimandla sedolobhakazi;
 - (iii) oyedwa omele imboni yamatekisi angamakhumbi;
 - (iv) oyedwa omele imboni yamatekisi anamamitha;
 - (v) oyedwa omele imboni yamabhasi ahlelekile;
 - (vi) oyedwa omele imboni encane yamabhasi noma imboni yamabhasi esafufusa;
 - (vii) oyedwa omele imboni yezithuthi zikaloliwe;
 - (viii) oyedwa omele abasebenzela ezemfundo;
 - (ix) oyedwa omele ngayinye yezinhlobo ezahlukene zezokuthutha abahamba ngezimoto zomphakathi njengoba zichazwe kulo Mthetho, uma u MEC enquma kanjalo;
 - (x) abantu abangevile kwabathathu abangakwazi, ngokubona kuka-MEC, ukumela izidingo zabagibeli, ngamunye emele abagibeli bezinhlobo ezahlukene zezithuthi;
 - (xi) abangevile kwabathathu abamele abasebenzi kwezokuthutha, ngamunye emele abasebenzi bezinhlobo ezahlukene zezithuthi.
- (b) Uma kukhona oyedwa ongekho kubameli ababalwe kusigaba (a), inhlangotho yakhe ingamketha ozomumela kodwa hhayi ngokwafuthi.
- (4) Umpathisihlalo we Bhodi uyakuba ngumphathisihlalo wohla lwabeluleki.
- (5) Uhla lwabeluleki kumele lukhethe oyedwa ukuthi amele usihlalo uma usihlalo engaphumeleli ukuba semhlanganweni wohla lwabeluleki.
- (6) Amalunga ohla lwabeluleki ayobizelwa ndawonye *okwesikhashana* uma ecelwa yi Bhodi, kodwa kumele abambe imihlangano okungenani emibili ngonyaka.
- (7) Ilunga lohla lwabeluleki libe futhi liyilunga labasebenza nomphakathi liyoba nesikhundla sehhovisi uma licelwa ngu MEC, amanye amalunga kumele aqashwe isikhathi esingevile eminyakeni emibili futhi kumele,

uma kuvunyelwa yilo Mthetho, abe nesikhundla ehhovisi ngokwemigomo nangokweholo elinganqunywa ngu MEC, ngokuvumelana nelunga eliphezulu lekomidi lezezimali, lapho ilunga liqashwa.

34. Ukumiswa kweqembu labaphathiswa bamalayisense okusebenza ngezokuthutha

- (1) Inhloko yo Mnyango kumele ibeke oyedwa noma ngaphezulu emahhovisi wonke esiphathimandla sedolobhakazi ukuthi benze imisebenzi yeqembu labaphathiswa bezimvume zezokuthutha, ngendlela ebekiwe.
- (2) Iqembu labaphathiswa bamalayisense okusebenza ngezokuthutha kumele lithole amafomu asegcwalisiwe kunye nemali ehambisana nawo okufaka izicelo zamalayisense okusebenza ngezithuthi eziqala endaweni yedolobhakazi layo, bese lihlola ukuthi amafomu okufaka isicelo agcwaliswe kahle nokuthi zonke izincwajana okumele zihambisane nawo zikhona futhi zisemthethweni, bese lifaka imininingwane ekumafomu kumabhange emininigwane ngendlela ebekiwe.
- (3) Iqembu lezobuphathiswa bamalayisense okusebenza kumele bese lihambisa izicelo kusiphathimandla sedolobhakazi, omasipala abafanele kwidolobhakazi, izikhungo ezifanele namakomidi oxhumaniso afanele ukuze athole izincomo ngendlela ebekiwe.
- (4) Ekwenzeni izincomo, iziphathimandla zedolobhakazi kumele zenze isiqiniseko sokuthi isicelo siyahambisana nezinhlelo ezikhona zezokuthutha nezinye izinhlelo ezikhona zezokuthutha nezomhlaba beze zibhekela nezaba ezifana nezimfuno nezidingo ngokwemigudu, ubukhona bendawo yokupaka nesiminyaminyana nokunye okungukubhekela idolobhakazi nendawo.
- (5) Uma kungekho sikhungo noma ikomidi loxhumaniso ngokomgudu noma indawo ngalesosikhathi, iqembu lobaphathiswa bamalayisense okusebenza ngezithuthi kumele lihambise isicelo siye kwizinhlangano ezifanele ukuyothola izincomo novo, ngaphandle uma inhlangothi seyiphawulile kwifomu yesicelo.
- (6) Iqembu lobuphathiswa bamalayisense okusebenza ngezithuthi kumele liqoqe konke okungubumelwana kunye namaafomu nezinye izincwajana ezixhasa isicelo likuyise kwi Bhodi ukuze lithathe isinqumo.
- (7) Lapho isithuthi esiphakanyisiwe sizosebenzela nakwelinye idolobhakazi lelinye iqembu lezobuphathiswa bamalayisense okusebenza ngezithuthi, iqembu lokuqala labaphathiswa bamalayisense okusebenza ngezithuthi kumele lihambise isicelo kwelinye iqembu lobuphathiswa bamalayisense okusebenza ngezithuthi, ekumele lilandele izinyathelo ezikhonjwe kwizigatshana (3) kuya ku (6) bese lisibuyisa isicelo nezincomo ezifanele lisibuyisele kwiqembu lokuqala labaphathiswa bamalayisense okusebenza ngezithuthi.
- (8) Lapho iBhodi lakwesinye isifundazwe lihambise isicelo saliyisa kwi Bhodi ukuthola uvo ngesicelo esiphuma kwesinye isifundazwe, iBhodi kumele lithumele lesosicelo kwiqembu labaphathiswa bamalayisense okusebenza ngezithuthi elifanele ukuze iBhodi lithole izincomo noluvo okukhonjwe kusigatshana (3).

INGXENYE 6: AMALAYISENSE OKUSEBENZA**35. Ukushintshwa kwezimvume zibe ngamalayisense okusebenza**

- (1) Izimvume zihlala zisemthethweni kuze kufike usuku olubekwe ngokukwesigaba 32 (2) so Mthetho kaZwelonke.
- (2) Izimvume kumele zishintshelwe kumalayisense okusebenza akhishwe ngaphansi komthetho ofanayo ngosuku olukhonjwe kusigatshana (1), okuthi uma kungenzeki iphelelwe yisikhathi.
- (3) Izimvume ebezingasebenzi ngesikhathi esibekwe ngu MEC ngokumemezela *kuSomqulu* angeke zishintshelwe kumalayisense okusebenza futhi ziyophelelwa yisikhathi esiyoshiwo kulesi simemezelo.
- (4) Mayelana nemvume ekhishelwe isikhathi esithile, ilayisense yokusebenza iyoba semthethweni ngesikhathi leso imvume iyobe isemthethweni ngaso.
- (5) Mayelana nemvume enesikhathi esingapheli, ilayisense yokusebenza nayo iyoba semthethweni isikhathi esingapheli, ngokuhambisana nalo Mthetho mayelana nokuhoxiswa, ukumiswa, ukushintshwa nokuphelelwa yisikhathi kwezimvume namalayisense.
- (6) Imvume angeke ishintshelwe kwilayisense yokusebenza ngaphandle kokuthi kuvezwe isitifiketi esisemthethweni sokuphila kahle noma sokufaneleka ukuba semgaqweni saleyomoto ngokwesigaba 5(4).
- (7) Izimvume zezithuthi ezibekelwe isikhathi ezinika amandla okusebenza endaweni echaziwe kumele zishintshelwe kumalayisense okusebenza echaza umgudu ngamunye namathebula alemigudu.
- (8) Izimvume zezithuthi ezibekelwe izikhathi ezikhishwe ngokwezivumelwano zesikhashana nezivumelwano ezisebenza ngalesosikhathi kumele zishintshelwe kumalayisense okusebenza ngokubalulwe kulezozivumelwano.
- (9) Izimvume zezithuthi ezingabekelwe zikhathi, kungabalwa ezamatekisi amamitha nezamatakitaki ezivumela ukusebenza endaweni echaziwe kumele zishintshelwe kumalayisense okusebenza achaza umgudu noma imigugu ngokusobala, kodwa indawo echaziwe inganikezwa ezimeni ezehlukile, njenganasemikhukhwini lapho kungekho khona imigwaqo ecacile.
- (10) Izimvume zezamatekisi amamitha kumele zishintshelwe kumalayisense okusebenza acaciselwe noma abekelwe indawo athatha kuyo abagibeli, ngokukwesigaba 8.
- (11) Indlela yokufaka izicelo ngaphasi kwesigatshana (2) izoba njengokuba imisiwe.

36. Izivumelwano zezokuthutha

- (1) Isiphathimandla semvume akumele singenele isivumelwano esixhasiwe ngaphandle kokwamukela ithenda ngokwemigomo ebekwe ngu MEC, ngokuya ngoko Mthetho ka Zwelonke.

- (2) isigatshana (1) sizosebenza kanjalo kwizivumelwano zokuthutha ezingaxhasiwe, ngaphandle uma uMEC exolela ezokuthutha ezithile noma izinhlobo zezivumelwano kulezizidingongqangi ngokumemezela ku *Somqulu*.
- (3) Izivumelwano kumele zinikezwe ngu Mnyango noma yisiphathimandla sezokuthutha esifanelekile ngokuhambisana nezinhlelo zezokuthutha, ngokuya ngokwesigaba 39 (5) ngoshintsho olufanele.

37. ukuphelelwa ngamandla nokuqedwa kwelayisense yokusebenza nezimvume ngokwezivumelwano

- (1) Uma noma yisiphi isivumelwano siphela, zonke izimvume namalaysense okusebenza ngokwendlela izithuthi ebezisetshenziswa ngayo ngaphansi kwesivumelwano ziyophelelwa ngamandla ngosuku lokupheliswa kwesivumelwano futhi zihaniswe kwi Bhodi zingakaphele izinsuku eziyisikhombisa.
- (2) Lapho amathenda emenyelwa isivumelwano sezithuthi esixhasiwe—
 - (a) akunamsebenzisi wezithuthi ongafaka ithenda yalezizivumelwano ngaphandle kokuthi ehambisa kwi Bhodi, zonke izimvume namalaysense okusebenza lomsebenzi ngezithuthi anawo amnika amandla okusebenza kwimigudu ebandakanyeka kulowomsebenzi;
 - (b) iBhodi, ngokucelwa yisiphathimandla sesivumelwano, kumele lihoxise noma yiyiphi imvume noma ilayisense yokusebenza enikeza amandla okusebenza kwimigudu ebandakanyeka kulesisivumelwano, uma ngabe umphathi wesivumelwano enxeshezela ngokokuboniswa okukhonjwe kusigaba 51(4) so Mthetho ka Zwelonke.
- (3) Asikho isinxephezelo esikhokhwayo uma kukhanselwa ilayisense yokusebenza noma imvume ngaphansi kwendima (a) yesigatshana (2).

38. Izicelo ezimayelana namalaysense okusebenza

- (1) Lapho izinhlelo zezokuthutha zibonisa isidingo sokwenezelela izithuthi kumgudu othile, isiphathimandla sezokuthutha singamemela kwi Bhodi izicelo zamalaysense okusebenza okuletha ezokuthutha abahamba ngezimoto zomphakathi angatholwa ngokwesivumelwano kulowomgudu.
- (2) Umuntu noma iqembu elifisa ukusebenza ngezokuthutha abahamba ngezimoto zomphakathi ngaphandle kwezithuthi ezikhonjwe kusiga 52(1), kumele lifake isicelo kwi Bhodi ukuze lithole ilayisense yokusebenza efanela.
- (3) Onelayisense angafaka kwi Bhodi isicelo sokuvuselela noma ukushintsha ilayisense yokusebenza.
- (4) Umuntu noma iqembu elifisa ukwedluliselwa ilayisense yokusebenza lingafaka isicelo esihambisana nemvume ebhalwe ngumphathi kwi Bhodi.
- (5) Izicelo ngaphansi kwezigatshana (1), (2), (3) or (4) kumele—
 - (a) zifakwe ngokwesicelo esisodwa imoto ngayinye;
 - (b) zifakwe ngendlela ebekiwe;

- (c) zifakwe ngokwesimo esibekiwe;
 - (d) zihambisane nemali ebekiwe nezindleko zokumemezela isicelo ngaphansi kwesigaba 42, njengoba icatshangelwa yi Bhodi kodwa ayikho imali eyokhokhwa uma ilayisense yokusebenza ibekwe phezu kwesivumelwano;
 - (e) zicacise imoto ezosetshenziselwa ukuba yisithuthi .
 - (f) ngokwemoto eyisithuthi encane eshintshiwe, zihambisane neminingwane yencazelo yemoto, njengoba kumisiwe;
 - (g) zifake incazelo ehlalusiwe yomgudu noma imigudu, lapho umfaki sicelo esebenzela noma azosebenzela khona nazo zonke izindawo lapho abagibeli begitsheliswa khona noma bezogitsheliswa khona nalapho behliswa noma bezokwehliswa khona; bese
 - (h) zifakwe kwiqembu labaphathiswa bezamalayisense okusebenza elibekelwe idolobhakazi elethile.
- (6) amafomu esicelo ngokwezicelo ezikhonjwe kuzigatshana (1), (2) no (3) ngokwezamatekisi angamakhumbi kumele zicabange ngezincomo eziphuma kwihlangano yamatekisi asebenzela kulowomgudu, imigudu noma ibalazwe umfaki sicelo ayilunga layo, okumele agcwaliswe yihlangano ngaphambi kokuhambisa isicelo, noma isitatimende esikhomba ukuthi ayikho enye ihlangano ekhona noma umfaki sicelo ungongelilunga orejistile.
- (7) Abafaki zicelo kumele basho ngokufunga kumafomu ezicelo ukuthi bake batholwa yini benamacala obugebengu emvelo emisiwe uma kunjalo, babale amacala futhi basho ukuthi bona noma abashade nabo, abalingani babo noma abalingani ngokwamabhizinisi noma abaqashi bayiziphathimandla zomthetho noma abameli bezomphakathi noma zabaphathiswa besi Fundazwe noma zabaphathiswa bakamasipala.
- (8) (a) IBhodi kumele lihambise izicelo zabezokuthutha abangenazo izivumelwano
baziye kwizikhungo zokuthutha zedolobhakazi elifanele elikhonjwe kusigaba 87 ukuthola izincomo; ngendlela ebekiwe, ngaphambi kokuveza isicelo.
- (b) Lapho ikhansela noma isikhungo, esibonwa ngu MEC, sikhonela uhlobo lwezithuthi ezikhona, isikhungo sezithuthi sedolobhakazi kumele sixhumane nalo ngendlela ebekiwe ngaphambi kokuhambisa izincomo zaso kwi Bhodi.
- (9) IBhodi lingakhipha, ekutholeni isicelo ngendlela ebekiwe nasekukhokhweni kwemali ebekiwe, ilayisense yokusebenza yesikhashana engevile ezinsukwini ezingu 60 lapho isivumelwano sesinikiwe umfaki sicelo yilungu lombuso nelayisense yokusebenza efanele ekhonjwe kusigaba 39(1) ingakakhishwa ngosuku lokuqala kwesivumelwa.
- (10) IBhodi kumele likhiphe, ekufakeni isicelo ngonelayisense yokusebenza noma invume ngendlela ebekiwe nasekukhokheni imali ebekiwe, isishicilelo semvume noma ilayisense yokusebenza, esibonise njengesisemthethweni ngomele IBhodi, ukusetshenziswa ngumphathi ngaphansi kwesigaba 47(b), lapho isicelo sokuyidlulisela noma ukuyishintsha sesifakiwe kwi Bhodi sisalindile.

39. Ukuveza isicelo selayisense yokusebenza

- (1) (a) Ofake ithenda osenikwe isivumelwano uyoba nelungelo lokunikwa
 ilayisene yokusebenza yemoto ngayinye eyosebenza lapho inikwe khona amandla yisivumelwano bese kumele ifake isicelo selayisense yokusebenza kwi Bhodi ngendlela ebekiwe yaleso sikhathi sesivumelwano.
- (b) Ayikho imali yokufaka isicelo ekhokhelwa lesisicelo.
- (2) Omele iBhodi obekelwe lesisizathu unelungelo lokukhipha amlayisense okusebenza ngaphansi kwesigtshana (1), ngaphezu kwezimiso ezikhona kwenye indawo kulo Mthetho.
- (3) IBhodi alinalo ilungelo lokukhipha ilayisense entsha yokusebenza noma lishintshe ilayisense yokusebenza ukuze landise izithuthi ezikhona, ngaphandle kokuthi izinhlelo zezithuthi ezifanele zitshengisa isidingo sezithuthi kulowomgudu, ngokuhambisana nesigatshana (5)
- (4) Lapho uhlelo olufanele lubonisa isidingo sezithuthi ezifakelwe isicelo, iBhodi kumele lamukele lesosicelo, ngokuhambisana nanoma yimiphi imigomo ebekiwe ngokwohlelo, ngaphandle kokuthi kungumbono, ngokwezimo ezibalwe kwizindinyana (a) kuya ku (d) zesigatshana (7), ezithi umfaki sicelo noma imoto ayikho esimweni sokusebenza.
- (5) Lapho izinhlelo zingalungiswanga noma zingakaphethwa, iBhodi kumele libhekele izimo ezibalwe kwizindima (a) kuya ku (j) zesigatshana (7) ekuthatheni isinqumo sokuthi lichithe noma lamukele isicelo.
- (6) Lapho izicelo zamalayisense okusebenza zingaphezu kokuba iBhodi lingawakhipha ngokwezinhlelo ezifanele, kumele kuqalwe ngezicelo zokuvuselela amalayisense bese kuthi uma uhlelo lungakwazi ukufaka ezinye izithuthi, kubhekela lezo zimo ezibalwe kwizindimaa (a) kuya ku (j) zesigatshana (7) ekuhloleni izicelo.
- (7) Ekuthatheni isinqumo sokuchitha noma ukwamukela isicelo sokukhipha, ukuvuselela noma ukushintsha ilayisense yokusebenza ngezithuthi ezingenaso isivumelwano sezithuthi nasekuthatheni isinqumo ngemigomo efanele ukuhambisana nelayisense yokusebenza, iBhodi kumele—
 - (a) libe nokubonelela nokwenza ngokuhambisana nezidingongqangi zesiphathimandla sezokuthutha ngokuhlonipha izinhlelo zaso zezokuthutha, uma zikhona, nezincomo zaso ngokwalokhu, uma zikhona: bese
 - (b) libheka —
 - (i) ukuthi isakhiwo, unyaka wokwakhiwa, ukhiqizo, isimo, ubukhulu nokufinyeleleka kwemoto efunelwa ilayisense yokusebenza ifanelekile umsebenzi ezowusebenza;
 - (ii) ukuthi, ngokombono noma inqubo yeBhodi, ngokumisiwe, umfaki sicelo unekhono lokwenza umsebenzi awufunela ilayisense yokusebenza, ngendlela ewugculisayo umphakathi;
 - (iii) konke okumele kuhambe nesicelo;

- (iv) wonke amacala edlule enziwa ngumfaki sicelo ngokubona kwe Bhodi, noma ngokwenqubo ebekiwe;
 - (v) ubukhulu bebhizinisi ephethwe ngumfaki sicelo, kubhekelwe kuqala amabhizinisi amancane;
 - (vi) Iqiniso lokuthi umfaki sicelo ubenelungelo elingcono ngesikhathi esedlule, kubhekelwe kuqala, labo bantu abekade bengenawo amalungelo amahle;
 - (vii) izimvume noma amalayisense okusebenza avele asenawo umfaki sicelo, kubhekelwe kuqala labo abangenawo noma abanambalwa amalayisense okusebenza noma izimvume;
 - (viii) ubude besikhathi umfaki sicelo esebenza ngezithuthi, kubhekelwe kuqala labo asebesebenze ngezithuthi isikhathi eside;
 - (ix) uma iBhodi lithatha lesosinqumo, ilayisense yesitende noma amandla afanayo akhishwe ngaphansi komthetho kamasipala wendawo onika amandla okusethsensiswa kwesitende noma irenki, noma isincomo esiphuma kumasipala ofanele sokuthi indawo yerenki ikhona; noma
 - (x) ezinye izimo okuthi, ngokombono we Bhodi, zingathinta ukulangaza ukuvuma noma ukuchitha isicelo.
- (8) IBhodi alikwazi ukubhekela isicelo selayisense yokusebenza esifakwe ngumqashwa wesiphathimandla sezokuthutha, ummeli wesikhungo sezogcinomthetho noma ifemu yokubhekela ezokuthutha abahamba ngezimoto zomphakathi endaweni.
- (9) Ngaphezu kwezinye izimiso zalo Mthetho, izicelo zokumela enye Imoto enobukhulu bokuhlalisa abantu obufanayo noma obuncane ngokwezimo zelayisense yokusebenza zingavunywa ngomele iBhodi, uma imoto kungeyomkhakha ongasethsensiselwa ezokuthutha ezifunelwa ilayisense ngokuka sheduli A, ngasemuva—
- (a) kokubheka ukuthi imoto ifanelekile ukwenza umsebenzi ogunyazwe yilayisense yokusebenza nokuthi isitifiketi esisemthethweni sokuba semgaqweni leyomoto isikhishelwe, ngokukwesigaba 5(4); bese
 - (b) enza isiqiniseko sokuthi umfaki sicelo uyilethile imininingwane ebekiwe;
- nokuthi lesisicelo asidingi ukusakazwa ngaphansi kwesigaba 42.
- (10) IBhodi lingenqaba ukubheka isicelo sokukhishwa, ukuvuselelwa, ukushintshwa noma ukwedluliselwa kwelayisense uma selike labheka futhi lachitha isicelo esedlule, esasitholwe phakathi kwezinyanga eziyisithupha ngaphambi kosuku okwatholwa ngalo lesisicelo okokuqala, okungukuthi, ngokubona kwe Bhodi sinezimo ezifanayo noma ezisondelene kakhulu nezesicelo esishiwo ekuqaleni.
- (11) IBhodi lingakwazi, ekuvumeni isicelo, ukubeka imigomo engeke ingahambisani nalo Mthetho noma uMthetho ka Zwelonke.

40. Ezokuthutha phakathi kwe zifundazwe

- (1) Abafaki zicelo zokuthutha phakathi kwezi fundazwe kumele bafake izicelo kwi Bhodi uma lezozithuthi zisukela e-Gauteng, noma e-Gauteng nakwezinye izifundazwe.
- (2) Ukwenzela lesisigaba izithuthi zizothathwa njengezisuka lapho umuntu egibela khona imoto ngenhloso yokuhanjiswa kwenye indawo, futhi agcine lapho.
- (3) lapho kunokungabaza ukuthi izithuthi zizoqala kuphi, umfaki sicelo kumele afake isicelo kwisi fundazwe lapho imoto ekukhulunywa ngayo irejistwe khona.
- (4) Ibhodi alikwazi ukuvuma isicelo selayisense yokusebenza egunyaza ukusebenza ngezithuthi ezisuka kwesinye isifundazwe, noma ukuvuselela noma ukudlulisela ilayisense yokusebenza, noma sokushintsha ilayisense yokusebenza yokuqhuba ukusebenza kwesinye isifundazwe, ngaphandle uma kuvuma isiphathimandla sezokukhishwa kwama layisense okusebenza esisungulelwe lesosi fundazwe.
- (5) Lapho iBhodi lehluleka ukuthola impendulo edingekayo ephuma kwisiphathimandla sezokukhipha amalayisense okusebenza sakwesinye isifundazwe kwinkomba ekhonjwe kusigatshana (4), noma lehluleka ukuthola imvume yeBhodi esikhathini esibekiwe, iBhodi kumele lidlulisele loludaba njengesikhalo kwi Nkundla yokudlulisela izikhalo ngezokuthutha esungulwe ngu Mthetho we Nkundla yokudlulisela izikhalo ngezoku Thutha, ngendlela ebekwe ngokwalo Mthetho.
- (6) Izikhalo ezimaqondana nezithuthi phakathi kwezifundazwe kumele zenziwe kwinkundla yezikhalo ngezokuthutha njeboba kusho uMthetho we Nkundla yokudlulisela iziKhalo ngezoku Thutha, njengoba kufuneka ngokwalo Mthetho.
- (7) Ngokwezithuthi phakathi kwezifundazwe, abagibeli akumele bagitsheliswe noma behliswe noma yikuphi ngaphandle kwasezindaweni zokugibela noma lapho beya khona, ngaphandle kokuthi zingekho ezinye izithuthi phakathi kwezindawo zokugibela noma lapho beya khona nasezindaweni zokwehla noma zokugibela, noma, ngokwezamatekisi angamakhumbi, izinhlango ezifanele amalunga azo asebenza kulowo noma kuleyomigudu zivumelene ngokwehlukile.

41. Izithuthi zomgwaqo ezinqamula amabhoda

Izicelo zezithuthi ezinqamula amabhoda ngokwezithuthi zomhlaba kumele zifakwe kwikomidi lenqubomgomo ngokwo Mthetho wezokuthutha ngokunqamula ama Bhoda, ka 1998 (uMthetho. 4 ka 1998) ngendlela ebekwe ngokwesimo salo Mthetho.

42. Ukwazisa umphakathi ngesicelo esimayelana nelayisense yokusebenza

- (1) Ngokuhambisana nesigatshana (2), iBhodi kumele ngaphambi

- kokubhekela isicelo sokukhishwa, ukuvuselelwa, ukushintshwa noma ukudluliselwa kwelayisense yokusebenza, yenze ukuthi lisakazwe *ku Somqulu ka Hulumeni* ngendlela ebekiwe, imininingwane yesicelo ngengoba kungabe kubekiwe bese lichoma isaziso ngalesisicelo ebhodini lezaziso emahhovisi alo isikhathi esingangoba sibekiwe.
- (2) Asikho isidingo sokuthi isicelo sisakazwe ngokwesigatshana (1) lapho kuyisicelo—
- (a) sokushintsha imininingwane ethile yemoto chazwe kwilayisense yokusebenza; noma
- (b) singokwesivumelwano esikhonjwe kusigaba 39(1).
- (3) Lowomuntu othandayo ofisa ukuhambisa izimiso kwi Bhodi ezihlaba noma eziphakamisa isicelo esisakazwe ngaphansi kwesigatshana (1), kumele akwenze lokhu ngendlela nangesikhathi esibekiwe, bese iBhodi—
- (a) kumele livumele umuntu, okuthe ngesikhathi esibekiwe, waletha izimiso zokuhlolisa amafomu omfaki sicelo nezincwajana ezihambisana nawo ehovisi le Bhodi ekukhokheni imali ebekiwe; bese
- (b) lingakwazi, ngokucelwa yilowomuntu, ukuthi limunike izishicilelo zamaforamu namabhukwana omfaki sicelo ekukhokheni imali ebekiwe.
- (4) IBhodi ngokunjalo kumele livumele umfaki sicelo ukuthi ahlolisise, ngaphandle kokhokha, emahhovisi alo, nokwenza izishicilelo ekukhokheni imali ebekiwe, izimiso ezihlaba noma eziphakamisa isicelo sakhe.

43. Isikhathi nokuvuselela ilayisense yokusebenza

- (1) (a) Amalayisense okusebenza ezimoto ukuthi zisebenze ngezithuthi ngokwezimo zezivumelwano kumele akhishelwe isikhathi esingadlulile kwesivumelwano futhi ahambisane nezimo nemigomo yesivumelwano.
- Ekunqanyulweni kwesivumelwano, ilayisense yokusebenza ehambisana naso kumele ibuyiselwe kwi Bhodi zingakedluli izinsuku eziyisikhombisa.
- (2) Lapho isivumelwano sesiphelile naleso esizosimela singakaphethwa noma ukulungiselela ukusivuselela kungakapheli ukuze umphathi akwazi ukuqhubeka nokusebenza ngesikhathi, iBhodi lingakwazi, ekucelweni yisiphathimandla sesivumelwano, ukuqhubezela isikhathi sokusebenza saleyo layisense isikhathi esingangokuba sicele yisiphathimandla.
- (3) Ngokuhambisana nesigaba 35(5), amalayisense okusebenza ezimoto okuthi zisebenze ngezokuthutha ezingenaso isivumelwano kumele, ekunconyweni yisiphathimandla sezokuthutha, abe awesikhathi esinqunyiwe esingevile kwiminyaka emihlanu futhi kumele abhekele—
- (a) indlela efunwa kakhulu ngalesosikhathi ehamba ngomgudu noma imigudu noma kwindawo ethile;
- (b) impumelelo yezokuthutha ekuhlangabezaneni nezimfuno;
- (c) ukuba khona kwesivumelwano sezithuthi ezingase zithinte

- (d) ezokuthutha ezifakelwe isicelo; okungenzeka ukuthi ilayisense yokusebenza efakelwe isicelo, singaphela isidingo sayo ngokwesimo sezinhlelo zezokuthutha ezifanele;futhi
 - (e) okungenzeka ukuthi ezokuthutha ezifakelwe isicelo, zinganikwa ithenda.
- (4) Ukuvuselelwa kwelayisense yokusebenza yezithuthi ezingenaso isivumelwano angeke sikhishwe ngaphandle kokuthi isiphathimandla sezokuthutha esifanele siveza ukuthi singakhishwa, ngokuhambisana nesigaba 39 (5).

44. Ukunikeza ilayisense yokusebenza nemithetho yako

- (1) Ngokuhambisana nesigatshana (2), iBhodi kumele linikezele, ngeqembu lobuphathiswa bamalayisense okusebenza ngezokuthutha nangendlela ebekiwe, ilayisense yokusebenza ekhishiwe, evuselelwe, eshintshiwe noma edluliselwe ngokwalo Mthetho, ekumele idluliselwe, lapho kunesicelo selayisense yokusebenza entsha, yemoto echaziwe kumaformu esicelo.
- (2) IBhodi akumele likhiphe ilayisense yokusebenza ngaphandle kokuba—
 - (a) lidluliselwe isitifiketi esisemthethweni somgwaqo esikhishelwe leyomoto ngasemuva noma ngalo usuku olumiswe, ngokuhambisana nesigaba 5(4); futhi
 - (b) umphathi eseveze ubufakazi obulenisayo kwiBhodi bokuthi umphathi ungumtheli wentela orejistiwe ngaphansi ko Mthetho we Ntela yengeniso, noma, ngokwalo Mthetho, akudingeki ukuthi arejiste.
- (3) Amalayisense okusebenza kumele acacise—
 - (a) igama lomphathi nenamba yepasi noma inamba yelayisense yokurejistwa uma kuyinkampani, ibhizinisi lobambiswano oluvalekile(close corporation), itrasti noma yikuphi okufana nakho;
 - (b) inamba yokurejistwa, isakhiwo, inamba yemoto eyisicaciso, unyaka wokhiqizo, uhlobo noma ubuningi babagibeli eyakhishelwa ilayisense yokusebenza ukuthi ingabagibelisa;
 - (c) uhlobo lokusebenza eyakhishelwa lona;
 - (d) isikhathi eyakhishelwa sona;
 - (e) ngokwelayisense yokusebenza eyakhishelwa imoto esebenza ngaphansi kwesivumelwano—
 - (i) uhlobo lwesivumelwano;
 - (ii) inamba eyinkomba yesivumelwano;
 - (iii) amagama namakheli abantu abangenele isivumelwano;
 - (f) ngokwelayisense yokusebenza ekhishelwe imoto esebenza ngokwezikhathi ezibekiwe—
 - (i) izindawo eziphakathi neminingwane ecacile yomgudu noma umigudu noma indawo ecacisiwe ilayisense ekhishelwe kona ngokucacise amagama emigwaqo, izinamba zemigwaqo izimpawu ezisendaweni eyidolobha ngalinye, idolobha, ivileji noma isakhiwo;
 - (ii) amathebula afanele;

- (g) ngokwelayisense ekhishelwe ukusebenza ngezamatekisi asamabhasi—
 - (i) izindawo eziphakathi neminingwane ecacile yomgudu noma imigudu noma indawo ecacisiwe ekhishelwe yona ngokucacisa amagama emigwaqo izinamba zemigwaqo, izimpawu ezisendaweni eyidolobha ngalinye, idolobha, ivileji noma isakhiwo;
 - (ii) indawo ebekiwe yokugibelisa nokwehlisa lapho kufanele khona;
- (h) eminye imigomo ebekwa yiBhodi ngaphansi kwesigaba 39 (11);
- (i) neminye iminingwane emisiwe.
- (4) Wonke amalaysense okusebenza akhishwe yi Bhodi kumele asayinwe ngusihlalo walo noma umuntu obekwe ngusihlalo ngokubhala phansi.
- (5) Ilayisense akumele iqashise ngaphandle uma imoto isebenza ngaphansi kwesivumelwano ngokokusebenza okungenalo uxhasomali noma ukusebenza ngesivumelwano.

45. Imibhalo eqoshiwe yamalaysense okusebenza

IBhodi kumele ligcine endaweni yalo yebhizinisi wonke amalaysense okusebenza ewakhilphile noshintsho olwenziwe kuwo, futhi kumele ifake iminingwane ebekiwe yalapho neyomnikazi welayisense yokusebenza nezimoto ezifanele kwiminingwane ebekiwe efakwe kwi khomputha.

46. Ukumelwa okwesikhashana kwemoto ehlobene nemvume noma ilaysense yokusebenza

- (1) Lapho imoto esetshenziswa ngaphansi kwelayisense yokusebenza noma imvume isifile noma ingasetshenziswa ngenxa yokuthi ishayisile, iBhodi noma ilunga lalo elibekwe ngusihlalo, lingakhipha imvume yokuthi enye imoto isebenze esikhundleni sayo, uma kuhambisana nezigatshana (2) no (3).
- (2) Ubuningi babagibeli abangathwalwa yimoto emele enye kumele bube kumkhakha ongasetshenziselwa ezokuthutha ebezisetshenzwa yimoto emelwe ngokuka sheduli A.
- (3) Imoto emele enye ingasetshenziselwa isikhathi esincane esingevile ezinsukwini ezingu 42 kanjengoba kubeka iBhodi, lesosikhathi singanezelelwa ngokubona kwe Bhodi uma kunesicelo.
- (4) Imoto emele enye kumele, ngesikhathi isayimele, ithathwe njenganemoto okuyiyona eyakhishelwa ilaysense yokusebenza noma imvume.

47. Imisebenzi yalowo oneemvume noma ilaysense yokusebenza

Umphathi wemvume noma ilaysense yokusebenza kumele—

- (a) asebenze imisebenzi egunyazwe yimvume noma ilaysense yokusebenza ngokwemigomo yayo nezinhlelo zezokuthutha ezifanele;
- (b) ahlale njalo ephethe emotweni imvume noma ilaysense yokusebenza engumsuka noma impinda kabili engumsuka wayo

- noma imvume ebhalwe phansi ekhonjwe kusigaba 46(1), noma isishicelo esicatshangwe kusigaba 38(10), nesitifiketi sokurejista somnikazi welayisense esikhishwe ngokwesigaba 66, konke lokhu akuveze uma kufunwa ngumsebenzi wehhovisi ogunyaziwe: kodwa iBhodi lingabhala incwadi ecasisayo ukuthi zonke izinkomba zemvume noma ilayisense yokusebenza akudingeki zibekwe emotweni uma ziwugqinsi olwenza lokhu kungenzeki;
- (c) agcina imvume noma ilayisense yokusebenza nempindakabili yakho noma impindakabili engumsuka ngendlela yokuthi imibhalo nezinamba ezikuzona zihlale zibonakala kahle futhi, uma imvume noma ilayisense yokusebenza yonakele noma ingasabonakalisi kahle imibhalo, afake isicelo sempindakabili yaso ngendlela ebekiwe;
 - (d) enze ukuthi igama, ikheli nohlobo lwebhizinisi lomphathi welayisense noma imvume kubonakale emotweni ehlobene nemvume noma ilayisense yokusebenza, endaweni esolubala, ngendlela ebekiwe noma ngenye indlela iBhodi elingayamukela ngokubhala phansi;
 - (e) abonise eminye imininingwane ebekwe yiBhodi;
 - (f) afake futhi ahlale njalo efake emotweni ngendlela ebekiwe, zonke izimpawu eziyizinkomba ngokwalo Mthetho;
 - (g) afake isicelo ngaphambi kwezinsuku ezingu 30 zokuphela kwemvume noma ilayisense yokusebenza, sokuvuselela ilayisense yokusebenza, noma sokushintsha imvume ibe yilayisense yokusebenza, uma efisa ukuvuselela noma ukushintsha.
 - (h) enze isiqiniseko sokuthi yonke imininingwane ekwimvume noma ilayisense yokusebenza igcineke ihambisana nesikhathi kunye nemithetho ngokufaka izicelo zokuthi ilungiswe;
 - (i) Abuyisele kwi Bhodi ngaphambi kwezinsuku ezingu 14 imvume noma ilayisense yokusebenza enqanyuliwe noma ehoxisiwe, noma ephelwelele yisikhathi;
 - (j) Ngokwezithuthi ezihamba izindlela ezikude, agcine emotweni efanele uhla lwabagibeli abagitshelisiwe, ngesimo nangendlela ebekiwe.

48. Amandla adluliswa yilayisense yokusebenza

Ilayisense yokusebenza ekhishwe ngaphansi kwalo Mthetho—

- (a) angeke ixolele umphathi ukuthi asebenze ngezokuthutha emgaqweni womphakathi endaweni yomthetho yakamasipala uma kungekho emthethweni ukwenza njalo ngaphansi kwe zimiso, umgomo noma umthetho walowo masipala;
- (b) ayixoleli umphathi ukuthi angenzi izidingongqangi ezibekwe ngaphansi kwalomthetho, ilayisense noma imvume ekhishwe esinye isiphathimandla.

49. Ukuhoxiswa, ukumiswa noma ukwehlukahlukana kwelayisense yokusebenza

- (1) lapho ilayisense yokusebenza isikhishiwe ngokwesivumelwano, isiphathimandla sesivumelwano kumele sicele iBhodi ukuba lihoxise ilayisense yokusebenza lapho isivumelwano sesiphelisiwe nganoma yiziphi izizathu.
- (2) Ngokuhambisana nesigatshana (3), esimweni lapho ilayisense yokusebenza ingakhishwanga ngokwesivumelwano, iBhodi lingahoxisa, limise noma lishintshe ilayisense yokusebenza noma yinini, isikhathi esingangoba lona libona kufanelekile, uma—
 - (a) umphathi welayisense yokusebenza noma umqashwa wakhe etholwe enecala ngaphansi kwalo Mthetho, ngaphansi komthetho owengamele izimoto, ukuhambisa ezasemgaqweni, ezokuphepha emsebenzini noma ezabasebenzi;
 - (b) ngokubona kwe Bhodi, umphathi welayisense yokusebenza engagcinanga imigomo yelayisense yokusebenza;
 - (c) umphathi welayisense yokusebenza ehlulekile ukuqalisa umsebenzi wezithuthi ogunyazwe yilayisense yokusebenza noma yingxenye yawo ngaphambi kwezinsuku ezingu 90 kukhishwe ilayisense yokusebenza; noma
 - (d) umphathi welayisense yokusebenza eseyekile ukusebenza ngezithuthi noma iyiphi ingxenye yakho izinsuku ezingu 180 zilandelana.
- (3) IBhodi alifanele ukuhoxisa noma limise ilayisense yokusebenza ngaphansi kwesigatshana (1) or (2) ngaphandle uma—
 - (a) umphathi enikezwe ngokuposelwa ngerejista noma iposi elilandelekayo, isaziso ebhalwe phansi, emnika izizathu, yezinsuku ezingu 21;
 - (b) umphathi enikwe ithuba, yena uqobo noma ngommeli wakhe, lokuvela ngaphambi kwe Bhodi ukuzoveza ubufakazi noma ukuletha ubumelwana mayelana naloko okuhloswe ukwenziwa; futhi isiphathimandla sezokuthutha, noma lapho kungakabekwa khona isiphathimandla sezokuthutha, umasipala ofanele enikwe ithuba lokuveza ubumelwana bese enza amalungiselo ahlukile.

50 ukunqanyulwa kwelayisense yokusebenza engasetshenziswa

- (1) lapho kufinyelela kwi Bhodi ukuthi ilayisense yokusebenza eshintshwe ekubeni yimvume noma ilayisense yokusebenza entsha ekhishiwe ayikaze ingasebenza kwaze kwaphela izinsuku ezingu 90 ikhishiwe, iBhodi kumele, ngokunika isaziso esibhaliwe, libize umphathi ukuthi alethe izizathu, ezizokwanelisa iBhodi futhi ezinsukwini ezibhalwe kwisaziso zokuthi—
 - (a) engaqalisanga ngokusebenza ngezokuthutha abahamba ngezimoto zomphakathi ezanikezelwa leyo layisense

yokusebenza; nokuthi

- (b) iBhodi kungani lingamele liyikhansela ilayisense yokusebenza.
- (2) Lapho iBhodi laneliswa yizizathu ezibekiwe, umphathi waleyolayisense kumele avunyelwe esinye isikhathi esiyonqunywa yiBhodi, kodwa esingedlulile kwizinsuku ezingu 30, ukuthi aqalise ngalokho kusebenza, futhi umphathi kumele abikelwe lokhu ngokombhalo.
- (3) Uma linganelisekile, noma umphathi layisense ehluleka ukubeka izizathu esikhathini esivunyelwe lokho kwisaziso, iBhodi kumele likhansela ilayisense yokusebenza bese ngombhalo lazise umphathi ngalokhu bese limcela ukuthi abuyisele ilayisense yokusebenza kwi Bhodi kunye nezimpawu eziyizinkomba ezihambisana naleyo layisene yokusebenza, zingakapheli izinsuku eziyisikhombisa kusukela ngosuku lwesaziso.

51. Ukuhoxiswa kwezimvume noma amalayisense angaphezu kokuba edingeka

Lapho iBhodi laneliseka ukuthi—

- (a) isiphathimandla sezokuthutha ngokwezinhlelo zaso sibonile ukuthi kunezithuthi ezingaphezu kokudingeka kumgudu othile, imigudu noma ibalazwe;
- (b) isiphathimandla sezokuthutha sesikhulumile nomnikazi welayisense yokusebenza kulowomgudu, imigudu noma ibalazwe, gokuxhumana nezikhungo zezokuthutha ezifanele, ngombono wokuphumelelisa ukukhansela amalayisense angaphezu kokudingeka;

iBhodi kumele lihoxise imvume noma imvume yelayisense yokusebenza efanele ngokwesigaba 51 soMthetho ka Zwelonke, uma kufinyelelwe kwisivumelwano nomphathii welayisense sokunxephezela umphathi ngokulahlekelwa kwezomnotho ngendlela efanele futhi engenzeka ebhalwe ngokweziboniso ezinikwe ngokwesigaba 51(4) soMthetho ka Zwelonke.

52. Amandla esikhathi esisodwa noma asebenza kanye

- (1) Akekho okumele asebenze ngezokuthutha abahamba ngezimoto zomphakathi ngokuhambelana nokwenzeka okuthile, njengane zemidlalo, umngcwabo noma umshado, ngaphandle kokunikwa amandla *aleso sikhathi* anikwe futhi apheleliswa ngaphansi kwalesisigaba.

- (2) isigatshana (1) angeke sisebenze lapho—

(a) ezokuqashisa zizosebenza ngokwelayisense yokusebenza noma imvume

efanele; noma

- (b) osebenza ngezithuthi ezosebenza ngokwemithetho yelayisense yokusebenza noma imvume eseyivele igunyaza izithuthi ezifanele

kulowo mgudu noma kuleyondawo.

- (3) Umphathi welayisense angafaka isicelo sokunikwa igunya *lalesosikhathi esisodwa*, ekukhokheni imali ebekiwe.

- (4) IBhodi kumele libhale ngokulandelana amagunya *esikhathi esisodwa* eliwakhiphile futhi ligcine irejista yezigunyazo enamagama abanikazi

- abanikwe lezizigunyazi.
- (5) Ngaphambi kokuqhubeka nomsebenzi okhonjwe kusigatshana (1), umphathi layisense kumele agcwalise isigunyazi *sesikhathi sisodwa* salolohambo ngendlela ebekiwe futhi agcine isigunyazi sisemotweni efanele ngasonke isikhathi uma enza umsebenzi futhi asivezele isiphathimandla esisemthethweni uma sisifuna.
 - (6) ngokushesha ngangokuba kungenzeka, kodwa kungabi ngale kwamahora angu 72 ngemuva kokuqeda umsebenzi lowo, umphathi kumele ahambise kwi Bhodi isishicilelo esigcwalisiwe sesigunyazo *sesikhathi esisodwa* kuthi uma kungezamatekisi angamakhumbi, kanjalo nenhlangano ayilunga layo, uma umphathi eyilunga lenhlangano, nakwinhlangano erejistiwe esebenza kulowomgudu noma ibalazwe.
 - (7) IBhodi lingamqamula umphathi uma ejwayela ukusebenza ngezokuthutha zesikhashana ngaphandle kokugcwalisa izigunyazi ezifanele, noma ojwayela ukungasebenzisi ngendlela izigunyazi *zesikhathi esisodwa*.
 - (8) *Izigunyazi zesikhathi esisodwa* kumele zibe sesimweni esibekiwe.
 - (9) *Izigunyazi zesikhathi esisodwa* zingasetshenziswa kuphela ukuhambisa abagibeli besikhathi esiza kanye futhi, ngesikhathi zisetshenziswa—
 - (a) abagibeli akumele bagitsheliswe noma behliswe ngemigudu;
 - (b) umphathi kumele abuye ephuma ohambeni lolo nabagibeli abalingana nahambe nabo;
 - (c) umphathi akumele asebenze ngezamatekisi angamakhumbi endaweni ngesikhathi elindele abagibeli.

53. Izimo ezehlukile zamalayisense okusebenza

- (1) Lapho u MEC esenze njengoba kukhonjwe ngaphansi kwesigaba 93(2) ukuvala imigudu, u MEC angatshela iBhodi ukuthi limeme izicelo zamalayisense okusebenza ngesimo esehlukile okusebenza kuleyo migudu.
- (2) Izicelo ezingaphansi kwesigatshana (1) kumele zibe sesimweni esibekiwe futhi ngemali ebekiwe.
- (3) IBhodi kumele libhekele isicelo esenziwe ngaphansi kwesigatshana (1) futhi lingamukela ingxenye noma sonke lesisicelo ngokokubona kwalo, noma ngabe yikuphi elikukhethayo kuhambelane nemigomo efunwa yi Bhodi, noma lisenqabe isicelo.
- (4) Amalayisense okusebenza ngesimo esehlukile kumele akhishelwe isikhathi esifushane esingevile ezinsukwini ezingu 21.
- (5) IBhodi lingawadlulisela amandla alo ngaphansi kwalesisigaba liwadlulisele kwi lungu noma omele iBhodi.

54. Ukukhuphuka kwezintela ezithile ngaphambi kokufaka isicelo sokushintsha imvume noma selayisense yokusebenza afanele

Noma kunini lapho imvume noma ilayisense yokusebenza enikeza amandla okuthuthela inzuzo ikhomba ukuthi umphathi kumele ahambisane nomgomo wokuthi ukuthutha kumele kwenzeke ngendlela evunye noma ebekwe yi

Bhodi, lowomphathi welayisense yokusebenza angakwazi ukuthi kuthi ngemuva kokukhuphuka kwentengo ka phethilomu e kwi Riphabhuliki, akhuphule intela ngenani elithile, kodwa kungabi ngaphezu kwamaphesenti angu 10, uma kuthi kungakapheli izinsuku ezingu 10 ngemuva kokwenyuka kwentela kanjalo, umphathi welayisene afake isicelo kwi Bhodi sokuthi kwenziwe ushintsho olufanele kuleyo mvume noma ilayisense yokusebenza ngaphansi kwalo Mthetho.

INGXENYE 7: IBHODI LOKUDLULISELA IZIKHALO ZABAGIBELI BEZITHUTHI ZOMPHAKATHI E-GAUTENG

55. Ukumiswa, umthethosisekelo nemisebenzi ye Bhodi le Zikhalo za Bahamba be Zithuthi zo Mphakathi lase Gauteng

- (1) Igama le Khomishana le Zithuthi zesi Fundazwe eyamiswa ngusigaba 27 yo Mthetho wesikhashana wezamatekisi angamakhumbi e-Gauteng, usushintshwe waba yi Bhodi lokudlulisela izikhalo za Bagibeli bezithuthi zomphakathi e-Gauteng futhi lithathwa njengeqembu lokudlulisela izikhalo zabagibeli bezithuthi zomphakathi kwisi fundazwe elikhonjwe kusigaba 128(1) so Mthetho we Sifundazwe.
- (2) IBhodi lokudlulisela izikhalo linomphathisihlalo nokungenani ilunga elilodwa elikhethwe ngu MEC—
 - (a) okungenani oyedwa kumele abe nesipiliyoni esifanele ekusebenzeni njengo mmeli,
 - (b) omunye noma abanye kumele babe nezipiliyoni ezisabalakile noma batshengise ikhono kwezokuthutha abahamba ngezimoto zomphakathi.
- (3) Amalunga alekhomishana akhethwe ngaphambi kokuqala kwalo Mthetho ayoqhubeka ehhovisi njengamalunga eBhodi lokudlulisela izikhalo kuze kuphele isikhathi sawo sokuqashwa ngaphandle uma u MEC enqamula ukuqashwa kwawo singakapheli.
- (4) (a) Ngaphambi kokuqasha amalunga e Bhodi lokudlulisela izikhalo u MEC kumele akhiphe isaziso senhloso yokwenza lokhu bese emema izicelo zobulunga, kwiphephandaba okungenani elilodwa elikhona kwi Sifundazwe, ngolwimi lwesingisi nangolwimi okungenani olulodwa olunye olusemthethweni olukhulunywa kakhulu kwi Sifundazwe.
 - (b) Ngaphambi kokuqasha ilunga, u MEC kumele akhiphe isaziso, ngendlela efanayo, amagama abantu acabanga ukubaqasha kwi Bhodi lokudlulisela izikhalo bese emema imibono nezimiso ngalokho.
 - (c) U MEC kumele abhekisise noma yimiphi imibono nezimiso azitholayo.
- (5) Akekho okumele akhethwe ukuba yilunga le Bhodi uma—
 - (a) yena noma ashade naye noma umlingani wakhe, abomndeni, abantwana, umlingani kwezamabhizinisi noma umqashi, enenzuzo ebhizinisini lezokuthutha abahamba ngezithuthi zomphakathi noma enesikhundla ngokokhetho kwinhlangano, noma ebandakanyeka, ngokuka-MEC, kwimisebenzi

- engaphazamisa ukusebenza ngokungenzeleli imisebenzi yehhovisi;
- (b) engase abe nesici kwezomthetho;
- (c) owawa futhi engagavuki kwezamabhizinisi; noma
- (d) wake watholwa enecala eliphathelene nokungethembeki noma wake wasuswa ehhovisi lomphakathi ngenxa yokungaziphathi kahle.
- (6) Uma kunokucabangela ukuqasha noma ngubani ukuthi abe lilunga leBhodi lezikhalo, lowomuntu kumele aveze ngokusobala ku MEC, ngokombhalo, noma yiyiphi inzuzo angase ayithole kunoma yiyiphi ingxenye yemboni yezokuthutha abahamba ngezimoto zomphakathi, ukwehluleka ukwenza lokhu kuyoba yicala.
- (7) Usihlalo weBhodi lokudlulisela izikhalo akumele aqashwe isikhathi esevile kwiminyaka emithathu, kuthi amanye amalunga ebhodi isikhathi esingedlule kwiminyaka emibili, ngokuhambelana nemigomo yalo Mthetho, abe sehhovisi ngemigomo yokuhola futhi ngale kwalokho njengoba u MEC engabeka ngesikhathi beqashwa.
- (8) Uma kuzoba noma kunesikhala somsebenzi ehhovisi lika sihlalo noma ilunga le Bhodi yokudlulisela izikhalo, u MEC kumele, ngokuhambisana nalesisigaba, athathe izinyathelo ngokushesha ukugcwalisa lesosikhala ngokuqasha umuntu ofanele ongeke ehliswe yizimiso ezishiwo kusigatshana (5).
- (9) Umuntu osephelele yisikhathi sokuba sehhovisi njengelunga le Bhodi lezikhalo, uyoba nelungelo lokuphinda aqashwe.
- (10) INhloko yo Mnyango kumele, ngokuhambisana nemithetho ebhekele ezomphakathi, inikezele ngabasebenzi abafanele ukusiza iBhodi lezikhalo ekwenzeni imisebenzi yalo.
- (11) Imisebenzi yeBhodi lezikhalo iyoba ngukulalela izikhalo ezihlobene nezicelo zezithuthi ezihamba phakathi kwezifundazwe.

56. Ukushiya, ukuphuma nokususwa ehhovisi kwamalunga eBhodi lokudluliselam izikhalo

- (1) Ilunga leBhodi lokwedlulisela izikhalo lingesula ngokubhalela u MEC isaziso sezinyanga ezimbili.
- (2) U MEC angalisusa ehhovisi ilunga le Bhodi lezikhalo —
- (a) elehlulekile ukulandela imigomo yokuqashwa kwalo;
- (b) elitholwe linecala lokungaziphathi kahle noma eliyekelelee umsebenzi walo kaninginingi njengelunga lalelo Bhodi noma lehlulekile ukwenza leyomisebenzi kahle nangokuphelele;
- (c) elingakwazi ukwenza imisebenzi yalo ngempumelelo njengelunga le Bhodi;
- (d) esehluleke ukuhambela imihlangano yaze yaba mithathu ilandelana ngaphandle kwesizathu esezwakalayo.
- (3) Ilunga leBhodi lokudlulisela izikhalo kumele liphume ehhovisi uma—
- (a) seliwela ngaphansi kweziyekiso zomsebenzi ezibalwe kusigaba 55(5);
- (b) lisusiwe ehhovisi ngaphansi kwesigatshana (2).

57. Amandla eBhodi lezikhalo

- (1) Ngaphandle kwamandla avunywe yilo Mthetho, iBhodi lokudlulisela izikhalo lingakwazi ngenhloso yokubhekana nesimo esiphambi kwalo ngokwalo Mthetho—
 - (a) ngokombono walo livumele umuntu othintekayo noma onesifiso, noma ummeli osemthethweni walowomuntu, ukubeka isikhalo kulona—
 - (i) ukuveza ubufakazi noma enze ubumelwano ngomlomo kwisikhalo; noma
 - (ii) libize ofakazi futhi libheke ubufakazi ngokuhambisana nesikhalo; noma
 - (iii) lifake imibuzo lowo ofakazayo kulolodaba;
 - (b) ngesaziso esibhaliwe njengoba kubekiwe bese liyihambisa njendlela ebekiwe, licele umuntu ukuthi avele phambi kwalo noma aveze ubufakazi noma abuyise incwadi, uhlelo noma enye incwajana noma ibhukwana okungakuyena;
 - (c) libize umuntu okhona lapho iBhodi lezikhalo libhekene khona nesikhalo, ukuthi avele phambi kwalo ukuzoveza ubufakazi noma ukubuyisa incwadi, uhlelo noma enye incwajana noma ibhukwana okungakuyena;
 - (d) lihlome ngemibuzo umuntu ophambi kwalo ongufakazi;
 - (e) lenqabe ukulalela umuntu ovele ngaphambi kwalo kodwa owenqaba ukufunga noma ukufungiswa.
- (2) Umuntu ophethe umhlangano weBhodi lezikhalo lapho kukhona ovela njengofakazi njengoba kukhunjwe kusigatshana (1), angahola isifungo noma afungise umuntu ozovela phambi kwe Bhodi.
- (3) IBhodi lokudlulisela izikhalo lingamnika umuntu ofunayo uma ecela izizathu zesinqumo esithathiwe.

58. Imihlangano nezinqumo zeBhodi lezikhalo

- (1) Imihlangano yeBhodi lezikhalo kumele ibanjwe ngemithetho ebekiwe nangezikhathi nasezindaweni ezibekiwe.
- (2) Usihlalo kunye nelunga okungenani elilodwa bayasenza isibalo esingabamba umhlangano osemthethweni.
- (3) Uma usihlalo weBhodi lezikhalo engakwazi ukuhambela umhlangano walelo Bhodi, usihlalo uyakwazi ukuqoka elinye ilunga lalelo Bhodi ukuthi limmele njengosihlalo walowo mhlango.
- (4) Isinqumo seningi samalunga eBhodi lezikhalo akhona emhlanganweni siyba yisinqumo salelo Bhodi ngokwalezozinto futhi esimweni samavoti alinganayo, umuntu owengamele umhlangano uyoba nelinye ivoti ngaphezu kwelangesibomu.
- (5) Asikho isenzo, indlela noma isinqumo se Bhodi lezikhalo esingathathwa njengesingekho ngesizathu sokuthi, ngesikhathi isenzo senziwa noma indlela noma isinqumo sikhishwa, kwakukhona isikhala somsebenzi kulelo Bhodi noma umuntu owabe elilunga leBhodi wehliswa ekubeni lilunga ngaphansi kwesigaba 55(5), nomangabe ukuvuma kwalowomuntu kwakukudingeka ekwenzeni lesosenzo noma ekunikezeni leyondlela noma isinqumo.

- (6) IBhodi lezikhalo kumele lilalele izikhalo ngaphambi kwezinsuku ezingu 60 ngemuva kokuthola isaziso ngesikhalo bese lidlulisa isinqumo salapho kubobonke abafanele ngesikhathi esibekiwe.

59. Ukwedlulisela isikhalo kwi Bhodi lokwedlulisela izikhalo ngesinqumo se Bhodi noma uMbhali

- (1) ngaphandle kokuba kubekiwe kulo Nthetho nangokuhambisana nesigatshana (2), umuntu—
- (a) ofake isicelo kwi Bhodi sokuthola, ukuvuselelwa, ukushintshwa noma ukwedluliselwa kwesivumelwano noma ilayisense yokusebenza invume noma ilayisense yakhe ihoxisiwe, yehlukanisiwe noma isamisiwe yi Bhodi;
 - (b) ongumphathi wemvume noma ilayisense yokusebenza eyakhishwa yi Bhodi;
 - (c) ngendlela nangesikhathi esibekiwe, uhambise izimelwana kwi Bhodi; noma
 - (d) ufake isicelo kuMbhali sokurejista ngaphansi kwalo Mthetho, noma ofaneleke ukuhlolwa ngu Mbhalisi;
- futhi uyathinteka yisinqumo se Bhodi noma uMbhali, angakwazi, ngendlela nangesikhathi esibekiwe, ukukhala ngaphambi kwebhodi lezikhalo.
- (2) Lapho iBhodi lazisa umuntu ngombhalo ngesinqumo esikhonjwe kusigatshana (1), usuku lwaleso saziso esibhaliwe luyothathwa ngokuthi luwusuku okwakhishwa ngalo isinqumo.
- (3) IBhodi lokwedluliselwa kwezikhalo kumele libhekele isikhalo esilethwe ngendlela kulona futhi lingakwazi ukuthi, ngokubona kwalo—
- (a) lichithe isikhalo livumelane nesinqumo, noma
 - (b) libambe ukuzwiwa kwesikhalo, libeke ecaleni isinqumo, bese—
 - (i) lithathe esinye isinqumo esikhundleni saleso se Bhodi; noma
 - (ii) libuyisele udaba emuva kwi Bhodi ukuthi liyiphinde liyibheke; noma
 - (c) libambe ukuzwiwa kwesikhalo ngokungagcwele bese lishintsha isinqumo.
- (4) IBhodi lingasivuma noma lisichithe isicelo sokumisa ukusebenza kwesinqumo seBhodi noma uMbhali ekukhalwa ngaso, futhi lesisicelo kumele senziwe ngendlela ebekiwe nangesikhathi esibekiwe.

INGXENYE 8: UMBHALISI WEZOKUTHUTHA EGAUTENG NOKUBHALISWA KOSOSIYESHINI NABATHUTHI

60. Ukuqokwa kukamBhalisi wezokuThutha eKgauteng nephaneli yabalekeleli

- (1) UmBhalisi wesiFundazwe oqokwe ngokwesigaba 4 somThetho wesiKhashana waseGauteng wamaBhasana asamatekisi (Gauteng Interim inibus Taxi-Type Services Act) uthathwa njengomBhalisi wezokuthutha eKgauteng, njengomBhalisi obekiwe kwisigaba 53(1)

- somthetho kaZwelonke.
- (2) U-MEC angaqoka iphaneli yabalekeleli ezoba nabantu abaningi ngangokuqoka kuka-MEC, ukweluleka nokusiza umBhalisi emsebenzini wakhe, okuyoba abantu abanesipiliyoni esibanzi futhi abakhombise ikhono kwezokuthuthwa komphakathi.
 - (3) Abalekeleli abaqokwe ngaphambi kokuqala kwalomThetho ukuthi usebenze ngokwesigaba 9 se-Gauteng Interim Minibus Taxi-Type Services bazoqhubeka nezikhundla zabo zokuba abalekeleli kuze kube isikhathi sabo sokuba sesikhundleni siyaphela ngaphandle uma u-MEC ebamisa ngaphambi kwesikhathi.
 - (4)
 - (a) Ngaphambi kokukhetha ummBhalisi noma umelekeleli, u-MEC kufanele ashicilele isaziso salokho, ameme nezicelo zokuba amalungu, ephapheni okungenani elilodwa okuyilo livamile esiFundazwe, sibe yisingisi kanye nolunye lwezilimi ezisemthethweni nolukhulunywa kabanzi esiFundazwe.
 - (b) Ngaphambi kokuqoka umBhalisi noma umelekeleli, u-MEC kufanele ashicilele, ngendlela efanayo, amagama abantu aphakamisa ukubaqoka ameme imibono neziphakamiso ngalokho.
 - (c) U-MEC kumele abhekisise imibono neziphakamiso azitholile kulokhu.
 - (5) Akekho oyoqokwa abe ngumBhalisi noma umelekeleli uma yena—
 - (a) noma ashade naye, ilungu lomndeni wakhe ngqo, abondlayo, umlingani ebhizinisini noma umqashi, enentshisekelo ebhizinisini yokuthwalwa komphakathi emgaqweni noma ekhethwe waba nesikhundla kusosiyeshini, noma ebambe iqhaza, u-MEC abona lingaba inqinamba ekugcineni kwakhe umsebenzi wakhe.
 - (b) uma enokuxhwala okuthize emthethweni;
 - (c) enezikweleti ezingaphezulu kwempahla anayo; noma
 - (d) elahlwe yicala loungathembeki noma exoshiwe kwahulumeni ngenxa yokukhwabanisa.
 - (6) Uma ukuqokwa kwanoma ubani njengomBhalisi noma umelekeleli kubhekelelwa, lowo muntu kufanele amazise u-MEC, ngokubhalwe phansi, noma yini anentshisekelo kuyo maqondana nemboni yezokuthuthwa kwabagibeli emgaqweni, uma engakwenzi lokho kuyobe wenze icala.
 - (7) UmBhalisi nabalekeleli kufanele bakhethelwe ukuba sezikhundleni isikhathi esingeqile eminyakeni emithathu futhi, ngokwalo mThetho, babe sesikhundleni ngemibandela ehambisana nehlo nangangoba kunqume u-MEC ngesikhathi beqahswa.
 - (8) Uma kuvela isikhala ehhovisi likamBhalisi, u-MEC kufanele aqashe umBhalisi omusha okade eyijaji noma imantshi, noma ummeli osebenze njengommeli iminyaka okungenani emihlanu, noma, uma ngokubona kuka-MEC, enokuqeqesheka noma isipiliyoni esifanelekile ukuthi agcine imisebenzi kamBhalisi ngaphansi kwalo mThetho.
 - (9) Uma kuba nesikhala ehhovisi likamlekeleli, u-MEC kufanele aqashe

umBhalisi omusha okufanele kube umuntu onesipiliyoni esibanzi nekhono kwezokuthuthwa kwabantu bomphakathi emgaqweni.

- (10) Umuntu osephelelwe yisikhathi sokuba sesikhundleni sokuba umBhalisi, usebgaphinda futhi aqashwe.
- (11) Inhloko yomNyango kufanele, ngokuhambisa ngomthetho wakwahulumeni, anikele ngabasebenzi abadingekayo ukunceda umBhalisi emsebenzini wakhe.

61. Ukuyeka umsebenzi, ikhefu nokusuka kukamBhalisi nabalekeleli esikhundleni

- (1) UmBhalisi noma umelekeleli angayeka emsebenzini ngokunikeza u-MEC isaziso salokho esiyizinyanga ezimbili.
- (2) UNGqongqoshe angamsusa esikhundleni umBhalisi noma umelekeleli—
- ohlulekile ukgcina imibandela yokuqashwa kwakhe;
 - onecala lokungaziphathi kahle noma onokuwuphatha budedengu umsebenzi wakhe noma ohlulekile ukusebenza ngokungabandlululi;
 - ohlulekayo ukusebenza ngendlela ebonakalayo emsebenzini;
 - uma kungumelekeleli, ohlulekile ukwethamela imihlangano yaze yaba mithathu ilandelana ngaphandle kwesizathu esizwakalayo.
- (3) UmBhalisi noma umelekeleli kufanele asuke esikhundleni uma—
- eba ongafanelekile ukuba sesikhundleni sokuqashwa ngokwesigaba 60(5);
 - esuswa esikhundleni ngokwesigatshana (2).

62. Imisebenzi esemahlombe kamBhalisi

UmBhalisi kufanele—

- abhekisise anqume ngezicelo zokubhalisa ososiyeshini, amalungu nabangesiwona amalungu ngokwalo mthetho abese evumela ukubhaliswa kwalabo abafanelekile;
- aqale futhi agcine ngomumo irejista yososiyeshini ababhalisiswe, amalungu abo, nalabo abangesiwona amalungu ngokubekiwe;
- ahambise ngokwamafomu abekiwe erejista kanjalo nezitifiketi zigcinwe noma zikhishwe ngokwalo mthetho;
- aqaphe ukuthi ososiyeshini abarejistiwe kanjalo namalungu abo ukuthi bayahambisa yini ngokwamazinga abekiwe omthethosisekelo owumsuka, uma kungesilona ilungu, ngokomthetho wokuziphatha obekiwe;
- anikezwe u-MEC lapho eceliwe iminingwane maqondana nemisebeni kamBhalisi;
- anikeze izeluleko nosizo kulabo abafake izicelo zokurejista;
- minyaka yonke ethule ku-MEC umbiko wonyaka ngenqubekela phambili ngemisebenzi kamBhalisi;
- ngokubhala phansi nangokukhokhwa kwemali ebekiwe, anikeze noma ubani imininingwane yezibalo zokwazi eziphuma kwirejista, ngaphandle uma imininingwane leyo, ingase,

ngokohwebo, kube enozwelo futhi inokulimaza ibhizinisi noma ukusimama komutnu othize, inhlango noma umgwamanda, noma ingase iholele ekwaziseni lowo muntu noma umgwamanda;

- (i) abhekisise futhi anqume ukumisa noma ukukhansela ukurejistwa kukasosiyeshini noma ilungu lwo nanoma iliphi nje ilungu.

63. Amandla kamBhalisi

- (1) Ukusingatha noma yiluphi udaba okukhulunywa ngalo kwisigaba (62(a) noma (i), umBhalisi anga—
- (a) vumela umuntu othintekayo noma onentshisekelo odabeni, noma lowo okhethiwe ukuthi makamelele umuntu lowo, ukuthi avele phambi kukamBhalisi abese—
- (i) enikeza ubufakazi noma ethule bukhoma maqondana nodaba;
- (ii) abize ofakazi ahole ubufakazi maqondana nanoma yini eqondene nodaba oluqhubekayo;
- (iii) aphonse imibuzo kulowo ongufakazi odabeni oluqhubekayo;
- (b) akhiphe incwadi ebizela ngenkani enkundleni ngefomu ebekiwe yokubiza umuntu ukuthi avele phambi kukamBhalisi ukuthi azokwethula ubufakazi noma akhiphe incwadi, ipulani, umqulu, noma umbhalo othize, noma yini ebhaliwe nephathekayo, engaphansi kwesandla sakhe lowo muntu, futhi abone ukuthi iyahanjiswa ngendlela leyo ebekiwe;
- (c) abize noma ubani ukuthi eze lapho kuqhubeka khona udaba, ukuthi avele phambi kukamBhalisi ukuthi azokwethula ubufakazi noma akhiphe incwadi, ipulani, umqulu, noma umbhalo othize, noma yini ebhaliwe nephathekayo, engaphansi kwesandla sakhe lowo muntu, ayikhiphe lapho kuleyo ndawo;
- (d) aphonse imibuzo kunoma ubani ongufakazi;
- (e) abeke ukuthi ubufakazi obuthize mabethulwe njengobufungelwe noma obufungelwayo futhi, afungise noma athathe isifungo kunoma imuphi ufakazi;
- (f) enqabe ukulalela ubufakazi obuqhamuka kumuntu ngaphandle uma lowo muntu ebufungele ubufakazi abethulayo.
- (2) UmBhalisi angamfungisa umuntu ovela njengofakazi phambi kwakhe.
- (3) UmBhalisi kufanele anikeze lapbo abanentshisekelo, lapho becela, izingathu zezinqumo asithathile.

64. Imihlangano nezinqumo zikamBhalisi nabalekeleli

- (1) Imihlangano kamBhalisi nabalekeleli kufanele ibanjwe ngokwenqubo nangokubekiwe nangezikhathi nasezindaweni ezibekiwe.
- (2) Izinqumo zaleyo mihlangano kufanele zithathwe ngokuvumelana, umBhalisi abe nezwi lokugcina lapho kungekho ukuvumelana.
- (3) Akukho sinqumo esithathwe kulowo mihlangano esiyoba esingekho emthethweni uma, sathathwa kunesikhala esikhona kubalekeleli noma

uma umuntu abe engongavumelekile ngokwesigaba 60(5).

65. Izicelo zokubhalisa

- (1) Usosiyeshini, ilungu noma ongesilona ilungu ofisa ukubhaliswa kufanele abhalise kumBhalisi, ngendlela nakwifomu ebekiwe, afake isicelo sokubhaliswa sihambisane nemali yokufaka isicelo, uma ikhona, kanjalo neminingwane edingwa yilo mThetho nomBhalisi.
- (2) Uma ekubhisiseni isicelo nokuthola ukuthi iminingwane enikeziwe iyiyo na, umBhalisi aneliseka ukuthi ofake isicelo uzigcinile izidingongqangi, umBhalisi kufanele amubhalise ofake isicelo.
- (3) Uma kuthe lapho esesibhekisisile isicelo umBhalisi wanganeliseka ukuthi ofake isicelo uzigcinile izidingongqangi, umBhalisi kufanele amazise ofake isicelo ngezidingongqangi angazenisanga futhi angamsiza ofake isicelo ngezaluleko amelekelele ukuze akwazi ukuhambisana nezidingongqangi.

66. Ukukhipha izitifiketi namaphuzu ahamba phambili ekubhaliseni

- (1) Lapho usosiyeshini, ilungu nongesilona ilungu ebhalisiwe, umBhalisi kufanele afake iminingwane yakhe kwirejista ebekiwe yesifundazwe futhi kufanele anikeze usosiyeshini, ilungu noma ongesilona ilungu, inombolo nesitifikethi sokurejista esikwifomu ebekiwe.
- (2) UmBhalisi kufanele aphinde futhi akhiphe, ngokubekiwe, umaka yokwehlukana waleyo naleyo moto yelunga elibhalisile noma lowo ongesilona ilungu omoto yakhe esetshenziswa ngokwegunyazo elifanele noma nngokwemvume noma ilayisense yokusebenza.

67. Ososiyeshini, amalungu nabangesiwona amalungu abanqamula izifundazwe

- (1) Lapho usosiyeshini usubhalisile, ilungu noma ongesilona ilungu othutha anqamule izifundazwe, umBhalisi kumele adlulisele kuminyango noma ababhalisi ababhekene nezokuthutha amakhophi ezitifiketi zokubhalisa nayo yonke iminingwane yokubhalisa wesifundazwe lapho ilungu noma ongesilona ilungu esebenzela khona.
- (2) Lapho umBhalisi aziswe umBhalisi wesinye isifundazwe ukuthi usosiyeshini, ilungu nongesilona ilungu ubhaliswe kwesinye isifundazwe, umBhalisi kufanele akuqophe lokho emabhukwini akhe, kanjalo neminingwane yakhona ayinikezwe omunye umBhalisi.

68. Ukugodlwa kwamalungelo esihe okungawososiyeshini ababhalisiwe

- (1) Usizo oluqhamuka kuHulumeni wesifundazwe saseGauteng elunikeza ososiyeshini nabasebenzi luyonikezwa kuphela labo ababhaliswe ngokwalo mThetho.
- (2) Akukho msebenzi noma mmeleli kasosiyeshini ongakwazi ukwethula inkulumo yakhe kwisikhungo samatekisi noma kumgwamanda ofana nalowo ngokwalo mThetho ngaphandle uma ibhaliwe ngokwawo umThetho.

INGXENYE 9: Ukubhaliswa kwamabhasi amancane angamatekisi

69. Ukurejista okuyimpoqo kososiyeshini, amalungu nabangesiwona amalungu maqondana nemisebenzi yamabhasi amancane angamatekisi

Emva kosuku oluyonqunywa ngu-MEC ngesaziso kwi*Gazethi*, akukho muntu osebenza ngamatekisi oyoqala umsebenzi, futhi akukho sosiyeshini oyoqhuba ibhizinisi, ngaphandle kokuthi ebhalisiwe ngokwalo mThetho.

70. Ososiyeshini nabasebenzi bamatekisi ababhaliswe ngokomThetho 11 ka 1997

- (1) Usosiyeshini obhalisiwe ngokugcwele ngokwesigaba 7 se-Gauteng Interim Minibus Taxi-Type Services Act, uyothathwa njengobhalisiwe ngokwalo mThetho.
- (2) Umuntu obhaliwe njengelungu likasosiyeshini ngokuphelele, noma ongesilona ilungu, ngokwesigaba 7 se-Gauteng Interim Minibus Taxi-Type Services Act, uyothathwa njengobhalisiwe ngokwalo mThetho.

71. Ukhetho nemibuzo ebhekiswe kumphakathi

- (1) U-MEC angabhalela usosiyeshini awunike isaziso esingumyalelo ukuthi mawubambe ukhetho lwekomidi enkulu kasosiyeshini noma ubuze umphakathi ngezinto ezidala ukushayisana noma umoya oshubile kusosiyeshini noma phakathi kososiyeshini, lokho kwenziwe singakapheli isikhathi esithize kwisaziso, futhi enze umlalelo wokuthi imibuzo eqondiswe emphakathini kufanele iqashwe abantu abazimele kube—
 - (a) umuntu noma abantu abaqokwe nabakhokhelwa ngu-MEC; noma
 - (b) umuntu noma abantu abaqokwe nabakhokhelwa ngusosiyeshini;
- (2) UmBhalisi angakumisa noma akukhansela ukubhaliswa kukasosiyeshini ohlulekile ukugcina umyalelo okhishwe ngaphansi kwesigatshana (1).

72. Ukubhaliswa kososiyeshini

UmBhalisi kumele awubhalise usosiyeshini othe mawufaka isicelo wamenelisa ngokuthi—

- (a) sewube khona isikhathi esingengaphansi kwaleso esincane esibekiwe;
- (b) inombolo yamalungu iyahambisana nencane ebekiwe;
- (c) umthethosisekelo nomthetho wokuziphatha owethulwe ngusosiyeshini usayiniwe wemukelwa yilelo nalelo lungu likasosiyeshini;
- (d) umthethosisekelo nomthetho wokuziphatha kuyahambisana nezidingonqangi ezibekiwe;
- (e) usosiyeshini unedumela futhi uyese kwa ngomasipala neziphathimandla zezokuthutha aqondene nazo;

- (f) yilelo nalelo lungu likasosiyeshini linemvume esemthethweni noma ilayisense yokusebenza yaleyo naleyo moto elisebenza ngayo nanokuthi umsebenzi wakhe ungaphansi kwalezo ziphansi mandla;
- (g) yilelo nalelo lungu likasosiyeshini libukhiphile ubufakazi obumenelisile umBhalisi ngokuthi ilungu lelo libhalisile njengomuntu okhokha intela ngaphansi komthetho wokuNgena kweMali, noma, ngokwalo mthetho akadingi ukubhalisa; futhi
- (h) yonke imininingwane edingwa ngumBhalisi ngokwalo mThetho noma ebinikeziwe futhi osebutholakele ubufakazi bayo ngendlela leyo ebekiwe.

73. Ukubhaliswa kwamalungu ososiyeshini ababhalisiwe

Lapho usosiyeshini usubhalisiwe, umBhalisi kufanele abhalise lelo nalelo lungu ayitholile imininingwane yalo ayidingayo ebifakwe kwifomu yesicelo futhi onemvume efanele noma ilayisense yokusebenza, njengelungu likasosiyeshini.

74. Amalungu amasha kasosiyeshini obhalisiwe

- (1) lapho usosiyeshini omusha amukele amalungu amasha anemvume efanele noma ilayisense yokusebenza emgudwini noma emigudwini efanele, kufanele zithi zingakapheli izinsuku eziyi-14 emva kalokhu kwamukela, ubhale umazise umBhalisi futhi umnikeze imininingwane edingekayo nebekiwe ukuthi iyazise yale lilungu, yilapho-ke kumele umBhalisi alibhalise lelo lungu njengelungu likasosiyeshini.
- (2) Lapho usosiyeshini amukele njengelungu okwesikhashana osebenza ngesithuthi ukuthi abe yilungu ebe engenayo imvume noma ilayisense emgunyazayo ukuthi asebenze emgaqweni, kufanele zithi zingakapheli izinsuku eziyi-14 amukeliwe, iBhodi ibhalelwe yaziswe ngalokhu kumamukela ibuye futhi yaziswe iBhodi ngemininingwane ebekiwe nedingekayo.
- (3) Osebenza ngesithuthi okukhulunywa ngaye kwisigatshana (2) kufanele afake isicelo selayisense yokusebenza efanele zingakapheli izinsuku eziyi 14 amukeliwe njengelungu okwesikhashana futhi anikeze umBhalisi imininingwane ebekiwe nedingekayo.
- (4) Ukuthi kukhona osebenza ngesithuthi owamukelwe okwesikhashana njengokubekiwe kwisigatshana (2), noma ukuthi lomsebenzi ufake isicelo selayisense yokusebenza njengokubekiwe kwisigatshana (3), akusho ukuthi umsebenzi lowo usenelungelo lokusebenza ngezithuthi ezithwala abagibeli emgaqweni.
- (5) Uma kwenzeka iBhodi ikhipha ilayisense iyinikeza lezilungu ebelamukelwe okwesikhashana, iBhodi kumele imazise umBhalisi zingakapheli izinsuku eziyi 14 futhi inikeze umBhalisi ikhophi yelayisense yokusebenza kanye nemininingwane eqondene nelungu lelo etholakale kwiBhodi kasosiyeshini oqondene.
- (6) Kufanele athi uma eyithola imininingwane umBhalisi, alibhalise ilungu njengelungu likasosiyeshini.
- (7) Uma owamukelwe okwesikhashana ahluleka ukufaka isicelo selayisense yokusebenza esikhathini esibekiwe kwisigatshana (3),

noma uma kwenzeka iBhodi imazisa ukuthi isicelo sakhe asiphumelelanga, usosiyeshini kumele abumise ubulungu balelo lungu zingakapheli izinsuku eziyisikhombisa emva kwaleso sikhathi esibekiwe kwisigatshana (3), noma emva kwaleso saziso, lokho nje okuyikho.

75. Ukubhaliswa kwabangesiwna amalungu

- (1) Ongesilona ilungu ufanelekile ukubhaliswa futhi, uma esesifakile isicelo, kumele abhaliswe, uma ongesilona ilungu—
 - (a) eziphathe ngokomthetho obekiwe wokuziphatha;
 - (b) enelayisense noma imvume efanelekile yaleyo naleyo moto yokusebenza ukuthwala abagibeli emgaqweni womphakathi;
 - (c) esebenza emgaqweni ethwala abagibeli emphakathini ngokuqondene naleyo mvume noma ilayisense, ngokuhambisanayo nemibandela exhunyelwe kwimvume noma ilayisense yokusebenza;
 - (d) ebukhiphile ubufakazi obumanelisayo umBhalisi ukuthi ongesilona ilungu ubhalisiwe njengokhokha intela ngokomThetho weNtela, noma, ngokwalowo mThethotho. Akadingi ukukubhalisela lokho; futhi
 - (e) ufake isicelo sokubhalisa njengongesilona ilungu ngenxa yale zizathu ezilandelayo:
 - (i) akekho usosiyeshini obhalisiwe kulowo mgudu noma imigudu noma, lapho kusebenzela khona ofake isicelo esebenzela khona ukuthwala abagibeli bomphakathi emgaqweni;
 - (ii) lapho kukhona usosiyeshini obhalisiwe, uma—
 - (aa) ofake isicelo engamukelwanga njengelungu kusosiyeshini;
 - (bb) uma izidingongqangi zokwamukelwa njengelungu kusosiyeshi kungezingenalo iqiniso
 - (cc) ngenxa yezizathu ezikhona, kungelindeleke ukuthi ofake isicelo abe yilungu likasosiyeshini; noma
 - (dd) kunezinsolo zokuthi uma ofake isicelo engamukelwa njengelungu kusosiyeshini, angabhekana nokubandlululwa okungenalo iqiniso.
- (2) Lapho ongesilona ilungu efisa ukufaka isicelo selayisense yokusebenza, kufanele aqale afake isicelo kumBhalisi ngendlela nangefomu ebekiwe yokubhaliswa njengongesilopna ilungu.
- (3) UmBhalisi kufanele ukuthi ofaka isicelo ngaphansi kwesigatshana (2) uzigcinile na izidingongqangi zesigatshana (1), uma kunjalo, amnikeze ofake isicelo isitifiketi salokho ukuze asinikeze ibhodi.
- (4) Umakwenzeka iBhodi iyivumela futhi iyikhipha ilayisense yokusebenza iyinekeza ilungu lelo, iBhodi kumele imazise umBhalisi zingakapheli izinsuku eziyi-14 imnikeze futhi umBhalisi nekhophi yelayisense yokusebenza.
- (5) UmBhalisi kufanele kuthi lapho ethola le mininingwane, ambhalise ongesilona ilungu.

76. Izinyathelo zokuqondisa izigwegwe

- (1) UmBhalisi angamisa noma ahoxise ukubhaliswa kukasosiyeshini noma osebenza njengomthuthi uma ehlulekile ukugcina izidingo zomthetho noma imithetho yenqubo ebekiwe kumthethosisekelo wamazinga abalulekile noma kmthetho wokuziphatha kwabangesiwona amalungu, lokho nje okuqondene, noma ngokunye nje ukuziphatha okubekwe njengokungesikhona okufanele.
- (2) Lapho kutholakala khona isikhalazo, ukubeka icala noma izinsolo ngenxa yemininingwane esifike ezindlebeni zakhe, umBhalisi kufanele avule uphenyo ngokwenqubo leyo ebekiwe.
- (3) Ngaphambi kokuvula uphenyo, umBhalisi kufanele aqale abhale isexwayiso asiqondise kusosiyeshini noma kosebenza emgaqweni amtshale ukuthi, makalungise isimo lesa sokwahluleka kwakhe singakapheli isikhathi lesa esibhalwe kwisixwayiso, okufanele singabi ngapansi kwezinsuku ezi-21.
- (4) Uma uphenyo lukhombisa ukuthi kwaba nokwehluleka lokho noma ukuziphatha, ongumBhalisi anga—
 - (a) nikeza inhlawulo engeqile emalini ebekiwe;
 - (b) thumela isinqumo esisayinwe nguye esimisa okwesikhasha isitifiketi sokubhaliswa; noma
 - (c) thumela isinqumo esisayinwe nguye esihoxisa isitifiketi sokubhaliswa.
- (5) Maduzane nje emva kokukhipha isinqumo sokuthi igama likasosiyeshini noma longesilona ilungu malikhishwe kwirejista, umBhalisi kumele athumele ikhophi efakazelwe ayiqondise kwiBhodi nakwisikhulu esiphezulu emnyangweni wakwahulumeni noma kwisikhungo esinikeza lowo sosiyeshini noma amalungu kumbe umsebenzi izinzuzo noma usizo.

INGXENYE 10: *Ukubhaliswa kososiyeshini bamatekisi amamitha nabasebenza ngezithuthi emgaqweni***77. Ukubhaliswa Kososiyeshini Bamatekisi Amamitha, abangemalungu nabangemalungu**

Izigaba 69,73, 74 no 76 yizo ezisebenzayo, kanye noshintsho oludingekayo, ekubhalisweni kososiyeshini bamatekisi amamitha, amalungu nabangesiwona amalungu, ukufunda kulezo zigaba " izinsizakalo zamatekisi amamitha " ukuchaza "izinsizakalo zamabhasana angamatekisi".

78. Ukubhaliswa Kososiyeshini Bamatekisi Amamitha

umBhalisi kufanele avumele ukubhaliswa kukasosiyeshini wamatekisi amamitha uma isicelo simanelisa umBhalisi ngokuthi—

- (a) sewube khona isikhathi esingengaphansi kwaleso esincane esibekiwe;
- (b) umthethosisekelo nomthetho wokuziphatha owethulwe ngusosiyeshini usayiniwe wemukelwa yilelo nalelo lungu lawo;

- (c) umthethosisekelo nomthetho wokuziphatha owethulwe ngusosiyeshini usayiniwe wemukelwa yilelo nalelo lungu likasosiyeshini;
- (d) umthethosisekelo nomthetho wokuziphatha kuyahambisana nezidingongqangi ezibekiwe;
- (e) usosiyeshini unedumela futhi uyesekwa ngomasipala neziphathimandla zezokuthutha aqondene nazo;
- (f) yilelo nalelo lungu likasosiyeshini linemvume esemthethweni noma ilayisense yokusebenza yaleyo naleyo moto elisebenza ngayo nanokuthi umsebenzi wakhe ungaphansi kwalezo ziphansi mandla;
- (g) yilelo nalelo lungu likasosiyeshini libukhiphile ubufakazi obumenelisile umBhalisi ngokuthi ilungu lelo libhalisile njengomuntu okhokha intela ngaphansi komthetho wokuNgena kweMali, noma, ngokwalo mthetho akadingi ukubhalisa; futhi
- (h) yonke imininingwane edingwa ngumBhalisi ngokwalo mThetho noma ebinikeziwe futhi osebutholakele ubufakazi bayo ngendlela leyo ebekiwe.

79. Ukubhaliswa Kwabangemalungu Abasebenza Ngamatekisi Amamitha

- (1) Ongesilona ilungu osebenzayo noma ofisa ukusebenza ngetekisi yemitha ufanelekile ukubhaliswa futhi, uma esesifakile isicelo, kumele abhaliswe, uma ongesilona ilungu—
 - (a) eziphathe ngokomthetho obekiwe wokuziphatha;
 - (b) enelayisense noma imvume efanelekile yaleyo naleyo moto yokusebenza ukuthwala abagibeli kwinsizakalo yokusebenza ngetekisi yemitha;
 - (c) esebenza ngetekisi yamamitha ngokuqondene naleyo mvume noma ilayisense, ngokuhambisanayo nemibandela exhunyelwe kwimvume noma ilayisense yokusebenza;
 - (d) enelayisense yewayilense esemthethweni;
 - (e) ebukhiphile ubufakazi obumanelisayo umBhalisi ukuthi ongesilona ilungu ubhalisiwe njengokhokha intela ngokomThetho weNtela, noma, ngokwalowo mThetho. Akadingi ukukubhalisela lokho; futhi
 - (f) ebukhiphile bonke ubufakazi obudingwa umBhalisi ngokwalomThetho nangokunye futhi leyo mininingwane seyifakazisiwe ngokubekiwe.
- (2) Lapho ongesilona ilungu efisa ukufaka isicelo selayisense yokusebenza, kufanele aqale afake isicelo kumBhalisi ngendlela nangefomu ebekiwe yokubhaliswa njengongesilopna ilungu.
- (3) UmBhalisi kufanele athole ukuthi ofaka isicelo ngaphansi kwesigatshana (2) uzigcinile na izidingongqangi zesigatshana (1), uma kunjalo, amnikeze ofake isicelo isitifiketi salokho ukuze asinikeze ibhodi.
- (4) Uma kwenzeka iBhodi iyivumela futhi iyikhipha ilayisense yokusebenza iyinekeza lowo ongesilona ilungu, iBhodi kumele imazise umBhalisi zingakapheli izinsuku eziyi-14 imnikeze futhi umBhalisi nekhophi yelayisense yokusebenza.
- (5) UmBhalisi kufanele kuthi lapho ethola le mininingwane, ambhalise ongesilona ilungu.

80. Izidingongqangi ezehlukile zabashayeli bezimoto zezinsizakalo zamatekisi amamitha

- (1) Kusukela osukwini oluyomiswa ngu-MEC ngesaziso kwiGazethi, akukho muntu ongashayela imoto enkeza izinsizakalo zetekisi yemitha, ngaphandle uma lowo mshayeli ephase ukuhlolwa okuyinqubo emisiwe, futhi u-MEC noma umasipala emnikeze isitifiketi salokho, ngendlela nakwifomu ebekiwe.
- (2) Izidingongqangi zesigaba (1) zizoba yisengezo, zingangenile esikhundleni, sezidingongqangi zomThetho weziMoto kuZwelonke (National Road Traffic Act).

INGXENYE 11: KUBHALISWA KOHLOBO LWAMABHASI NEZITHUTHI ZOKUNGCEBELEKA NABASEBENZA NGEZITHUTHI

81. Ukubhaliswa kososiyeshini, amalungu nabangemalungu abasebenza ngohlobo lwamabhasi nezinsizakalo zokungcebeleka

Izigaba 69,73, 74 no 76 kufanele zisebenze ekubhalisweni kososiyeshini bezinsizakalo zohlobo lwamabhasi okuthutha nawokungcebeleka, amalungu nabangesiwona amalungu abo, ukufunda kulezo zigaba " izinsizakalo zohlobo lwamabhasi " noma "uhlobo lwamabhasi okungcebeleka" lokho nje okuqondene, ukuchaza "izinsizakalo zamabhasana angamatekisi".

82. Ukubhaliswa kososiyeshini babasebenza ngezithuthi zohlobo lwamabhasi nezinsizakalo zokungcebeleka

UmBhalisi kumele awubhalise usosiyeshini wohlobo lwamabhasi nezinsizakalo zokungcebeleka othe mawufaka isicelo wamenelisa ngokuthi—

- (a) sewube khona isikhathi esingengaphansi kwaleso esincane esibekiwe;
- (b) inombolo yamalungu iyahambisana nencane ebekiwe;
- (c) umthethosisekelo nomthetho wokuziphatha owethulwe ngusosiyeshini usayiniwe wemukelwa yilelo nalelo lungu likasosiyeshini;
- (d) umthethosisekelo nomthetho wokuziphatha kuyahambisana nezidingongqangi ezibekiwe;
- (e) usosiyeshini unedumela futhi uyesekwa ngomasipala neziphathimandla zezokuthutha aqondene nazo;
- (f) yilelo nalelo lungu likasosiyeshini linemvume esemthethweni noma ilayisense yokusebenza yaleyo naleyo moto elisebenza ngayo nanokuthi umsebenzi wakhe ungaphansi kwalezo ziphansi mandla;
- (g) yilelo nalelo lungu likasosiyeshini libukhiphile ubufakazi obumenelisile umBhalisi ngokuthi ilungu lelo libhalisile njengomuntu okhokha intela ngaphansi komthetho wokuNgena kweMali, noma, ngokwalo mthetho akadingi ukubhalisa; futhi
- (h) yonke imininingwane edingwa ngumBhalisi ngokwalo mThetho noma ebinikeziwe futhi osebutholakele ubufakazi bayo ngendlela leyo ebekiwe.

83. Ukubhaliswa kwabangemalungu abasebenza ngezithuthi zohlobo lwamabhasi nezinsizakalo zokungcebeleka

- (1) Ongesilona ilungu osebenzayo noma ofisa ukusebenza ngezithuthi zohlobo lwamabhasi nezinsizakalo zokungcebeleka ufanelekile ukubhaliswa futhi, uma esesifakile isicelo, kumele abhaliswe, uma ongesilona ilungu—
 - (a) eziphathe ngokomthetho obekiwe wokuziphatha;
 - (b) enelayisense noma imvume efanelekile yaleyo naleyo moto yokusebenza ngezithuthi zohlobo lwamabhasi nezinsizakalo zokungcebeleka;
 - (c) esebenza ngezinsizakalo eziqondene naleyo mvume noma ilayisense, ngokuhambisanayo nemibandela exhunyelwe kwimvume noma ilayisense yokusebenza; futhi
 - (d) ebukhiphile ubufakazi obumanelisayo umBhalisi ukuthi ongesilona ilungu ubhalisiwe njengokhokha intela ngokomThetho weNtela, noma, ngokwalowo mThethotho. Akadingi ukukubhalisela lokho; futhi
- (2) Lapho ongesilona ilungu efisa ukufaka isicelo selayisense yokusebenza, kufanele aqale afake isicelo kumBhalisi ngendlela nangefomu ebekiwe yokubhaliswa njengongesilopna ilungu.
- (3) UmBhalisi kufanele athole ukuthi ofaka isicelo ngaphansi kwesigatshana (2) uzigcinile na izidingongqangi zesigatshana (1), uma kunjalo, amnikeze ofake isicelo isitifiketi salokho ukuze asinikeze ibhodi.
- (4) Uma kwenzeka iBhodi iyivumela futhi iyikhipha ilayisense yokusebenza iyinekeza lowo ongesilona ilungu, iBhodi kumele imazise umBhalisi zingakapheli izinsuku eziyi-14 imnikeze futhi umBhalisi nekhophi yelayisense yokusebenza.
- (5) UmBhalisi kufanele kuthi lapho ethola le mininingwane, ambhalise ongesilona ilungu.

INGXENYE 12: Izikhungo zezithuthi

84. Imithetho engujikelele

- (1) U-MEC angawamukela amaqembu abasebenzisi noma abathuthi babagibeli abasebenzisa ezokuthutha umphakathi, noma abashayeli bezimoto ezisetshenziselwa le zinsizakalo, njengemikhandlu yamadolobhakazi, ngenhloso yale Ngxenye, njengabamele abasebenzisi, abasebenza ngezithuthi noma abashayeli.
- (2) Ngaphezulu kwezikhungo namakomidi asungulwe yile Ngxenye, u-MEC angayalela ukuthi makumiswe ezinye izakhiwo ezifana nalezo, mhlawumbe ukumela uhlobo oluthile lwabagibeli bezinto zomphakathi, noma iqembu lwalezo zindlela.

85. Isikhungo Sezithuthi Zabagibeli Bomphakathi EsiFundazwe

- (1) U-MEC kufanele asungule Isikhungo Sezithuthi Zabagibeli Bezinto Zomphakathi EsiFundazwe (Provincial Public Passenger Transport Forum (PPPTF) abese ekhetha amalungu aso, ngendlela ebekiwe, angeqi—
- (a) kwamathathu amele umnyango;
 - (b) oyedwa kufanele amele leso naleso siphathimandla sedolobhakazi esifundazwe;
 - (c) ababili kufanele bamele imiphakathi esebenzisa ezokuthutha;
 - (d) ababili kufanele bamele imboni yamabhasana angamatekisi futhi lowo nalowo abe yilungu lesikhungo samatekisi kwidolobhakazi noma umkhandlu;
 - (e) ababili kufanele bamele imboni yamatekisi amamitha futhi babe amalungu esikhungo sezokuthutha kwidolobhakazi;
 - (f) ababili kufanele bamele imboni yamabhasi futhi babe amalungu esikhungo sezokuthutha kwidolobhakazi;
 - (g) oyedwa kufanele amele imboni yokuhamba ngesitimela futhi abe ilungu lesikhungo sezokuthutha kwidolobhakazi;
 - (h) oyedwa kufanele amele enye yale zinsizakalo uma u-MEC ebona sengathi ubuningi bale zinsizakalo kwisiFundazwe ziyakudinga lokhu:
 - (i) izinsizakalo zamatakitaki (izithuthi eziyizikhenke zabagibeli)
 - (ii) izinsizakalo zemfundo;
 - (iii) izinsizakalo zabavakashi;
 - (iv) izinsizakalo zokuqasha;
 - (v) izinsizakalo zabasebenzi
 - (vi) izinsizakalo zokuphakanyelwa;
 - (vii) uhlobo lwezinsizakalo ezihamba ngezikhathi zokungcebeleka;
 - (viii) izinsizakalo ezihambisanayo
 - (i) oyedwa kufanele abe yilungu leBhodi
 - (j) ababili kufanele babe onongoti abaziwayo kwezokuthuthwa kwabagibeli emgaqweni noma kube abantu abanolwazi olubanzi noma abakhombise ikhono ezintweni ezimaqondana nezokuthutha noma zemvelo kumbe zezezimali;
 - (k) ababili kufanele bamele izinyunyana zabashayeli.
- (2) Uma omele engetholakale, u-MEC angafaka omunye kuleso sikhundla kepha kungabi yinto yanomphelo.
- (3) Ngaphambi kokukhetha ilungu le-PPPTF, u-MEC kufanele ameme amagama akhethwayo kwimigwamanda noma izinhlango ngokuthumela noma ukushicilela isaziso ngendlela leyo eyobonwa ngu-MEC.
- (4) Uma amagama akhethwayo engatholakalanga ngesikhathi esibekiwe kwisaziso, u-MEC angabakhetha abantu, ngokuhambisanayo nale sigaba, abazoba amalungu e-PPPTF uma ekubona kufanele.
- (5) Usihlalo we-PPPTF kufanele kube yisikhulu sehhovisi lomNyango. Amalungu kufanele akhethe omunye wamalungu ayo abe yisekela likasihlalo, kube uye njalo owenza imisebenzi kasihlalo uma engekho.

- (6) U-PPPTF kufanele amise inqubo nezikhawu zemihlangano yakhe, inqobo nje uma ehlangana kanye ngekwata.
- (7) Ilungu lika-PPPTF kufanele lisuke esikhundleni uma lisuswa kuso ngokwesigatshana (7) noma uma liyeka ngokufaka inothisi eliyiqondise ku-MEC.
- (8) U-MEC angalisusa esikhundleni ilungu lika-PPPTFuma—
 - (a) litholakale linecala lokungaziphathi kahle noma elibe nobudedengu izikhawu eziningi ngomsebenzi walo we-PPPTF;
 - (b) lehluleka ukufeza ngempumelelo imisebenzi yalo njengelungu lika-PPPTF;
 - (c) lingakwazanga ukwethamela imihlangano ye-PPPTF yaze yaba mithathu ilandelana ngaphandle kwesizathu esamukelekile ku-MEC;
 - (d) liba sesimweni sokungakwazi ukugcina imisebenzi yalo; noma
 - (e) engasayimele inhlango noma imboni ayekhethelwe ukuyimela.

86. Imisebenzi yesikhungo Sezithuthi Zabagibeli Bomphakathi EsiFundazwe

Imisebenzi ye-PPPTF kuzoba ukweluleka u-MEC uma ecelile kulezinto ezilandelayo esiFundazwe:

- (a) ukuphumelela komthethomgomo wezithuthi zomphakathi wabagibeli kanye nokunye okuqhubekayo kulowo kulowo mthethomgomo;
- (b) indlela osetshenziswa ngayo umthethomgomo wezithuthi zomphakathi;
- (c) ukuxhunyaniswa kwezithuthi;
- (d) isidingo sokwengeza noma ukuchibiyela umthetho ukuze umthethomgomo wezithuthi zomphakathi wabagibeli ukwazi ukufezeka;
- (e) isinyathelo sokubonelela, uguquko nobulawuli boshintsho kwizikhugceme ezibambe iqhaza kwizithuthi zabagibeli bezomphakathi;
- (f) ukuqoqa nokukhangisa ngemininingwane yezokuthuthwa kwabezomphakathi;
- (g) ukuxhumana kwizindlela zokuthuthwa komphakathi;
- (h) ukuhlangoana phakathi kwezindlela zokuthuthwa komphakathi, okubandakanya nezamathikithi;
- (i) ukuxhumanisa abagibeli namaqembu noma izigceme ezimele abagibeli, nokubhekana nezikhalazonezinkinga zabagibeli.

87. Izikhungo zezithuthi kwiDolobhakazi

- (1) Leso naleso siphathimandla esiFundazwe kufanele sisungule isikhungo sezokuthutha kwidolobhakazi (MTF) endaweni engaphansi kwaso.
- (2) Kumalungu e-MTF, bangabi ngaphezulu—
 - (a) kwabathathu abamele isiphathimandla sedolobhakazi lelo, kungcono baqhamuke kwiminyango yesiphathimandla esibhekene nezokuthutha emgaqweni nokuhlela;

- (b) koyedwa omele umNyango;
 - (c) kwababili abamele abagibeli abasebenzisa izithuthi endaweni;
 - (d) kwababili abamele imboni yamatekisi angamabhasana futhi babe amalungu omkhandlu wamatekisi aqondene nedolobhakazi nona isikhungo;
 - (e) kwababili abamele imboni yamatekisi amamitha;
 - (f) kwababili abamele imboni yamabhasi;
 - (g) kwababili abamele imboni yabahamba ngesitimelay;
 - (h) kwababili abamele inyunyana yabasheli;
 - (i) koyedwa omele abantu abakhubazekile;
 - (j) kwababili abangonogoti abangasizwayo kwezokuthuthwa kwabagibeli bomphakathi noma kube abantu abanesipiliyoni esibanzi noma abakhombise ikhono kwezokuthutha noma kwezemvelo noma ezezimali.
- (3) Uma engekho okhethiwe, isiphathimandla sedolobhakazi singamfaka omunye umuntu esikhundleni sakhe kepha yena akufanele abe unomphele.
- (4) Ngaphambi kokukhetha amalungu e-MTF, isiphathimandla sedolobhakazi kufanele simeme amagama abakhethwayo kwimigwamanda noma izinhlangano eziqondene ngokukhipha isaziso ngendlela ebekiwe.
- (5) uma engatholakali amagamaakhethwayo ngesikhathi esibekiwekwisaziso, isiphathimandla sedolobhakazi, ngokuhambisanayo nale sigaba, singawakhetha amalungu e-MTF ewabona efanele.
- (6) Isiphathimandla sedolobhakazi kufanele sikhethwe oyedwa osimele abe usihlalo. Amalungu kufanele akhethwe omunye wawo abe yiphini likasihlalo, okufanele enze imisebenzi kasihlalo uma engekho.
- (7) U-MTF kufanele ahlngane ngezikhathi nangendlela nenqubo ebekiwe.
- (8) Ilungu le-MTF kufanele liphume esikhundleni uma lisuswa esikhundleni ngokwesigatshana (8) noma uma liyeka ngokufaka inothisi libhalele umasipala nomaisiphathimandla esiqondene.
- (9) Isiphathimandla sedolobhakazi singalisusa noma yiliphi lungu le-MTF esikhundleni uma—
- (a) lehlulekile ukugcina imibandela yokuqashwa kwalo;
 - (b) lehluleka ukufeza ngempumelelo imisebenzi yalo njengelungu lika-MTF;
 - (c) lingakwazanga ukwethamela imihlangano ye-MTF yaze yaba mithathu ilandelana ngaphandle kwesizathu esamukelekile;
 - (d) liba sesimweni sokungakwazi ukugcina imisebenzi yalo; noma
 - (e) engasayimele inhlangano noma imboni ayekhethelwe ukuyimela.

88. Imisebenzi yezikhungo zezithuthi zedolobhakazi

Izikhungo zezithuthi zedolobhakazi kufanele—

- (a) zibe abaxhumanisi phakathi kweziphathimandla eziqondene, nembali yokuthwala abagibeli bomphakathi;

- (b) zibe yindlela yokuxazulula izinkinga nezihlokwana kwimboni yokuthutha emgaqweni nokusingatha ukungqubuzana endaweni eqondene;
- (c) ukusabalalisa ulwazi ngezinto ezintsha eziqhamukayo nokunye okuthinta imboni yokuthutha emgaqweni;
- (d) ukufaka isandla kwizinhlelo zemithethomigomo nezinyathelo ezintweni ezifana, kepha kungagcini lapho—
 - (i) kuqeqesho nokuthuthukisa amakhono;
 - (ii) nendlela yokuqhuba umsebenzi nolawulo;
 - (iii) nokuxazulula ingxabano,
 - (iv) nezinhlelo zemali yokugibela;
 - (v) nobudlelwano phakathi kukamshayeli nomqashi nezimo zokusebenza;
 - (vi) nokuhlanganiswa kwezindlela nezimo
 - (vii) nezinqolobane zolwazi neminingwane;
 - (viii) namarenki, izindawo, izikhumulo nezinto zokusebenza nokuthuthuka kwazo;
 - (ix) nezindaba zokuphepha; kanye
 - (x) nokwabiwa kwezinsizakalo.
- (e) zifake isandla kwizinhlelo zeziphathimandla zezithuthi zabagibeli bomphakathi emgaqweni, iBhodi nezinye iziphathimandla, kanye
- (f) nokwenza eminye imisebenzi ebekwe u-MEC noma yimithetho yomasipala, noma enconywe kwimihlahlandlela eshicilelwe nguMEC noma yisiphathimandla sedolobhakazi.

89. Izikhungo zamatekisi edolobhakazi

- (1) Leso naleso siphathimandla sedolobhakazi kufanele sisungule isikhungo samatekisi edolobhakazi
- (2) Le migwamanda elandelayo kufanele ngendlela emisiwe imelwe kwisikhungo samatekisi edolobhakazi:
 - (a) isiphathimandla sedolobhakazi esiqondene;
 - (b) yiwo wonke amakomidi okuxhumanisa endaweni;
 - (c) uma kukhona umkhandlu wamatekisi noma umgwamanda ofana nalowo, omele yona, uma ungekho umgwamanda noma umkhandlu, bonke ososiyeshini abasebenza endaweni engaphansi kwaleso siphathimandla;
 - (d) abamele izinhlangano ezifana nezinyunyana zabashayeli;
 - (e) abamele ososiyeshini babagibeli bamaqembu aqondene;
 - (f) nabanye abantu nemigwamanda emisiwe.
- (3) Uma omunye wabamele okukhulunywa ngabo kwisigatshana 2 engekho, isiphathimandla esiqondene singamfaka omunye umuntu esokhundleni sakhe kepha kungabi okomphelo.
- (4) Isikhungo samatekisi edolobhakazi kufanele sikhethe omunye wamalungu aso abe usihlalo.
- (5) Izikhungo samatekisi edolobhakazi kufanele ahlangele ngezikhathi nangendlela nenqubo ebekiwe.

90. Imisebenzi yezikhungo zamatekisi edolobhakazi

Izikhungo samatekisi edolobhakazi kufanele—

- (a) zibe abaxhumanisi phakathi kukahulumeni wasekhaya nembali yamatekisi endaweni yesiphathimandla esiqondene;
- (b) zibe yindlela yokuxhumanisa phakathi kososiyeshini bamatekisi;
- (c) zibe yindlela yokuxazulula izinkinga nezindaba kwimboni yamatekisi nokusingatha ukungqubuzana, kanye nokukhuthaza uxolo kwimboni;
- (d) ukusabalalisa ulwazi ngezinto ezintsha eziqhamukayo nokunye okuthinta imboni yamatekisi;
- (e) ukufaka isandla kwizinhlelo zemithethomigomo ehlanganyele nezinyathelo ezintweni ezifana, kepha kungagcini lapho—
 - (i) kuqeqesho nokuthuthukisa amakhono;
 - (ii) nendlela yokuqhuba umsebenzi nolawulo;
 - (iii) nokuxazulula ingxabano,
 - (iv) nezinhlelo zemali yokugibela;
 - (v) nobudlelwano phakathi kukamshayeli nomqashi nezimo zokusebenza;
 - (vi) nokuhlanganiswa kwezindlela nezimo
 - (vii) nezinqolobane zolwazi neminingwane;
 - (viii) namarenki, nezinto zokusebenza nokuthuthukiswa kwazo; kanye
 - (ix) nezindaba zokuphepha.
- (f) zifake isandla kwizinhlelo zeziphathimandla zezithuthi zabagibeli bomphakathi emgaqweni nezinye iziphathimandla;
- (g) ziqinisekise ukuthi ososiyeshini bakhapha ulwazi olufanele kumalungu azo;
- (h) ziqinisekise ukuthi bonke ososiyeshini bemelwe kwisikhungo nakwamanye amakomidi aqondene nokuxhumanisa amatekisi endawo;
- (i) ukunikeza iBhodi izincomo maqondana nezicelo zamalayisense okusebenza;
- (j) ukwenza izethulo kuhulumeni wesifundazwe nokazwelonke ngomgudu weSikhungo Sabagibeli beziThuthi zoMphakathi esiFundazwe (PPPTF) maqondana nemithethomigomo nemithetho ephakanyisiweyo, nezinto okukhulunywa ngazo kwisigaba(e);
- (k) Ukubheka izindlela zokwenza ngcono inzuzo nomnotho ekusebenzeni kwamatekisi;
- (l) Benze neminye imisebenzi ebekiwe kwimithetho yomasipala noma imihlahlandlela enconyiwe.

91. Amakomidi okuxhumanisa amatekisi endawo

- (1) Bonke omasipala ngaphandle kwesiphathimandla sedolobhakazi kufanele basungule ikomidi yokuxhumanisa amatekisi endawo maqondana nezindawo ezingaphansi kwabo noma maqondana nezindawo ezithize endaweni.
- (2) Imisebenzi yekomidi yokuxhumanisa amatekisi endawo kuzoba ukufaka isandla kwisikhungo esiqondene samatekisi edolobhakazi maqondana nezinto ezibekiwe kwisigaba90.
- (3) U-MEC angayakha imithethonqubo ebeka imigomo yobulungu

nemisebenzi yamakomidi yalawo makomidi angabaxhumanisi, nenqubo nezikhawu zemihlangano, ngokwesigatshana (4).

- (4) Ubulungu bamakomidi okuxhumana kwamatekisi endawo kufanele kuqondaniswe kuphela kososiyeshini ababhalisiwe bendawo nakumalungu abhalisiwe.

92. Ukusungulwa kwemisebenzi yezinye izikhungo zedolobhakazi noma abaxhumanisi bendawo

Noma yimuphi umasipala angasisungula isikhungo sokuxhumana sedolobhakazi noma sendawo, lokho nje okuqondene, maqondana nabanye abagibeli bezinto zomphakathi emgaqweni noma izindlela zokuhamba endaweni yakhe.

INGXENYE 13: UKUQINISEKISA UKUGCINWA KOMTHETHO

93. Izinyathelo ezehlukile eziphuthumayo

- (1) U-MEC angasenza isimemezelo ngesaziso kwi-*Gazethi*, ukuthi indawo ethize lapho kuthathwe izinyathelo ezehlukile nokukhulunywa ngayo kule sigaba, uma enombono wokuthi lokhu kuyadingeka ukulungisa isimo esishubile ngodlame, inxushunxushu noma isiphithiphithi.
- (2) (a) U-MEC angayimisa inqubomigomo ebeka ukuthi umgugu noma imigudu noma amarenki athize, noma yonke imigudu namarenki, ngaphandle kokuthi achaze, kuvaliwe akusebenzi ukuthwala abagibeli bomphakathi endaweni emenyezelwe kwisigatshana (1) ngesikhathi esibekwe kwisaziso, nokuthi akukho muntu ongaqhuba izinsizakalo kwimigudu ethintekayo noma kwirenki noma amarenki athintekayongesikhathi lesi.
- (b) Inqubomigomo ingabeka ukuthi ukwephulwa kwawo kuyoba yicala ibeke futhi nezigwebo ezihanbisana nalo.
- (3) Ngaphambi kokubeka inqubomigomo kwisigatshana (2), u-MEC kufanele aqale abone ukuthi isaziso sichicilelwe kwi-*Gazethi* noma kwiphephandaba lendawo sibeke—
- (a) kafushane uhlobo nenhloso yesinyathelo esiqondiwe;
- (b) umgudu noma imigudu nerenki noma amarenki azovalwa, noma ephakamisa ukuwavala endaweni leyo emenyezelwe;
- (c) isikhathi esizohlalwa yinqubomigomo ephakanyisiwe;
- (d) ukuthi abantu abanentshisekelo nabathintekayo bangazicela izizathu zenqubomigomo ehlosiwe;
- (e) ukuthi abantu abanentshisekelo nabathintekayo bangazenza iziphakamiso ngenqubomigomo eqondiwe;
- (f) isikhathi okufanele kwethulwe ngayo iziphakamiso, okufanele singabi ngaphansi kwamahora angama-24;
- (g) ikheli lapho kufanele kuqondiswe khona izethulo; kanye
- (h) nendlela yokwenza izethulo.
- (4) U-MEC kufanele abhekisise izethulo azitholile ngokwesigatshana (3) ngaphambi kokubeka inqubomigomo ngokwesigatshana (2).

94. Ukwephulwa kwemithetho

- (1) Unecala umuntu—
- (a) osebenza emgaqweni athwale abagibeli bomphakathi ngokwephula isigaba 3(3) noma isigaba 69;
 - (b) osebenza noma oqala ukuthwala abagibeli bomphakathi ngokupgikisana nemigomo nemibandela yelayisense noma imvume yokusebenzat;
 - (c) owephula noma iyiphi ingxenye yalo mThetho;
 - (d) uma kungumnikazi welayisense noma imvume yokusebenza noma isithunywa noma umqashwa, lowo muntu evumela omunye umuntu ukuthi asebenzise leyo layisense noma imvume yemoto ngaphandle kwaleyo moto echaziwe kwilayisense noma imvume;
 - (e) uma umuntu efaka isicelo noma ethola ilayisense yokusebenza ebe azi ukuthi ukuthi kukhona ilayisense ebese ikhishiwe ngemoto eyodwa;
 - (f) uma umuntu, ngenhloso yokukhohlisa, efoja, eshintsha, ona, elimaza noma efaka kwilayisense yokusebenza, imvume noma umqulu osemthethweni okukhishwe ngokwalo mThetho;
 - (g) Uma athi azi ukuthi umqulu awusiyona ilayisensi noma umvume, noma omunye umqulu osemthethweni noma uma ishintshiwe, yoniwe, ilinyaziwe noma ifakiwe, eyikhipha noma ewusebenzisa lowo mqulu;
 - (h) Uma umuntu enikeza imininingwane engamanga maqondana nesicelo asenze kwiBhodi noma umBhalisi noma ngesikhathi evela phambi kweBhodi noma umBhalisi ngesikhathi sopenyo noma icala;
 - (i) uma umuntu ezenza isikhulu esigunyaziwe;
 - (j) uma umuntu emvimba ngenhloso noma ethikameza isiphathimandla esigunyaziwe ngesikhathi senza imisebenzi yaso;
 - (k) uma umuntu enqaba noma ehluleka ukugcina umyalelo wesiphathimandlar;
 - (l) uma umuntu ehluleka ukubuyisa imvume, ilayisense yokusebenza, isitifiketi sokubhaliswa noma umaka othize wokwehlukanisa umBhalisi noma iBhodi lokho nje okuqondene, uma umThetho usho njalo;
 - (m) uma umuntu, ngaphandle kwesizathu—
 - (i) enqaba noma ehluleka ukavela phambi kweBhodi noma umBhalisi ukugcina umyalelo wesinqumo noma incwadi embiza ngenkani ngokwalo mThetho; noma
 - (ii) enqaba noma ehluleka ukuphendula ngangolwazi lwakhe, noma imuphi umbuzo abuzwa wona yilungu leBhodi noma umbhalisi, lowo nje oqondene; noma
 - (iii) enqaba noma ehluleka ukukhipha ibhuku, umqulu, uhlelo, umbhalo noma into ethize ukulandela umyalelo noma incwadi embiza ngempopo;

- (n) uma kuthi ngesikhathi umuntu ehanjswa njengomgubeli emotweni ngesikhathi kuqhutshwa umsebenzi emgaqweni—
 - (i) ehluleka ukukhokha imali yokugibela efunwa umshayeli noma umselekeleli wemoto; noma
 - (ii) ebhema emotweni ephula isaziso esenqabela ukubhema emotweni, noma
 - (iii) eziphatha ngendlela ephatha kabi omunye umgibeli osemotweni; noma
 - (iv) engawulaleli umyalelo onengqondo kamshayeli noma umelekeleli waleyo moto ngenhloso yokugcina ukuthula noma ukuqeda umsindo noma ukulawula isimo esiphuthumayo esiqhamukile noma esivele sikhona kuleyo moto; noma
 - (v) enza ngamasibomu into engadala ingozi noma ibeke esimweni esucayi impilo yomuntu noma elimaza impahla;
- (o) uma umuntu engumnikazi welayisense noma imvume yokusebenza noma umshayeli oqondene naleyo layisense noma imvume, ehluleka ukugcina umsebenzi noma isibopho salowo muntu noma umshayeli ngokwalo mthetho.
- (2) Njalo uma imenenja, isithunywa noma umqashwa womnikazi welayisense noma imvume yokusebenza enza noma engenzi noma yini, into ukube umnikazi welayisense noma imvume abekade eyenzile noma engayenzangayena qobo, beyingaba yicala ngokwesigatshana (1), lowo muntu uyoba necala lokwephula umthetho uma—
 - (a) umnikazi—
 - (i) ebe nesandla noma evumele isenze noma ukungenziwa kwento; nomar
 - (ii) engenzanga lutho ukugwema lesenzo noma kungenzi; futhi
 - (b) isenzo noma ukungenzi kuyinto, noma isemthethweni noma ingalungile, kade ingaphansi komthetho wesandla sakhe noma ingaphansi kwesandla sokuqashwa kukamenenja, isithunywa noma umqashwa.

95. Inhlawulo

Umuntu olahlwe yicalangaphansi kwalomThetho angase agwethshwe abhadle ejele isikhathi esingeqile enyakeni noma inhlawulo yemali engeqile ku -R100 000, noma kokubili inhlawulo nokubhadla ejele.

96. ukubekwa kwabahloli

INhloko yomNyango ingabeka isikhulu noma umqashwa womNyango abe umhloli wezithuthi.

97. Ukuboshwa nokwephucwa izimoto

- (1) Uma isikhulu esiyisiphathimandla saneliseka ngesikubonayo ukuthi imoto esetshenziselwa ukuthwala abantu emgaqweni kutholakala ukuthi imvume, ilayisense yokusebenza, nemvume yayo noma imvume ebhaliwe okukhulunywa ngayo kwisigaba 46 (1) akusiyona imito

- ngokwesidingi sesigaba 47 (b) noma 52 (4), isikhulu kufanele siyibophe leyo moto.
- (2) Imoto eboshiwe ngokwesigatshana (1) kufanele ihanjiswe esikhumulweni (depot) okukhulunywa ngayo kwisigatshana (6), futhi igcinwe esikhumulweni ize idedelwe inikezwe umuntu oqondene uma—
 - (a) eseveze imvume, ilayisense yokusebenza, imvume yayo noma imvume ebhalwe phansi wayikhombisa isikhulu esibekiwe, naso safakaza sabhala phansi ukuthi ikhishiwe nanokuthi umsebenzi uyikhokhile inhlawulo yecala ngokwesigaba 94 (1) (o) ngenxa yokwehluleka ukugcina emotweni izincwadi ezidingekayo, uma leyo nhlawulo yayikhishiwe; noma
 - (b) uma lowo muntu esanelisa isikhulu esiyisiphathimandla ukuthi imoto yayingasetshenziselwe ukuthwala abantu bomphakathi, futhi lokho kwafakazelwa yisikhulu sakubhala phansi; noma
 - (c) onke amacala abekwe wona maqondana nesithuthi esingekho emthethweni sokuthwalwa kwabagibeli bomphakathi ehoxisiwe noma abantu ababekwe lawo macala bephume phambili.
 - (3) Uma imoto ingadedelwanga zingakapheli izinsuku ezingama-90 iboshiwe, iyodliwa yisiFundazwe, ngaphandle uma kuvezwa ubufakazi bokuthi ukudedelwa kwayo akubanjwanga ngephutha lomuntu ofuna idedelwe.
 - (4) Ukudliwa ngokwesigatshana (3) akuwathinti amalungelo umuntu anawo emotweni uma kukhonjiswa ukuthi ubengazi ukuthi imoto yayisetshenziselwa noma yayizosetshenziselwa ukuthwala ngokungemthetho abagibeli bomphakathi emgaqweni noma wayengekwazi ukukugwema ukusetshenziswa kwayo.
 - (5) Isigaba 35 (4) somThetho weNqubo yamaCala (Criminal Procedure Act), 1977 (umThetho onguNombolo 51 ka 1977), uyosetshenziswa ngoshintsho olufanele ngokwesigatshana (3).
 - (6) U-MEC noma umasipala angabeka indawo ngokwesaziso kwiGazethi indawo echaziwe kwisaziso ukuthi iyisikhumulo ngenhloso yale sigaba, futhi angasichibiyela noma asihoxise ngendlela efanayo leso saziso.
 - (7) Ukubopha izimoto ngokwale sigaba, izikhulu ezigunyaziwe kufanele zihambise ngenqubo ebekiwe futhi zigcwalise imiqulu ebekiwe.

98. Ukunquma Okungathekisayo

ukushushiswa ngokwalo mThetho—

- (a) umuntu othwale omunye ngemoto, noma ovumele lokho kuthwala ngaphandle kukamshayeli wemoto, kuthathwa njengokuthwala abagibeli bomphakathi ngesithuthi, ngaphandle uma kutholakala okunye ngenye indlela eveziwe;
- (b) umnikazi wemoto okuthwelwle ngayo umuntu uthathwa ngokuthi uye obethwele lowo muntu ngesikhathi athwalwe ngaso, ngaphandle uma kutholakala ukuthi ngaleso sikhathi ubenesiyena umshayeli waleyo moto futhi akazange akuvumele ukusetshenziswa kwaleyo moto ukuthi ihambise umuntu.

99 Amanye amandla ezikhulu eziyiziphathimandla

- (1) Isikhulu esigunyaziwe singayithatha imvume noma ilayisense, ngokwesinqumo seBhodi, uma seyiphelelwe yisikhathi noma isihoxisiwe, ikhanseliwe noma imisiwe ngokwalo mThetho.
- (2) Ngaphandle kwemisebenzi okufanele ayenze namandla okukhulunywa ngawo kulomThetho, isiphathimandla esigunyaziwe siyakwazi ukuthi kwisithuthi sabagibeli boomphakathi—
 - (a) imise imoto ngendlela ebekiwe singene kuyo imoto siyihlole kanjalo nezincwadi zayo eziyimvume ukuthola ukuthi imoto isetshenziselwa ukuthwala abagibeli bomphakathi noma ukusebenzisa amandla noma ukwenza umsebenzi noma isenzo esigunyaziwe;
 - (b) adinge ukuthi umshayeli wemoto amnikeze amagama nekheli nobufakazi bamaphepha ukweseka amagama nekheli komnikazi wemoto, kanye neminingwane yebhizinisi esetshenziselwa imoto;
 - (c) adinge ukuthi umshayeli wemoto noma omunye umuntu imoto engaphansi kwesandla sakhe akhiphe amaphepha neminye imibhalo ekhona emotweni ukuthi kuhlolwe noma eminye imibhalo ekhona emotweni noma ayiphethe ngadlela thize eqondene nabantu abathwelwe ngaleyo moto;
 - (d) adinge ukuthi umuntu osemotweni akholelwa ukuthi isetshenziselwa ukuthwala abagibeli bomphakathi, noma umuntu okukholeka sengathi wehlike emotweni anikeze amagama akhe aphelele nekheli nobufakazi bamaphepha alokho bachaze futhi ukuthi ikhona na imali yokugibela abayikhokhile noma abafanele ukuyikhokha, babuye futhi basho igama lomuntu abakhokhe noma abazokhokha kuye;
 - (e) adinge ukuthi imibhalo efanele ukugcinwa ngokwalo mThetho s makayikhiphe umshayeli noma umelekeleli wakhe, uma ekhona, ukuze ihlolwe;
 - (f) angene emagcekeni ngezikhathi ezamukelekile, ukuyokwenza uphenyo ngowemisebenzi yakhe njengesikhulu esinegunya, futhi angakwazi ukuthi ngesikhathi esemagcekeni noma ngesinye isikhathi esamukelekile—
 - (i) aphonse imibuzo kumuntu, ngowakhe umbono, ongase abe nazo izimpendulo ngemibuzo anayo;
 - (ii) Adinge ukuthi umuntu ngaleso sikhathi, noma ngesinye isikhathi nendawo ayibonayo, amnikeze onke amabhuku namaphepha, abona sengathi angaba ubufakazi bwcala elenziwe noma okusolakala ukuthi lenziwe ngokwalo mthetho; futhi
 - (iii) Ahlole ibhuku noma amaphepha akhiphe nokuthile noma enze amakhophi, afune nencazelo yokuphakathi, Kepha umuntu ophonswa ngemibuzo kanjalo noma okudinga achaze, unamalungelo ayisihle afanayo nawalowo osuke ethula ubufakazi enkantolo;
 - (g) Adinge ukuthi umshayeli noma umuntu imoto ayilawulayo esetshenziselwa ukuthwala abantu bomphakathi emgaqweni

- akhiphe amaphepha awanikezwe yiBhodi noma umBhalisi okungawaleyo moto noma isithuthi esisetshenziswayo futhi okungumthetho ukuthi makagcinwe yileyo moto;
- (h) Adinge ukuthi umshayeli noma umuntu imoto ayilawulayo esetshenziselwa ukuthwala abantu bomphakathi emgaqweni futhi enamaphutha amaningi kangangoba inobungozi kubantu nasempahleni, akhiphe ilayisense ngaleso sikhathi noma imvume, kanye nemibhalo emaqondana nemoto, nokuthi makayeke ukusebenza kuze kube umonakalo lowo usulungisiwe;
- (i) ngesinqumo seBhodi kuboshwe onke amalayisense noma imvume echaziwe kwisinqumo kunikezwe iBhodi.

100. Uhlelo lokwephuca amaphuzu

- (1) Ngokuhambisanayo nale sigaba, u-MEC angalumisa uhlelo lwenqubomigomo ezoba indlela yokususa amaphuzu maqondana nabantu abephula lo mThetho, maqondana namacala okungakhulunywa ngawo kubuLungiswa bokuQulwa kwamaCala omThetho weziMoto eMgaqweni (Administrative Adjudication of Road Traffic Offences Act), ka 1998 (umThetho onguNombolo 46 ka 1998), lapho futhi kubekwe umthetho—
- (a) wokuqopha inani elithize lamaphuzu asusiwe egameni lowephule umthetho lokhu kwenziwe njalo lapho umuntu elahlwe yicala ngalokho;
- (b) ukukhipha isigwebo esithize noma inhlawulo okukhulunywa ngayo kwisigatshana (2)(b) kulabo bantu abephule umthetho uma amaphuzu abawaphuciwe esengaphezulu noma elingana nenombolo ethize ebekiwe.
- (2) (a) Ngaphandle ngokunciphisa amandla ka-MEC ngokwesigatshana (1) maqondana nokuqoshwa kwamaphuzu asusiwe kwabenze amacala, kungamiswa ukuthi inani elithize lamaphuzu angaqoshwa ngesikathi angakhushulwa ngendlela ethize yokubala noma uhlelo—
- (i) kumacala esibili nalandela ukulahlwa yicala;
- (ii) kuye ngobubi becala, ukuze amacala amabi kakhulu, kube nohlelo olusezingeni eliphezulu ngokwamaphuzu asuswa naqoshwayo.
- (b) abenze icala bangabhadla ejele noma bakhokhe inhlawulo efanele, noma—
- (i) isexwayiso nesiyalo esibhalwe phansi;
- (ii) ukumiswa kwelayisense yokusebenza noma imvume yowephule icala. Ukumiswa kube okwesikhathi esibekiwe nesivhaziwe kwisaziso sokumiswa esibhalelwe owephule umthetho;
- (iii) ukuhoxiswa kwelayisense noma imvume ; noma
- (iv) isigwebo esibhaliwe esiwuswazi olunecane kunalolo olubekwe kwisigatshana (ii) noma (iii).

- (3) U-MEC kufanele akhiphe isaziso maqondana nesiphakamisosohlelo lokususwa kwamaphuzu, futhi kuleso saziso—
 - (a) abeke kabanzi uhlelo oluphakanyisiwe; futhi
 - (b) ameme abantu abanentshisekelo babeke uvo ngesiphakamiso futhi, namgemhlawulo nezigwebo eziphakanyisiwe, bacelewe ukuthi izimvo zabo bazifake zingakapheli izinsukuezingama-30 kusukela osukwini okwakhishwa ngalo isaziso.
- (4) ukwenziwa kohlelo lokususwa kwamaphuzu kufanele lushicilelwe ngendlela ebekiwe, luyobe seluqala lusetshenziswa lba umthetho oyisibopho emva kwezinsuku ezingama-30 lwashicilelwa.
- (5) inhlawulo noma isigwebo kungekhishwe ngokwesigatshana (2)(b) ngaphandle kokuthi kusetshenziswe imithetho yobuqiniso kowephule umthetho.

INGXENYE 14: OKUNGUJIKELELE

101. Umshuwalense oyimpoqo kubasebenzi

- (1) U-MEC angamisa inqubomigomo ebeka ukuthi abanikazi bezimvume noma amalayisense okusebenza ezinhlobo ezithile zezithuthi zabagibeli bomphakathi kufanele babhekelele umshuwalense wabagibeli nezinye izinhlobo zemishuwalense ebekiwe kwinqubomigomo, kube yimali leyo ebekwe ngu-MEC nayo angayibeka kwinqubomigomo. Inqubomigomo ingabeka futhi nokufunekayo noma izidingongqangi zabanikazi bemishuwalense abakhipha le mishuwalense.
- (2) (a) IBhodi ingayibeka imibandela yamalayisense okusebenza maqondana nezidingongqangi okukhulunywa ngazo kwisigatshana (1) engaphikisani nale nqubomigomo.
 - (b) Inqubomigomo ingadinga futhi ukuthi kube nobufakazi bomshuwalense bunikezwe iBhodi noma umuntu obekiwe kwinqubomigomo, lokho kwenzeke ngezikhathi ezibekiwe.
- (3) Umshuwalenseokukhulunywa ngawo kwisigatshana (1) kufanele, phakathi kwezinye izinto, ubhekelele ukulahlekelwa nokumoshakala komuntu ngenxa yokulimala kwempahla noma ukufa nokulimala komuntu ngenxa yobudedengu obuyinhloso noma ukungenzi okuthize kosebenzayo noma isithunywa noma osebenzela umsebenzi maqondana nokunikeza insizakalo yokuthutha abagibeli bezithuthi zomphakathi.
- (4) U-MEC kufaneleabeke inqubomigomo ngaphansi kwesigatshana (1) maqondana nezinsizakalo ezinikezwa abavakashi zingakapheli izinsuku ezingama-80 emveni kokuqala kwalo mThetho ukusebenza.

102. Izinyathelo zokweseka izithuthi zabagibelo bomphakathi

- (1) U-MEC angamisa inqubomigomo eyahlulela imigqa emigaqweni yesiFundazwe ezosetshenziswa kuphela izimoto ezisetshenziselwa ukuthutha abagubeli bezithuthi zemiphakathi, nakuba kunemithetho yomThetho weziGaqo kuZwelonke (National Road Traffic Act).

- (2) U-MEC angalunikeza usizo lwezimali kwiziphathimandla noma omasipala ukuze-
- (a) baqale izinhlelo zokupaka nokugibela nokuhlela, ukwakha nokugcina esimweni inqalasizinda yalezi zinhlelo;
 - (b) babe imigqa emigaqweni ebhekene kuphela nezithuthi zabagibeli bomphakathi;
 - (c) ukuhlela, ukwakha nokugcina esimweni inqalasizinda ekhuphula izinga lokusebenza nokusizakala kwezinsizakalo zabagibeli bezithuthi zomphakathi.

103. Imithetho yesikhashana

- (1) Uma, noma ingasiphi isikhathi ngaphambi kokuqala kwalo mThetho ukusebenza—
 - (a) umuntu alahlwa yicala, ngokwanoma yimuphi umthetho ochithwe yisigaba 104, okuyicala eliyicala ngokwalo mthetho, umuntu uthathwa njengowenze icala ngokwecala lalo mThetho; futhi
 - (b) noma yiliphi imaki elikhishwe ngokwanoma yimuphi umthetho wemoto ochithwe maqondana nemvumeuyasetshenziswa ngokwalo mThetho kuze kube leyo mvume iphelelwa yisikhathi, iyashintshwa ibe yilayisense, noma iyahoxiswa noma ikhanselwe ngokwalo mThetho, njengemaki yokwehlukanisangokwalo mthetho.
- (2) Ukuqashwa, ukubekwa, inqubomgomo, isaziso noma umqulu owenziwe, washicilelwa noma wakhishwan nomayini enye eyenziwe, ngokomThetho ochithwe yisigaba 104, kuthathwa njengesimemezelo, ukumiswa, ukwakhiwa, ukushicilela okukhishwa kwenziwa ngokomthetho ohambisanayo walo mthetho.
- (3) Ngenhloso yesigatshana (2) isicelo sokukhishwa noma ukunikezwa kwemvume engakaphelelwa yisikhathi ekuqaleni kwalo mThetho, siyothathwa njengesicelo ngokwalo mThetho maqondana nokunikezwa kwelayisense efanelekile eyilayisense yokusebenza.
- (4) Umhla lu-1 ku Julayi 1999 lokushicilela ngokwesigaba 25(1) se-Gauteng Interim Minibus Taxi-Type Services Act, kwoSaziso 1211 ka 1998 (*Provincial Gazette Extraordinary* 495 of 22 May 1998) luthathwa njengalolo olwelulelwe osukwini lokuqala kweNgxenye 6 yalo mThetho.
- (5) Ukudluliswa kwesikhalazo ku-MEC ngokwesigatshana 8(5) se-Gauteng Interim Minibus Taxi-Type Services Act, kepha esingakaphothulwa ekuqaleni kwalo mThetho, kuthathwa njengokudlulisela kwiBhodi yokuDlulisela ngokwesigaba 59.
- (6)
 - (a) Njalo lapho lo mThetho ukuqashelwa kohlelo lwezithuthi, iBhodi, isiphathimandla esenza isivumelwano, isiphathimandla sokuthutha, umnyombo wedolobha noma umasipala angaqhubeka nalolo daba, ngokugunyazwa ngu-, yize noma uhlelo lwesithuthi esiqonde lungalungisiwe noma lungethulwanga ukuze luthole imvume edingekayo, noma lungashicilelwanga ngokwesigaba 29 (1) somthetho kaZwelonke.
 - (b) U-MEC angayinikeza le mvume ngokungujikelele noma ngokwesimo esithize.

- (c) Le bhodi, isiphathimandla, umnyombo wedolobho noma umasipala kufanele abhekelele noma yiluphi uhlelo lwezokuthutha noma olunye udaba aluthatha njengoluqindene.
- (6) Noma yimaphi amandlaasetshenziswe noma umsebenzi onikeziwe nowokwenziwa ogcinwe ngokusemthethweni yi-Gauteng Transport Permit Board okukhulunywa ngayo kwisigaba 29(1) ngokomthetho ochithwe yisigaba 104 emva kokuqala kokusebenza komthetho kaZwelonke, uthathwa njengosetshenziswe ngokuyikho noma osetshenziswe ngokomthetho ofana nawo kulo mThetho.

104. Ukuchithwa kwemithetho nokukhishelwa eceleni

- (1) Le mithetho elandelayo iyachithwa:
 - (a) I-Gauteng Interim Minibus Taxi-Type Services Act; ne
 - (b) Gauteng Interim Road Transport Act, 1998 (umThetho onguNombolo 2 ka 1998)
- (2) I-The Road Transportation Act, 1977 (umThetho onguNombolo 74 ka 1977) ikhishelwa eceleni ayizukusebenza e-Gauteng.

105. Umthetho uyawubophezela uMbuso

Lo mthetho uyawubophezela uMbuso.

106. Isihloko kafushane nokuqala ukusebenza

- (1) Lo mThetho ubizwa ngomThetho weziThuthi zabagibeli bomPhakathi e-Gauteng (Gauteng Public Passenger Road Transport Act), ka 2001, futhi uyoqala ukusebenza ngosuku oluyomiswa nguNdunankulu ngesimemezelo kwiGazethi.
- (2) Izingxenye ezahlukene zalo mThetho zingaqaliswa ukusebenza ngezinsuku ezingafani, noma ezindaweni ezahlukahlukene.
- (3) Isigaba 29 (1) sithathwa njengaleso esaqala ukusebenza mhla 1 ku Disemba 2000.

ISHEDULI A YOMKHAKHA WEZIMOTO/IZINHLOBO ZOSIZO KUBABAGIBELI

ISIGABA SEMOTO	UHLOBO LOSIZO											
	Uhlobo lwe Tuk-tuk	Usizo lweteki siyamamitha	Usizo lweteki siyibhasana	Usizo lwebhasanae	Usizo lwezemfundo	Usizo lwabavakashi	Usizo lokuqasha	Usizo lwabasebenzi	Usizo loku thutha	Usizo lwesithuthi esitholalula	Usizo loku phakamela	Uhlobo olunezikhawu lokungcibeleka
Ngaphansi kwa4* Isib. tuk-tuk	A B C	Cha	Cha	Cha	cha	cha	cha	cha	cha	cha	A B C D	Cha
Limousine	cha	Cha	Cha	Cha	cha	yebos	yebo	G/C	yeb o	yebo	yebo	Cha
4 - 8* isib. Imoto	cha	Yebo	G H	Cha	yebo	yebo	N	G/C	yeb o	yebo	yebo	Cha
9--18* ibhasana	cha	E F M	G H	Yebo	yebo	yebo	N	G/C	yeb o	yebo	yebo	Cha
19 - 35* midibhasi	cha	Cha	PQR	Yebo	yebo	yebo	N	G/C	yeb o	yebo	yebo	Yebo
36 - 70* ibhasi evamile	cha	Cha	Cha	Cha	Cha	cha	N	G/C	yeb o	yebo	yebo	Cha

i-double decker	cha	Cha	Cha	L K	Yebo	yebo	N	G/C	yes	yes	no	Cha
bus train	cha	Cha	Cha	L K	Yebo	yebo	N	G/C	cha	yebo	ch	Cha
semi- trailer	cha	Cha	Cha	Yebo	Yebo	yebo	yes	Yes	cha	yebo	yebo	Cha
Coach	cha	Cha	Cha	Cha	Cha	Yebo	yes	G/C	cha	yebo	yebo	Yebo
adapted LDV	cha	Cha	Yebo	Cha	Yebo	I	I	Yebo	cha	cha	cha	Cha

* including driver

ISHEDULI B YOMKHAKHA OZISIZA ABAGIBELI MAYELANA NOMMISOMGOMO WOKUHLELA (IKUSASA)

UMMIS O MGOM O		UHLO BO LOSIZ O											
		Tuk-tuk	Itekisi yemith a	Minibu s-taxi	Uhlo bo lweb hasi	Imfun do	Aba vaka shi	Uku qas ha	Abas eben zi	ukut huth a	Izithut hi ezitho lakala lula	uku pha kam ela	Uhlo bo lokhu ngce belek a
Izivuel wano zosizo oluxhas iwe	Usizo oluyishedu li	Cha	Cha	Cha	Yebo	Yebo ngoko mmiso mgom o	Cha	cha	cha	Yebo	Yebo	cha	Cha
Izivuel wano zosizo olunga xhasiw e	Usizo oluyishedu li	Yebo ngokom misomg omo	Cha	Cha	Yebo	Yebo	Cha	cha	cha	Yebo	yebo	cha	Cha
	Usizo olungashe duliwe	Yebo ngokom misomg omo	Cha	Yebo	Cha	Yebo	Cha	cha	Cha	Yebo	yebo	cha	Cha
	Indawo yosizo	Yebo ngokom misomg omo	Yebo ngokom misomg omo	cha	Cha	Yebo	Cha	cha	Cha	Yebo	yebo	cha	Cha

Usizo olungat hengisi we ngaphandle bo	Usizo oluyisheduli	Yebo	Cha	Cha	Yebo	Yebo	Cha	cha	Cha	Yebo	Yebo	cha	Yes
	Usizo olungashe duliwe	Yebo	Cha	Yebo	Cha	Yebo	Cha	Yeb o	Yebo	Yebo	Yebo	Yeb o	Cha
	Indawo esizwayo	Yebo	Yebo	Cha	Cha	Yebo	Yebo	Cha	Yebo	Yebo	Yebo	Yeb o	Cha

ISHEDULI C YOMKHAKHA OSIZA ABAGIBELI MAYELANA NOMMISOMGOMO (SIKHASHANA)

UMMISO MGOMO		UHLOBO LOSIZO					UHLOBO LOSIZO					Izithuthi ezithola kala lula	Uku phak amela	Uhlobo lokhung cebelek a	
		Tuk-tuk	Itekisi yemitha	Itekisi yemitha	Uhlobo lwebhasi	Imfundo	Uhlobo lwebhasi	Imfundo	Abavakashi	Ukuqasha	abasebenzi				ukuthutha
Izivuelwano zosizo oluxhasiwe	Usizo oluyisheduli	Cha	Cha	Cha	Yebo	Yebo ngokommi somgomo	Yebo	Yebo ngokommi somgomo	Cha	cha	cha	Yebo	Yebo	Cha	Cha
Izivuelwano zosizo olungaxhasiwe	Usizo oluyisheduli	Yebo ngokommi somgomo	Cha	Cha	Yebo	Yebo	Yebo	Yebo	Cha	cha	cha	Yebo	yebo	Cha	Cha
	Usizo olungasheduliwe	Yebo ngokommi somgomo	Cha	Cha	Cha	Yebos	Cha	Yebos	Cha	cha	Cha	Yebo	yebo	Cha	Cha
	Indawo yosizo	Yebo ngokommi somgomo	Yebo ngokommi somgomo	Yebo ngokommi somgomo	Cha	Yebo	Cha	Yebo	Cha	Cha	cha	Yebo	yebo	Cha	cha
Usizo olungathengisiwe ngaphandle	Usizo oluyisheduli	Yebo	Cha	Cha	Yebo	Yebo	Yebo	Yebo	Cha	cha	cha	Yebo	Yebo	Cha	Yes
	Usizo olungasheduliwe	Yebo	No	Cha	Cha	Yebo	Cha	Yebo	Cha	Yebo	Yebo	Yebo	Yebo	Yebo	Cha
	Indawo esizwayo	Yebo	Yes	Yebo	Cha	Yebo	Cha	Yebo	Yebo	Cha	Yebo	Yebo	Yebo	Yebo	Cha

UKHIYE WESHEDULI

- A imoto evumeleke kuphela emgaqweni obekelwe ukuxhumana edolobheni edolobheni
- B imoto ebekelwe ukusebenza kwisimo sejubane elingeqi kwelithize
- C indawo eyisibopho kwinsizakalo
- D "into yokuphakamela" mayibe umnikazi wemoto
- E imoto kumele ibe nomshini wamamitha asebenzisanayo
- F umkhakha wemoto kumele ube nezincomo zembali yamatekisi amamitha
- G insizakalo ehambisana nomgudu ngaphandle uma ivumeleke kwizimo ezahlukile
- H insizakalo mayihambisane nomThethosivinywa wamaTekisi wesiKhashana
- I eyokuvakasha okungavamile kuphela
- J imoto naziphi izingxenye zokuyishintsha mazikhiqizwe noma zishintshwe umkhiqizi obhalisiwe kuphela ngokwamazinga abekiwe
- K ayisebenzi ezindaweni ezithize ezichaziwe noma emigaqweni ethize
- L insizakalo mayihambise ngenqubomigomo yamanje yezimoto ezisemgaqweni
- M inombolo yabagibeli ingeqi kuleyo yelayisensi (isib. 7 emabhasini amancane)
- N umnikazi makube osenemvume yemoto yabagibeli bomphakathi (njengeyohlobo lwebhasi encane, yabafundi, eyokuncebeleka noma yensizakalo yabavakashi)
- O zinsizakalo mazilungiswe kwizinhlelo ezifanele zezithuthi
- P Makube nezinto ezifanele zokurenka
- Q Kufanele banikeze imvume ososiyeshini abaqondene

IMEMORANDUMU YEZINHLOSO ZOMTHETHOSIVINYWA WEZITHUTHI ZABAGIBELI BOMPHAKATHI EMGAQWENI WASEGAUTENG, KA 2001

1. Umlando

UmThethosivinywa weziThuthi zabaGibeli boMphakathi eMgaqweni waseGauteng, ka 2001 (UmThethosivinywa) kuqondwe ukuthi ulungiselele ukuhlela kabanzi, ukukhuthaza nokulawula inqubomigomo yabagibeli bomphakathi kwizithuthi zasemgaqweni e-Gauteng.

2. Izinhloso zomThethosivinywa

Isizathu somThethosivinywa ukulungiselela kabanzi abagibeli bezithuthi zomphakathi e-Gauteng, nokukhuthaza izithuthi zomphakathi, ngokuhambisanayo nezincwadi zeQembu eliHlela Amasu Olawulo eGauteng (Gauteng Strategic Management Team,) Abasukumele AmaTekisi eGauteng (Gauteng Taxi Initiative), iQembu elibhekene nomsebenzi wamaTekisi kuZwelonke (National Taxi Task Team) kanye nomthethomgomo wokugcina esifundazwe, njengokubekiwe kuMqulu qokuBonisana ngezokuThutha eGauteng (Gauteng White Paper on Transport Policy), ka 1997 neminye imiqulu.

UomThethosivinywa uhlelwe ukuba ube "yiwo ongena ezikhaleni somthetho wesifundazwe" sase-Gauteng njengokubekiwe kwisigaba 3(b)(i) somThetho wesikhashana kaZwelonke wezokuthutha (National Land Transport Transition Act) ongu 22 ka 2000 (umThetho kaZwelonke) maqondana nezinto eziqokethwe umThethosivinywa, ngakho-ke, uzongena esikhundleni seSahluko 3 somThetho kaZwelonke kulokho. UmThetho kaZwelonke uhlelwe kabanzi kwiSahluko 2, esiqondene nezinto zikaZwelonke, kanti iSahluko 3 sona esezesifundazwe. LSahluko 2 somthetho kaZwelonke sibhekene nokubekiwe kwisahluko 146(2) womThethosisekelo, futhi iwo ozoba ngaphezulu komthetho oshaywe esifundazwe. ISahluko sakhona 3 esikhundleni saso kungase kungene imithetho yesifundazwe, kanti umThethosivinywa wona ungene esikhundleni maqondana nezokuthuthwa kwabagibeli emphakathini, ngenxa, ikakhulukazi yalesizathu esilandelayo, kanye nezinye izizathu ezingezansi:

Okubalulekile, iSahluko 3 sikaZwelonke singujikelele, ngoba kumele sibhekelele izifundazwe zazi9. Kuqondwe ukuthi sivale isikhala ngaso wsikhona kwizifundazweezingenayo imithetho yazo kwezokuthutha, futhi ibhekene nezinto ezithinta izifundazwe futhi ezingazishintshela zona ngokwazo uma zithanda. Ngakho-k, umthethosivinywa wenabe kakhulu futhi kuqondwe ukuthi ubhekelele izinto ezehlukile e-Gauteng, njengokuthi kwande ngobudolobhaobenganyelwe omasipala bedolobhakazi, noma omasipala bezifunda abanobudolobhakazi obukhulu kwabona.

Imithetho esebenzayo njengamanje e- Gauteng kwezokuthutha ngomgaqo:

- yi-Gauteng Interim Minibus Taxi-Type Services Act, ka 1997 (umThetho ongunombolo 11 ka 1997);
- yi-Gauteng Interim Road Transport Act, ka 1998 (umThetho ongunombolo 2 ka 1998).

I-Road Transportation Act, ka 1977 kanye ne-Gauteng Road Transportation Amendment Act, 1997, yona ishiywe ngaphandle ekusebenzeni e-Gauteng, normanje ichithiwe yile mithetho engenhla ebaliwe. Esikhundleni sayo kuzongena umThethosivivinywa. Umthetho okhona njengamanje, ngokwamagama emithetho, yinto yesikhashana.

Okubalulekile kwindlela okubhalwe ngayo umThethosivivinywa ukufakela izibuko kabushake izidingo. Kuqala umthetho bewubhalelwa phezu kwesisekelo sosekuvele kubhaliwe. Ngakho imithetho edlule ichibiyelwe nje ukubhekelela isimo esimane sivela. UmThethosivivinywa wona wakhelwe phezu kwesisekelo sesishayamthetho, kepwa uqalwe phansiWakhelwe phezu kwesisekelo sokwakha inhlango ngokohlelo olusha lokuthwala abagibeli emphakathini.

Lo luhlelo olusha lwamukela isidingo sokulawula ngenqubomigomo nokushintsha ngokwezimo okubhekelele umnotho nesimo esizungezile esizohambelana nabasebenzi bomgaqo bakwazi ukusebenza ngendlela ube futhi uvikela amalungelo nokuphepha kwabagibeli. Uhlelo luyakwamukela ukuthi kunezindlela ezahlukene zokuthwala abagibeli bomphakathi n nokuthi izinhlobo ezahlukene zithwala izinhlobonhlobo zabagibeli kanti kunezinhlobo ezahlukahlukene ezithwala uhlobo olulodwa lwabagibeli. Kukhona izimoto ezingafaneleka kulhokhu kanti kukhona ezingafaneleki, kanti ezinye kwizimo ezahlukene ezibekiwe. Ngakho-ke uhlelo luvumela ukusetshenziswa kwezithuthi ezahlukene kwizimo ezahlukene, okunokubhekelela ukwahlukahluka kwezimakethe nezintshisekelo zabasebenzi basemgaqweni. Uma imoto ingafanelekile ngokwesakhiwo ukusebenza umsebenzi othile, uhlelo angeke luyivumele ukuthi iwenze lowo msebenzi.

UmThethosivivinywa wakhelwe phezu kwemimisomigomo ebandakanya okulandelayo:

- konke ukthuthwakwabagibeli bomphakathi emgaqweni kumele kuqhutshwe ngokwelayisense esemthethweni neqondene ngqo;
- bonke abathuthi babagibeli bomphakathi kufanele babhaliswe ngumBhalisi wezithuthi eGayteng;
- ukuvikeleka kwabagibeli;
- imikhuba yokusebenza ngobungoti;
- izakhiwo ezinesisekelo nezifanelekile ngokwezikhungo
- ukugcinwa komthetho okuqashwe ngokunzulu;

- ukuhlanganiswa kwezinto ezisetshenziswayo nomhlaba ekuhleleni ukuthutha, ukwenza ngcono ukunyakanyakaza kwabagibeli nokusebenza ngempumelelo kohlelo olwakiwe;
- isidingo sokuxhasa abathuthi babagibeli bomphakathi kuphela ngokuhlangabezana nezidingo zokukhuphula izinga lokokhona ukukhokha, umnyakazo nokusetshenziswa komhlaba, kanye
- nohlelo lkwephucwa kwabasebenzi amaphuzu.

Ngakho umThethosivivinywa unezindawo zobusha nezengamela umthetho ovele ukhona, njengokuhlanganisa izinsizakalo nohlobo lwezimoto ngenhla. UmThethosivivinywa ubhekelela nemithetho kaHulumeni Omusha waseKhaya kanye nomthetho ophakanyisiwe.

3. Okuqukethwe umThethosivivinywa

umThethosivivinywa uhlukaniswe izingxenye eziyi-14, ngokulandelayo:

- Ingxenye 1: Imithetho eyisingeniso
- Ingxenye 2: Izinsizakalo Zokuthwala Kwabagibeli Bomphakathi Emgaqweni
- Ingxenye 3: Amandla nemiSebenzi ka-MEC nomasipala
- Ingxenye 4: ukuhlelela ukuthwala Kwabagibeli bezithuthi Zomphakathi
- Ingxenye 5: IBhodi yegauteng Transport Operating Licence
- Ingxenye 6: Amalayisense okusebenza
- Ingxenye 7: IBhodi I-Gauteng Public Passenger Appeal Board noma umBhalisi
- Ingxenye 8: I-Gauteng Transport Registrar nokubhaliswa kososiyeshini nabasebenzi
- Ingxenye 9: ukubhaliswa kwamabhasana nososiyeshini bamatek nabasebenzi
- Ingxenye 10: Ukubhaliswa kososiyeshini bamatekisi nabasebenzi
- Ingxenye 11: Ukubhaliswa kososiyeshini bohlobo lwamabhasi okungcebeleka nabasebenzi
- Ingxenye 12: likhungo zezithuthi
- Ingxenye 13: Ukugcinwa komthetho
- Ingxenye 14: Okwengamele

Ingxenye 1: Imithetho eyisingeniso

Isigaba 1 sichaza inhloso yomthethosivivinywa. Sichaza umthethomgomo wokuthuthwa kwabagibeli bomphakathi emgaqweni, nemimiso migomo yokusetshenziswa nokuhumusha umthethosivivinywa. Le sigaba sizoba wusizo ukubeka isendlalelo ukwelekelela abazosebenzisa umThethosivivinywa. UmThetho kaZwelonke awunas isigaba esinjalo.

Isigaba 2 umThethosivivinywa unikeza izincazelo.

Ingxenye 2: izinsizakalo zokuthuthwa kwabagibeli bomphakathi

Isigaba 3 ulungiselela ukuthi iziphathimandla zokuthutha, amadolobha ayiminyombo, nomasipala, okuzoba imikhandlu emithathu, nomasipala bezifunda ezintathu okulungiselelwa ukudabula imuingcele okusha, kufanele kunqume kuchaze izinsizakalo zokuthwalwa kwabagibeli bomphakathi kwizinhlelo zabo. Akekho ongaqala ukuthwala umphakathi ngaphandle kwleayisense noma imvume futhi yinye kuphela ilayisense eyokhishelwa imoto eyodwa.

Isigaba 4 siqethe ukuxolelwa "kwizithuthi zomphakathi", njengeziguli ezithwelwe ngama-ambulensi nabantu abahambisanayo ngemoto. UmThetho kaZwelonke lokhu ukuyekelele kumthetho i-Road Transportation Act ka 1977 noma ungene esikhundleni somthetho wesifundazwe.

Isigaba 5 ulungiselela ukulawulwa kwabashayeli nezimoto. U-MEC angabeka imitheho yokuziphatha kwabagibeli kwizithuthi zomphakathi nokuthi kumele bethamele izifundo zowqeqesho.. Lokhu kunokubandakanya inqubomigomo ukuthi abashayeli bamatekisi amamitha kumele bahlolwe ngokwendawo. Isigaba sibuye futhi imithetho yokuthi izithuthi zihlanzekile.

Isigaba 6 silungiselela imikhakha yezinsizakalo. Isigaba silungiselela neminye imisebenzi kunaleyo ekumThetho kaZwelonke., isib. Amatuk-tuk, izinsizakalo zokungcebelkela nezithutha izikhawu. Izinhlobo zezinsizakalo zibaliwe kwisigaba 7 zachazwa kwisigaba 2. UmThetho kaZwelonke uzisingethe zonke lezinsizakalo ngokungijikelele., UmThethosivivinywa uyaqhubeka uzihlanganise izinsizakalo neimoto ezihlelekile kunakuzwelonke (bona iSheduli A, B no C womThethosivivinywa). Tlokhu kuyahambisana nenhloso yesishayamthetho ukwenaba kwiSahluko 2 somThetho kaZwelonke.

Isigaba 7 ubeka imingcele yama-tuk-tuk.

Isigaba 8 ubeka imingcele yamatekisi amamitha.

Isigaba 9 ubeka imingcele yamatekisi angamabhasana.

Isigaba 10 ubeka imingcele yezinhlobo zamabhasi angamatekisi.

Isigaba 11 ubeka imingcele yezinhlobo yezinsizakalo zemfundo.

Isigaba 12 ubeka imingcele yezokuvakasha.

Isigaba 13 ubeka imingcele yezinsizakalo okuqasha ezokuthutha
Isigaba 14 ubeka imingcele yezinsizakalo zabasebenzi.

Isigaba 15 ubeka imingcele yezinsizakalo zokuphakamela.

Isigaba 16 ubeka imingcele yezinsizakalo zokungcebeleka.

Isigaba 17 ubeka imingcele yezinsizakalo zokuthutha izikhawu.

Isigaba 18 ubeka izinhlobo zezimoto ezingasetshenziselwa izithuthi zabagibeli bomphakathi. UmThethosivivinywa wemukela nezinye izinhlobo zezimoto kunomThetho kaZwelonke, njengezithuthi ezilungisiwe ezilula, izingcebelekisi, izitimela-mabhasi, amabhasi amakhulu, alalimozini, nokunye. Lokhu kudingekile ukuhlanganisa izinhlobonhlobo zezimoto nezinsizakalo ezikhona. Le zimoto zibekiwe kwisigaba 18 zachazwa kwisigaba 2.

Ingxenye 3: Mandla nemisebenzi ka-MEC noMasipala

Isigaba 19 ubhekelela amandla ka-MEC.

Isigaba 20 ubhekelela imisebenzi ka-MEC.

Isigaba 21 ubhekelela inqubomigomo ka-MEC kumthethosivivinywa.

Isigaba 22 ubhekelela imithetho yomasipala nedolobhakazi. Kanjalo nezivumelwano phakathi komasipala nabantu abazimele, noma izigceme. Umthetho kaZwelonke awunawo la mandla abalulekile kangaka ekusetshenzisweni kumthethosivivinywa.

Isigaba 23 ubhekelela imithethomigomo ngu-MEC ukuthi ayimisekanjalo nolawulo lokubala ngezenzo kwezokuthuthwa kwabagibeli emphakathini. Lokhu kuzoqhutshwa ngokubambisana phakathi komasipala neziphathimandla zezithuthi.

Isigaba 24 ubhekelela ukudluliswa kwamandla ka-MEC.

Ingxenye 4: Ukuhlelela Abagibeli bomPhakathi eMgaqweni

Isigaba 25 ubhekelela immisomigomo yokuthwala abagibeli nokuhlela. Lohu kubandakanya ukuhlela okuhlanganyele nokusetshenziswa kkwamathikithi ukunciphisa izikhathi zokuba semgaqweni ukusiza abaginbeli.

Isigaba 26 ubhekelela imithethomigomo ezinye izidingonqangi njengokuhlelwa kwezithuthi zomphakathi ngokomThetho kaZwelonke yiziphathimandla, iminyombo yamadolobha neziphathimandla. Le zinhlelo zizohambisana nokuthuthwa komphakathi ngokwesidingonqangi sikaZwelonke futhi sizoqukatha imigudu izikhathi njalo. Njalo.

Isigaba 27 ubhekelela imisebenzi yokuhlela kweziphathimandla ukuqinisekisa ukuthig abagibeli bathola izinsizakalo kuye ngokubakhona kwezimali, nokugweba uwathela wayeka wezinsizakalo.

Isigaba 28 ubhekelela ezokuhlelela.

Ingxenye 5: IBhodi i-Gauteng Transport Operating Licence Board

Isigaba 29 ubhekelela ukumiswa nokwakheka kwe-Transport Operating Licence Board. Le Bhodi iyefana nekhona i-Gauteng Transport Permit Board. Amalungu eBhodi kufanele angakhethi muntu futhi angabi nentshisekelo ngqo.

Isigaba 30 sibhekelela ukuyeka, nokususwa kwamalungu esikhundleni seBhodi.

Isigaba 31 sibeka amandla eBhodi.

Isigaba 32 sibeka inqumo yemihlangano yeBhodi.

Isigaba 33 sibhekelela ukumiswa kwepaneli yabeluleki kwiBhodi. LeBhodi iyomelelwa ngokubanzi kwimboni ngokubekiwe kwisigaba.

Isigaba 34 sibhekelela ukumiswa kwemigwanda ye-Transport Operating Licence Administrative. Le migwamanda isebenza njengobuphathiswa beBhodi. Izokwamukela isebenze izicelo zamalaysense, ayizukuba nawo amandla okuthatha izinqumo zamalaysense.

Ingxenye 6: Ilayisense yokuse

Isigaba 35 sibhekelela ukujikwa kwezimvume zamalaysense asebenza. Lokhu kuyoqedelwa ngosukwa oluyomisa ngu-MEC ngesaziso kwi-Gazethi yesiFundazwe. Wonke umuntu onemvume kuyomele afake isicelo sokujikwa kwemvume ibe yilaysense.

Isigaba 36 Sibeka imingcele yezivumelwano zezinsizakalo.

Isigaba 37 sibeka ukuthi lalho izinsizakalo ziphela, amalaysense angavuntelwe kumele ayiswe kwiBhodi ukuyokhanselwa. Nokuthi abasebenzi bangewafake amathenda axhasiwe ngaphandle uma bewayeka amalaysense asemgaqweni.

Isigaba 38 sibhekelela izicelo zamalaysense okusebenza. Isigaba esimayelana nenqubo yale zicelo nokuthi kumele kube ezemoto ngayinye.

Isigaba 39 sibhekelela ikubhekwa kwamalaysense okusebenza.

Isigaba 40 sibhekelela amalaysense anqamula kwizifundazwe nokuqedwa kwawo

Isigaba 41 Lokhu kumayelana nezithuthi zikaZwelonke, ezomThetho wokuNqamula imiNgcele ka 1998.

Isigaba 42 umayelana nokushicilelwa kwezicelo zamalaysense okusebenza. Njengamanje zishicilelwa kwi-Gazethi yesiFundazwe, kepha njengokuvumelana kwi-MINCOM inqobo uma isigaba 37 somThehto kaZwelonke, ukushicilela sekizoba kwi-Gazethi kaZwelonke

Isigaba 43 ubeka ukusebenza nokuvuselelwa kwamalaysense.

Isigaba 44 sibhekelela ukukhishwa kwamalaysense nokufanele ukuqashwa kumalaysense asesebenza.

Isigaba 45 sibhekelela impindakabili engumsuka nemibhalo yamalaysense asekhishiwe.

Isigaba 46 umayelana nokususwa kwesikhashana kwemoto emaqondana nelayise ekhona. Lkhu kumele kwenziwe zingaphelise izinsuku ezingama-21 eyiphelelwe yisikhathi.

Isigaba 47 sibeka imisebenzi kamnikazi welayisense.

Isigaba 48 sibeka imibandela nezinqinamba zesiphathimandla.

Isigaba 49 simayelana nokuhoxiswa, nokushintshwa kwemvume namalaysense uma kunokungazophathi ngokufanele. Umnikazi kumele aziswe ngenhloso yokuhoxisa ilayisense, anikezwe nethuba lokuvelaphambi kweBhodi ukuthi aziphendulele.

Isigaba 50 sibeka ukuthi uma ilayisense yokusebenza kade ingakasetshenziswa zingakapheli izinsuku eziyi-180 ijikiwe, iBhodi ingayikhansela ilayisense uma umnikazi ehluleka ukunikeza izizathu zokuhluleka kkuqisebenzisa.

Isigaba 51 simayelana nokuhoxiswa kwamalaysense eqile kwingxenyane kumgudu othize othize. Umnikazi kumele anikezwe ezinye izinsiza, uma kungenzeka, angxeshelwe ngokwemihlandlandlela eyishicilelwa uNgqongqoshe.

Isigaba 52 simayelana nokugunyaza ngakunye kwizimo okuyokhishwa kanye vo. Kuyogcwaliswa umsebenzi akuhambise kwiBhodi ngesikhathi esibekiwe.

Isigaba 53 simayelana namalaysense okusebenza kwizimo ezehlukile lapho imigudu eyivalile u-MEC ngenxa yodlame nesihluku.

Isigaba 54 simayelana nokuthi abanikazi bamalaysense ababhekene nentela evunyelwe yiBhodi, angakhushukwa ngokwamanani, inqobo nje uma bezifakile izicelo zezichibiyelo zamalaysense zingakapheli izinsuku eziyi-10.

Ingxenye 7: IBhodi yokuDlulisa kubaGibeli bezokuThutha uMphakathi e-Gauteng (Gauteng Public Passenger Appeal Board)

Isigaba 55 simayelana nokumiswa kweBhodi yokuDlulisa izikhalazo kwezokuThuthwa kwabaGibeli eMphakathini, umsebenzi wayo ukwethamela izikhalazo zezicelo zamalaysense anqamula ezifundazwe.

Isigaba 56 simayelana nokuyeka, ukusuka nokukhishwa kwelungu esikhundleni seBhodi yokuDlulisa.

Isigaba 57 simayelana namandla eBhodi yokuDlulisa.

Isigaba 58 simayelana nemihlangano nezinqumo zeBhodi yokuDlulisa.

Isigaba 59 simayelana nokudluliswa kwezinqumo kwiBhodi yokuDlulisa ngezinqumo zikamBhalisi.

Ingxenye 8: -UmBhalisi wezokuThutha eGauteng nokuBhaliswa koSosiyeshini nabaThuthi

Isigaba 60 simayelana nokuqokwa kukamBhalisi wezokuThutha eKgateng nepaneli yabalekeleli. UmBhalisi angabi nantshisekelo yakhe nqo.

Isigaba 61 umayelana nokuyeka umsebenzi, ikhefu nokusuka kukamBhalisi nabalekeleli esikhundleni

Isigaba 62 kumayelana imisebenzi esemahlombe kamBhalisi. Le misebenzi eyokubhalisa ososiyeshini bezokuthutha abagibeli bezithuthi zomphakathi, abangamalungu nabangesiwona.

Isigaba 63 sibeka Amandla kamBhalisi.

Isigaba 64 sibhekelela imihlangano nezinqumo zikamBhalisi nepaneli yabalekeleli.

Isigaba 65 sibhekelela izicelo zokubhalisa.

Isigaba 66 ubeka ezinye izidingongqangi namaphuzu ahamba phambili ekubhaliseni.

Isigaba 67 umayelana nezidingongqangi zobudlelwano bososiyeshini bezifundazwe ezehlukene nokuzinqamula.

Isigaba 68 simayelana for the reservation of certain privileges for registered associations and operators.

Ingxenye 9: Umayelana nokubhaliswa kwamabhasi amancane angamatekisi

Isigaba 69 kumayelana nokurejista okuyimpoqo kososiyeshini bamatekisi, amalungu nabangesiwona amalungu. Emva kosuku olubekwe u-MEC, hhayi ngaphambili kwezinsuku eziyi-180 emva kokuqala kokusebenza kwesigaba, akekho umuntu ongaqala izinsizakalo zamatekisi futhi akukho tekisi engaqhuba umsebenzi ingarejistiwe.

Isigaba 70 simayelana nokuqhubeka nokuwabasebenzi ababhaliswe ngokomthetho 11 ka 1997.

Isigaba 71 Ssimayelana nokhetho nemibuzo ebhekiswe kumphakath ngokuyalela kuka-MEC singakapheli isikhathi asibekile. Ukungakwenzi lokho kungaholela ekukhanselweni kokubhaliswa.

Isigaba 72 : Ukubhaliswa kososiyeshini bamatekisi.

Isigaba 73 : Ukubhaliswa kwamalungu ososiyeshini bamatekisi ababhalisiwe

Isigaba 74 : Amalungu amasha kasosiyeshini obhalisiwe

Isigaba 75 : Ukubhaliswa kwabangesiwona amalungu.

Isigaba 76 kumayelana nezinyathelo zokuqondisa izigwegwe kumalunguabhalisi nangabhalisile.

Ingxenye 10: Ukubhaliswa kososiyeshini bamatekisi amamitha nabasebenza ngezithuthi emgaqweni

Isigaba 77 : kumayelana Ukubhaliswa Kososiyeshini Bamatekisi Amamitha, abangemalungu nabangemalungu

Izigaba 69,73, 74 no 76 yizo ezisebenzayo, kanye noshintsho oludingekayo, ekubhalisweni kososiyeshini bamatekisi amamitha, amalungu nabangesiwona amalungu,

Isigaba 78 kumayelana nokubhaliswa Kososiyeshini Bamatekisi Amamitha.

Isigaba 79 simayelana for the registration of non-members of metered taxi associations.

Isigaba 80 kumayelana nokubhaliswa Kwabangemalungu Abasebenza Ngamatekisi Amamitha

Ingxenye 11: Ukubhaliswa kohlobo lososiyeshini bamabhasi nabasebenzi

Isigaba 81 kumayelana nokubhaliswa kososiyeshini, amalungu nabangemalungu abasebenza ngohlobo lwamabhasi nezinsizakalo zokungcebeleka r the application of Isigaba 69, 73, 74 no 76.

Isigaba 82 kumayelana nokubhaliswa kososiyeshini babasebenza ngezithuthi zohlobo lwamabhasi nezinsizakalo zokungcebeleka.

Isigaba 83 kumayelana nokubhaliswa kwabangemalungu abasebenza ngezithuthi zohlobo lwamabhasi nezinsizakalo zokungcebeleka

Ingxenye 12: Izikhungo zezithuthi

Isigaba 84 kumayelana nokusungulwa kwezikhungo, amakomidi nemigwamandana, abasebenzi nababambe iqhaza kwizinsizakalo.

Isigaba 85 simayelana nesikhungo Sezithuthi Zabagibeli Bomphakathi EsiFundazwe

Isigaba 86 Simayelana nemisebenzi yesikhungo Sezithuthi Zabagibeli Bomphakathi EsiFundazwe.

Isigaba 87 simayelana nezikhungo zezithuthi kwiDolobhakazi

Isigaba 88 simayelana Imisebenzi yezikhungo zezithuthi zedolobhakazi (Metropolitan Public Passenger Transport Forums).

Isigaba 89 simayelana nezikhungo zamatekisi edolobhakazi.

Isigaba 90 simayelana Imisebenzi yezikhungo zamatekisi edolobhakazi

Isigaba 91 simayelana namakomidi okuxhumanisa amatekisi endawo.

Isigaba 92 simayelana nokusungulwa kwemisebenzi yezinye izikhungo zedolobhakazi noma abaxhumanisi bendawo

Ingxenye 13: Ukuqinisekisa ukugcinwa komthetho

Isigaba 93 simayelana nezinyathelo ezehlukile eziphuthumayo zika-MEC. U-MEC unamandla okumemezela isimo esiphuthumayo uma kunenxushunxushu avale nemigudu isikhathi esithize.

Isigaba 94 simayelana nokwepulwa kwemithetho ngokomthethosivivinywa

Isigaba 95 sibeka inhlawulo kwabalahlwe yicala kulomThethosivivinywa.

Isigaba 96 simayelana nokubeka isikhulu noma umqashwa womNyango abe umhloli wezithuthi.

Isigaba 97 simayelana nokuboshwa nokwepucwa izimoto.

Isigaba 98 simayelana nokunquma okungathekisayo lapho kushishiswa ngokomThethosivivinywa.

Imsigaba 99 sibeka aanye amandla ezikhulu eziyiziphathimandla.

Isigaba 100 simayelana nohlelo lokwepuca amaphuzu. Lo luhlelo luzoba olwamacala omthethosivivinywa hhayi ukwepulwa kwemithetho yomGaqo ngokwe-

Administrative Adjudication of Road Traffic Offences Act, 1998 [umthetho i-AARTO]

Ingxenye 14: Okungujikelele

Isigaba 101 Simayelana nomshuwalense oyimpoqo kubasebenzi.

Isigaba 102 simayelana nezinyathelo zokweseka izithuthi zabagibelo bomphakathi

Isigaba 103 simayelana nemithetho yesikhashana

Isigaba 104 sichitha imithetho nokukhishelwa eceleni.

Isigaba 105 simayelana nomthetho obophezela uMbuso.

Isigaba 106 simayelana nesihloko kafushane nokuqala komThethosivinywa ukusebenza futhi ungaqala ukusebenza ngezikhathi ezahlukene.

**KGORO YA GAUTENG YA T'S A DINAMELWA LE
DITIRELO T'S A SET'S HABA**

**MOLOA WA GAUTENG WA DINAMELWA T'S A
TSELA TSA SET'S HABA**

(BJALO KA GE GO T'S HWELEDIT'S WE

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**MEC WA MERERO YA DINAMELWA LE DITIRELO
T'S A SET'S HABA**

NOTICE 4596 OF 2001**MOLAOKAKANYWA**

Go fetola molao wo o laolago tša dinamelwa tše di sepelago fase tša go rwala batho tša bohle mo Gauteng, mme maikemišetšo a seo e le go -

fana ka lenaneo la tša dinamelwa tše di sepelago fase tša go rwala batho tša bohle bjalo ka lenaneo leo le swaraganego la dinamelwatša tselengla Gauteng, leo le sepelelanago le lenaneo la bosetšhaba la dinamelwatša tselengle mananeo a dinamelwatša tselengtša diporofensi tše dingwe;

fana ka lenaneo-peakanyo ya mediro ya dinamelwa tše di sepelago fase tša go rwala batho tša bohle le ditlabelotirišwa (infrastructure) tše di tsenyeleditšwego go lenaneo-peakanyo la tšhomišo ya naga;

fana ka taolo-tlhokomelo (regulation) le taolo ya dinamelwa tše di sepelago fase tša go rwala batho tša bohle ke mebušo ya porofensi le ya selegae;

hlama mafelo a mmušo a mmušo go fihlelela maikemišetšo ao;

phumula Molao wa Gauteng wa Lebakanyana wa Ditirelo tša Dithekisi tša Minipase, 1997 (Molao wa 11 wa 1997) le Molao wa Gauteng wa Lebakanyana wa Dinamelwa tše di sepelago fase, 1998 (Molao wa 2 wa 1998);

sepetša tseleng ye tee molaotlhakwa wa porofensi wa dinamelwatša tselengtša go rwala batho tša bohle le Kgaolo ya 2 ya Molao wa Bosetšhaba wa Dinamelwatša tselengwa Phetogelo, 2000 (Molao wa 22 wa 2000) le go tloša Kgaolo ya 3 ya Molao wo mabapi le merero ya porofensi ya dinamelwa tše di sepelago fase tša go rwala batho tša bohle; le

go kgonagatša merero yeo e golaganego le seo.

YEO E BEILWEGO ke Molaotlhakwa wa Porofensi ya Gauteng, ka mokgwa wo o latelago:

DITENG**KAROLO YA1: DIKGONIŠEGO TŠA MATSENO**

1. Maikemišetšo a Molao wo
2. Dikgonišego

KAROLO YA2: DITIRELO TŠA DINAMELWA TŠEO DI SEPELAGO FASE TŠA GO RWALA BATHO TŠA BOHLE

3. Mekgwa ya go bontšha ditirelo tša dinamelwa tšeo di sepelago fase tša go rwala batho tša bohle mo maneo-peakanyong a dinamelwa tšeo di rwalago batho tša bohle
4. Dikefošo (exemptions)
5. Dikgonišego mabapi le baotledi le dinamelwa
6. Magoro a ditirelo
7. Ditirelo tša (tuku-tuku)
8. Ditirelo tša dithekisi tša dimitara
9. Ditirelo tša dithekisi tša diminipase
10. Ditirelo tša mokgwa wa dipase
11. Ditirelo tša thuto
12. Ditirelo tša boeti
13. Ditirelo tša difofane tše nnyane (charter)
14. Ditirelo tša bašomi
15. Ditirelo tša bohlomphegi
16. Ditirelo tša khoutšhu
17. Ditirelo tša phelegetšo (shuttle)
18. Magoro a dinamelwa

KAROLO YA3: MATLA LE MEŠOMO YA MOLEKGOTLAPHETHIŠI LE MMASEPALA

19. Matla a Molekgotlaphethiši
20. Mešomo ya Molekgotlaphethiši
21. Melawana
22. Melawana ya ka thoko (by-laws)
23. Mananeo a dinyakwa tša tshedimošo le go bega
24. Go fa taelo ya go dira mošomo

KAROLO YA4: LENANEO-PEAKANYO LA DINAMELWA TŠA BATHO TŠA BOHLE

25. Mekgwa ya lenaneo-peakanyo la dinamelwa tšeo di sepelago fase tša go rwala batho tša bohle
26. Lenaneo-peakanyo la dinamelwa tšeo di sepelago fase tša go rwala batho tša bohle
27. Mešomo ya bolaodi bja dinamelwa, ditoropo-kgolo thwii le mebasepala mabapi le lenaneo-peakanyo
28. Merero ya phetogelo mabapi le lenaneo-peakanyo

KAROLO YA5: LEKGOTLA LA GAUTENG LA LAESENSE YA TSHEPETŠO YA DINAMELWA

29. Tihamo le boleloko bja Lekgotla la Gauteng la Laesense ya tshepetšo ya Dinamelwa
30. Botho ya mošomo, maikhutšo le go ntšhwa kantorong ga maloko a Lekgotla
31. Matla a Lekgotla
32. Dikopano le diphetho tša Lekgotla
33. Tihamo ya Lekgotla la sehlopha sa boeletši go Lekgotla
34. Tihamo ya Ditho tša Taolo ya Lekgotla la Gauteng la Laesense ya tshepetšo ya Dinamelwa

KAROLO YA6: DILAENSENSE TŠA TŠHOMO

35. Phetolelo ya ditumelelo ka go dilaesense tša tšhomo
36. Dikonteraka tša ditirelo
37. Go felelwa ke nako le go phumulwa ga dilaesense tša tšhomo le ditumelelo mabapi le konteraka
38. Dikgopelo tšeo di amago dilaesense tša tšhomo
39. Tumelelo ya kgopelo ya laesense ya tshepetšo
40. Dinamelwa go kgabaganya diporofensi
41. Dinamelwatša tselenggo kgabaganya mellwane
42. Kwalakwatšo ya kgopelo ya laesense ya tshepetšo
43. Lebaka la go mpshafatša laesense ya tshepetšo
44. Go fana ka laesense ya tshepetšo le dikgonišego tša gona
45. Direkhoto tša dilaesense tša tšhomo
46. Go tloša legatong ga lebakanyana ga senamelwa seo se lego mabapi le tumelelo goba laesense ya tshepetšo
47. Mešomo ya mong-tumelelo goba laesense ya tshepetšo
48. Matla ao a lego ka go laesense ya tshepetšo
49. Kgogelo morago, phego goba phetolo ya laesense ya tshepetšo
50. Phumulo ya laesense ya tshepetšo yeo e sa šomišwego
51. Kgogelo morago ya dilaesense tša tšhomo goba ditumelelo tšeo di šetšego
52. Ditumelelo ka kwano
53. Laesense ya tshepetšo ya go ikgetha
54. Koketšo ya ditefelotše dingwe pele ga go dira diphetogo go tumelelo goba laesense ya tshepetšo yeo e amegago

KAROLO YA7: LEKGOTLA LA TSHEKOLESWA (APPEAL) LA GAUTENG LA BANAMEDI BOHLE

55. Tihamo, boleloko le mediro ya Lekgotla la Tshekoleswa (appeal) la Gauteng la Banamedi bohle
56. Botho ya mošomo, maikhutšo le go ntšhwa kantorong ga maloko a Lekgotla la Tshekoleswa
57. Matla a Lekgotla la Tshekoleswa
58. Dikopano le diphetho tša Lekgotla la Tshekoleswa
59. Kgopelo ya tshekoleswa go Lekgotla la Tshekoleswa kgahlanong le Lekgotla goba Mongwadiši (registra)

KAROLO YA8: MONGWADIŠI WA GAUTENG WA DINAMELWA LE NGWADIŠO YA MEKGATLO LE BAŠOMA KA TIRELO

60. Go thwalwa ga Mongwadiši wa Gauteng wa Dinamelwa le sehlopha sa balekodi
61. Botho ya mošomo, maikhutšo le go ntšhwa kantorong ga Mongwadiši le balekodi
62. Mešomo ya Mongwadiši
63. Matla a Mongwadiši
64. Dikopano le diphetho tša Mongwadiši le balekodi
65. Kgopelo ya ya ngwadišo
66. Go fana ka ditifikeiti le go bona maswao ge go ngwadišwa
67. Mekgatlo, maloko le bao e sego maloko beng-tirelo tša go kgabaganya diporofensi
68. Go beela tšholo (privilege) mekgatlo yeo e ngwadišitšwego le beng-tirelo

KAROLO YA9: NGWADIŠO YA MEKGATLO YA DITHEKISI TŠA DIMINIPASE LE BENG-TIRELO

69. Ngwadišo yeo e gapeletšwago ya mekgatlo, maloko le bao e sego maloko mabapi le ditirelo tša mohuta wa diminipase
70. Mekgatlo le beng-tirelo bao ba ngwadišitšwego ka tlase ga Molao wa 11 wa 1997
71. Dikgetho le direferentamo
72. Ngwadišo ya mekgatlo
73. Ngwadišo ya maloko a mekgatlo yeo e ngwadišitšwego
74. Maloko a maswa a mekgatlo yeo e ngwadišitšwego
75. Ngwadišo ya bao e sego maloko
76. Magato a kgalemo

KAROLO YA10: NGWADIŠO YA MEKGATLO YA DITHEKISI TŠA DIMITARA LE BAO BA ŠOMAGO KA TŠONA

77. Ngwadišo ya mekgatlo ya dithekisi tša dimitara le, maloko le bao e sego maloko
78. Ngwadišo ya mekgatlo ya dithekisi tša dimitara
79. Ngwadišo ya bao e sego maloko bao ba šomago ka ditirelo tša dithekisi tša dimitara
80. Dinyakwa tšeo di ikgethago tša baotledi ba dinamelwa tšeo di fago tirelo ya dithekisi

KAROLO YA11 NGWADIŠO YA MEKGATLO LE BAO BAŠOMAGO YA MOKGWA WA DIPASE LE DIKHOUTŠU

81. Ngwadišo ya mekgatlo, maloko le bao e sego maloko bao bašomago ka ditirelo tša mokgwa wa dipase le dikhoutšu
82. Ngwadišo ya mekgatlo ya bao bašomago ka ditirelo tša mokgwa wa dipase le dikhoutšu
83. Ngwadišo ya bao e sego maloko bao ba šomago ka ditirelo tša dithekisi tša dimitara

KAROLO YA12: DIFORAMO TŠA DINAMELWA

84. Dikgonišego ka kakaretšo
85. Foramo ya Porofensi ya Dinamelwa tša batho bohle
86. Mešomo ya Porofensi ya Dinamelwa tša batho bohle
87. Diforamo tša dinamelwa tša Toropokgolwane

88. Mešomo ya diforamo tša dinamelwa tša Toropokgolwane
89. Diforamo tša dithekisi tša Toropokgolwane
90. Mešomo ya diforamo tša dithekisi tša Toropokgolwane
91. Dikomiti tša dithekisi tša selegae tša kgokagano
92. Tlhamo le go šoma ga diforamo tše dingwe tša Toropokgolwane goba diforamo tša selegae tša kgokagano

KAROLO YA13: TŠHOMIŠO YA MOLAO

93. Magato ao a ikgethago a tšhoganetšo
94. Melato
95. Dikotlo
96. Go thwalwa ga bahlahlobi
97. Go thopelwa le go lobišwa dinamelwa
98. Dikakanyo
99. Matla a mangwe a bahlankedi bao ba filwego matla
100. Lenaneo la fokoletšwa dinthla

KAROLO YA14

101. Inšorensense yeo e gapeletšwago ya beng-tirelo tša batho bohle tša tseleng
102. Magato a go thekga dinamelwa tša batho bohle tšeo di sepelago fase
103. Dikgonišego tša lebaka la magareng
104. Go phumulwa ga molao le go tšeo di ntšhwago
105. Molao o bofa Mmušo
106. Laina le le kopana le go tsenywa tirišong

LENANEO LA A: MAGORO A DINAMELWA /MEHUTA YA DITIRELO TŠA DINAMELWA TŠA BATHO BOHLE

LENANEO LA B: MAGORO A DINAMELWA A DITIRELO TŠA DINAMELWA TŠA BATHO BOHLE MABAPI LE MEKGWA YA LENANEO-PEAKANYO (LEBAKA LA MAGARENG)

KAROLO YA1: DIKGONIŠEGO TŠA MATSENO

1. Maikemišetšo a Molao wo
 - (1) Maikemišetšo a Molao wo ke go godiša le go fana ka lenaneo la Gauteng le hlwahlwa la dinamelwa tša batho bohle tšeo di sepelago fase. Seo se ka fihlelela ka go fihlelela maikemišetšo a Molao, ao e lego go -
 - (a) tsenya tirišong molaotshepetšo wa porofensi le mmušo wa bosetšhaba mabapi le ditirelo tša dinamelwa tša batho bohle tšeo di sepelago fase le ditlabele, go bea leihlo tirišo ya molaotshepetšo wo wa porofensi, go dira dinyakišišo tša merero yeo e tswalwago ke ge go tsenywa tirišong; molaotshepetšo wo wa porofensi mme go dirwe diphetogo-tokišo tšeo di nyakegago tša molaotshepetšo;
 - (b) godiša le go sepetša ka kgonagalo go hlohletša tšhomišo le tšwetšopele ya dinamelwa tša batho bohle tšeo di sepelago fase mo Porofensing;

- (c) šomiša lenaneo-peakanyo le tšwetšopele ya dinamelwa tša batho bohle bjalo ka setlabelo sa go aga leswa maphelo a setšhaba gore ba tle ba -
- (i) kgontšhe le go hlohleletša bašomi go dula kgauswi le mešomoya bona, kudu mo mafelong ao a bego a ganetšwa ke melaotshepetšo ya kgethologanyo ya lebaka leo le fetilego;
 - (ii) hlohleletše gore mafelo a bodulo a be kgauswi le mošomo;
 - (iii) kaonafatše dire mosepelo wa batho bofefe ka gare ga porofensi;
 - (iv) godiše mpshafatšo ya setoropo, tšhūšumetšo le tirišo ya naga yeo e tswakanego;
- (d) kgokaganye le go laola mekgwa le lenaneo-peakanyo la dinamelwa tša batho bohle le tšhomišo ya naga le lenaneo-peakanyo la tšwetšopele go kaonafatša tshepetšo ye hlwahlwa ka lenaneo la dinamelwa tša batho bohle tšeo di sepelago fase le hlwahlwa;
- (e) tšee magato ao a swanetšego go godiša kgakaganyo magareng ga bolaodi bja dinamelwa le bolaodi bjo bongwe bja mananeo-peakanyo mo porofensing, goba magareng ga bolaodi bjo le porofensi, e le go efoga poeletšo ya matsapa;
- (f) godiše kgokagano magareng a mekgwa ya dinamelwa tša batho bohle tšeo di sepelago fase le go kgokaganya mosepelo wa banamedi mo lenaneong;
- (g) ikopanye le setšhaba le botšekarolo ya sona pele ba tšea diphetho di fe goba di fe goba ba diragatša tiro e fe goba e fe ya semmušo le go hlaloša mekgwa-tshepetšo yeo e tla latelwago mabapi le seo;
- (h) laole mme ba šetše talo ya ditirelo tša dinamelwa tša batho bohle ka go fana ka dilaesense tša tšhomo go bašoma ka ditirelo tšeo, le go phaela thoko batho bao ba se nago dilaesense tša tšhomo tša maleba gore ba šome ka ditirelo tšeo.
- (i) fe tumelelo ya dinamelwa tša mebotoro go šomišetšwa ditirelo tša dinamelwa tša batho bohletša tselengfela go mehuta ya ditirelo tšeo di fiwago;
- (j) ngwadiše bao ba šomago ka tirelo ya mehuta ye mengwe ya ditirelo tša dinamelwa tša batho bohletša tselengle mekgatlo ya bašomiši bao;
- (k) godiše polokego le kgahlego ya batho bao ba šomišago ditirelo tša dinamelwa tša batho bohle tša tseleng;
- (l) hlame mafelo ao a tlogo thekga maikemišetšo a Molao wo;
- (m) godiše tirišo ya molao ye hlwahlwa yeo e šomago mabapi le dinamelwa tša batho bohle tša tseleng, go akaretšwa dinamelwa tša tseleng le melao ya polokego ditseleng;
- (n) godiše mekgwa ya seporofešenale ya tšhomišo ke bašoma ka ditirelo tša dinamelwa tša batho bohle tša tseleng;
- (o) godiše go fana ka ditlabelo-tirišwa tša kgokaganyo ya maleba yeo e fihlelelwago ya dinamelwa tša batho bohle, go ya ka molaotlhakwa wo o itšego wa ditsela, ditsela tša ditimela le ditlabelo-tirišwa tše dingwe;
- (p) godiša lenaneo leo batho ba tlogo lefela ditirelo tšeo ba di amogelago, ntle le mo e lgo gore thušo ya tša ditšhelete e a nyakega go kgontšha dinamelwa tšeo di ka fihlelelwago le tšhomišo ya naga ka tshwanelo, go kgontšha phihlelelo le tshepelo ya magoro ao a ikgethago a banamedi goba go mabaka ao a kwagalago a melaotshepetšo, le go netefatša gore ditirelo di fiwa thušo fela mo mabakeng ao;
- (q) fane ka dithentara tša phadišano go thuša ditirelo tša dinamelwa tša batho bohle tša tseleng;
- (r) kgontšhe lenaneo la tshedimošo leo le kgokaganego leo le kgonegago la datha le taolo ya mediro ya;

- (s) fane ka lenaneo la go tšeelwa dintlha ga bašoma ka ditirelo tša dinamelwa tša batho bohle tša tseleng; le
- (t) godiša kgwebo ye nnyane, magareng le ye nnyanenyane le bašoma ka tirelo bao ba bego ba tingwa dikgoba e bile ba kgetholwa ka mo go sa swanelwago.

(2) **Dikgonišego**

Mo go Molao wo. Ntle le ge tlhalošo e bontšha ka mokgwa wo mongwe -

“senamelwa seo se diretšwego go sepetša morwalo wo monnyane” e ra senamelwa seo se diretšwego go sepetša morwalo wo monnyane mo senamelwa le ditho tša sona di dirilwego goba di lebantšwego go rwala batho ke mohlami wa sona yo a ngwadišitšwego go ya ka tshepelelano le Molao wa Bosetšhaba wa Dinamelwa tša tseleng;

“tumelelo ya nako ye nngwe”e ra tumelelo ya tirelo ya dinamelwa tša batho bohletša tselengka mabaka a (nako ye nngwe) bjalo ka ge go hlalošitšwe go karolo ya52;

“ampulanse”e senamelwa sa mmotoro seo se dirilwego ka go ikgetha le go lebantšha lebaka la go rwala balwetši goba batho bao ba gobetšego go go tšwa lefelong la kalafo mme se ngwadišitšwe bjalo ka ampulanse go ya ka molaotlhakwa wa dinamelwa tšeo di sepelago fase;

“Lekgotla la Tshemaleswa” e ra Lekgotla la Tshemaleswa la Gauteng la Banamedi leo le bolelwago karolo ya55;

“mokgatlo” e ra sehlopha sa batho seo se šomago ka ditirelo tša dinamelwa tša batho bohle tšeo di sepelago fase -

- (a) seo se sa lebelelago go dira poelo
- (b) seo maikemišetšo a sona e lego go godiša dikgahlego tša maloko; le
- (c) matlotlo a sona a tla dirišwa go godiša dikgahlego tšeo;

“mohlankedi yo a filwego matla” e ra -

- (a) mohlalobi;
- (b) leloko la Tirelo ya Sephodisa sa Afrika Borwa, go akaretšwa le leloko la tirelo ya sephodisa sa mmasepala bjalo ka ge go hlalošitšwe go karolo ya1ya molao wa Tirelo ya Sephodisa sa Afrika Borwa, 1995 (Molao wa 68 wa 1995);
- (c) motho yo a šomago Kgorong ya mmušo goba ga mmasepala, yo mošomo wa gagwe e lego go hlahloba dinamelwa, dilaesense tša dinamelwa goba go laola sephethephete;
- (d) mohlalobi wa dinamelwatša tselengyo a bolelwago go karolo ya39ya molao wa Dinamelwa tšeo di sepelago fase tša go kgabaganya mellwane ya naga, 1998 (Molao wa 4 wa 1998);

“Lekgotla” le ra Lekgotla la Gauteng la Dilaesense tša tšhomo ya Dinamelwa leo le hlamilwego ke karolo ya29;

“pase-setimela” e senamelwa seo -

- (a) se nago le diripa tše pedi tšeo di kgokagantšhitšwego go dira setho ;
- (b) se ka swaega tseleng ya thwii mo se kgomaganego gona ka diripa;
- (c) se dirilwe ka mokgwa fela goba bogolo go rwala motledi le bonnyane bja batho ba 100;

(d) se na le tsela ya thwii bogareng ka botelele bja sona.

“tirelo ya mohuta wa pase” tirelo ya lenaneo la dinamelwatša tselengtša batho bohle tša batho ba go feta banamedi ba seswai, bao ba šomago mo ditseleng tšeo di itšego goba dikgokagano go ya ka ditefelo tšeo di kwalakwaditšwego, tšeo di swanetšego go dumelwa mo ditirelong tšeo di hwetšago thušo go mmušo, tšeo di bolelwago go karolo ya10;

“morwalo” e ra palo yeo e lego molaong ya batho bao ba ka rwalwago ke senamelwa, go sa balwe le motledi, bjalo ka ge go bontšhwa go setifikeiti sa tokelo- tsela seo se filwego senamelwa.

“tirelo ya dinamelwa tša kadimo” e ra tirelo ya dinamelwatša tselengtša batho bohle yeo e amago go adimišwa ga senamelwa le go thwala motledi ka tefelo, mo leetong leo le bekantšwego pele ga nako le mong tirelo mo –

- (a) mong tirelo goba motledi a lefišago banamedi ka o tee ka o tee;
- (b) motho yo a adimago tirišo ya tirelo o na le tokelo ya tšea sephetho ka ga tsela, letšatši le nako ya leeto; le
- (c) banamedi ba išwago lefelong le tee;

“khoutšu” e ra senamelwa sa manobonobo seo se nago le didirišwa tša go laola moya, lenaneo la diaterese tšeo di šomišwago ke batho ka moka le ditlabelo tše dingwe tšeo di ka laelwago ke Lekgotla.

“tirelo ya mohuta wa khoutšu” e ra tirelo ya dinamelwatša tselengya batho bohle yeo e dirišago lenaneo-tshepetšo ka go šomiša khoutšu yeo e šomago ka ditsela le ditefelo tšeo di laotšwego tšeo di bolelwago go karolo ya16;

“Molaotheo” e ra Molaotheo wa Repapoliki ya Afrika Borwa, 1996 (Molao wa Nomoro 108 wa 1996);

“kontraka” e ra tirelo ya kontraka yeo e thušwago ka ditšhelete, tirelo ya kontraka yeo e sa thušwego ka ditšhelete, kontraka yeo e thentariwego lebakeng la bjale le kontraka ya lebaka la magareng.

“bolaodi bja dikontraka” e ra –

- (a) Kgoro ya Bosetšhaba ya tša Dinamelwa;
 - (b) Kgoro;
 - (c) Bolaodi bja tša dinamelwa;
 - (d) Mmasepala goba toropokgolo,
- tšeo di itlamilego go kontraka goba kwano yeo e rumilwego le mong tirelo

“toropokgolo” e ra mmasepala yo a filwego matla ka tlase ga karolo ya4ya molao wa Dinamelwa tša Motse-setoropo wa 1977 (Molao wa Nomoro ya 78 wa 1977), bjalo ka toropokgolo ya lefelo la dinamelwa tša toropokgolwane, mme le akaretša mmasepala o fe goba o fe yo, ka morago ga go tsenywa tirišong ga Molao wo, a laetšwego bjalo;

“tirelo ya botho” e ra tirelo ya tlaeletšo go bašomiši ba ka mehla yeo e fiwago ke mokgatlo wo e sego mong tirelo, mo mokgatlo o fanago ka senamelwa sa wona goba mo

senamelwa se fiwago ke mong tirelo go ya ka kontraka le mokgatlo wo go se na tefelo ya banamedi goba senamelwa;

“dinamelwatša tselengtša go kgabaganya mellwane ya naga e ra dinamelwa tša go kgabaganya mellwane ya boditšhabatšhaba bjalo ka ge go hlalošitšwe ka go Molao wa Dinamelwatša tselengtša go Kgabaganya Mellwane 1998 (Molao Nomoro 4 wa 1998);

“kontraka yeo e thentariwego ga bjale” e ra kontraka yeo e tsenetšwego pele ga go tsenywa tirišong ga Molao wa Bosetšhaba wa go šoma ka tirelo ya dinamelwatša tselengtša batho bohle magareng ga Kgoro ya Bosetšhaba ya tša Dinamelwa le Porofensi ka lehlakoreng le lengwe le mong tirelo ka go le lengwe, yeo a filwego thentara ya go fa tirelo ke Lekgotla la Mmušo la Dithentara goba Lekgotla la Gauteng la Dithentara leo le hlamilwego go ya ka Molao wa Lekgotla la Gauteng la Dithentara, 1994 (Molao Nomoro ya 2 wa 1994) wo o sa bofago, nako ya wona yeo e tlogo fela morago ga go tsenywa tirišong ga Molao wo, mme go akaretša kontraka yeo e bofago magareng ga –

- (a) mong tirelo le Porofensi go Kgoro ya Bosetšhaba ka go bea ditokelo le maswanedi a yona go Porofensi go sa kgathatšege gore taelo yeo e diregile pele goba ka morago ga go tsenywa ga Molao wa Bosetšhaba; goba
- (b) mong tirelo le bolaodi bja dinamelwa, mmasepala goba toropokgolo mo go yona Porofensi, ka morago ga go tsenywa tirišong ga Molao wa Bosetšhaba -
 - (i) e ka bego e laetše ditokelo tša yona le maswanedi; goba
 - (ii) ka mo go ka bago ka gona, e ka bego e laetše gape ditokelo le maswanedi ao a laetšwego go yona ke Kgoro ya Bosetšhaba go ya ka temana ya (a);

“kgoro” e ra kgoro ka go Porofensi yeo e nago le maikarabelo a dinamelwa tša batho bohle;

“pase ya go rwaka ka fase le ka godimo ” e ra senamelwa seo se nago le madulo a go rwala gabedi morwalo wo o sa fetego banamedi ba 110;

“tirelo ya thuto ” e ra tirelo ya ya dinamelwatša tselengtša batho bohle tšeo di bekanyedišwego lenaneo-tshepetsong la go rwala barutwana, baithuti, bana ba sekolo sa mathomo le bahlokamedi magareng ga mafelo a bona a bodulo le dihlangwa tša bona tša thuto le maetong a bona ao a sego lenaneo-tshepetsong go ya le go tšwa mafelong a go ithuta, ao a amanago fela le mediro yeo e lego mabapi le tša thuto, bjalo ka ge go hlalošwa go karolo ya 11;

“Molao wa Gauteng wa nako ya magareng wa Tirelo ya dithekisi tša Mohuta wa Diminipase ” e ra Molao wa Gauteng wa nako ya magareng wa Tirelo ya dithekisi tša Mohuta wa Diminipase, 1997 (Act No. 11 wa 1997);

“Molao wa Gauteng wa Boeti” e ra Molao wa Gauteng wa Boeti , 1998 (Molao Nomoro 18 wa 1998);

“Kasete” e ra Kasete ya Porofensi;

“Mong” e ra mong wa tumelelo yeo e šomago goba laesense yeo e šomago;

“Molao wa Letseno la naga” e ra Molao wa Letseno la Naga, 1962 (Molao Nomoro 58 wa 1962);

“Mohlalobi” e ra mohlalobi yo a beilwego ka tlase ga karolo ya96;

“lenaneo-peakanyo leo le kgomaganego” e ra lenaneo-peakanyo la dinamelwa leo le kgomaganego leo le bolelwago go karolo ya27ya molao wa Bosetšhaba;

“kontraka ya nako ya magareng” e ra kontraka, yeo ga bjale e sego ya thentarišwa, go mošomo wa tirelo yeo e sepetšwago ka lenaneo yeo e thušwago ka ditšhelete, nako ya gona yeo e felago ka morago ga letšatši la go tsenywa tirišong ga Molao wa Bosetšhaba mme e lego –

- (a) yeo e ilego ya tsenelwa pele ga letšatši leo magareng ga Porofensi le Kgoro ya tša Dinamelwa ya Bosetšhaba ka lehlakoreng le lengwe, le mong tirelo yo a swanetšego go šoma ka tirelo yeo ka go le lengwe, mme e sa tlama magareng ga bona goba e tlama fela magareng ga Porofensi le mong tirelo yo; goba
- (b) e a tlama magareng ga mong tirelo le bolaodi bo fe goba bo fe bja dinamelwa, toropokgolo goba mmasepala go ya ka mošomo wa yona, ka morago ga go tsenya tirišong ga Molao wo, wa ditokelo le maswanedi a Porofensi ka tlase ga kontraka yeo e bolelwago go temana ya (a);

“dinamelwa tša go kgabaganya diporofensi” e ra tirelo ya dinamelwa tša batho bohletša tselengtšeo di šomago magareng a doporofensi tše pedi goba e tee;

“dinamelwa tša go kgabaganya porofensi” e ra tirelo ya dinamelwa tša batho bohletša tselengtšeo di kgabaganyago mellwane ya ka gare ga diporofensi;

“limosine” e ra senamelwa sa manobonobo seo se dumeletšwego ke Lekgotla bjalo ka limosine yeo e rwalago banamedi ba bane go iša go ba seswai;

“tirelo ya leeto le le telele” e ra tirelo ya dinamelwa tša batho bohletša tselenggoba seporong tšeo di sepelago ka lenaneo le tšeo di sa sepelego ka lenaneo ntle le tirelo ya go namelwa ka mehla, yeo e fiwago ka ntle ga mellwane ya lefelo leo le akaretšwago ke lenaneo-peakanyo la dinamelwa, mo banamedi ba lefišwagi ka o tee ka o tee;

“tirelo ya dithekisi tša dimitara” e ra tirelo ya dinamelwa tša batho bohletša tselengyeo e šomišago senamelwa seo se diretšwego, goba seo go ya ka molao se fetotšwego ke motlhami yo a ngwadišitšwego ka go ya ka Molao wa Bosetšhaba wa Dinamelwa tša Tsela, go rwala batho bao ba lego ka tlase ga senyane bao ba dutšego, go akaretšwa le motledi, mo senamelwa seo –

- (a) se hwetšagalago go hirišwa ka go emišwa, ka go leletšwa mogala goba ka mokgwa wo mongwe;
- (b) se ka ema boema-thekisi go ka hirišwa; le
- (c) se na le setlabelo sa go meta leeto/metara, seo se šomago gabotse, mabakeng a go bona tefelo.

“bolaodi bja toropokgolwane” bo akaretša mmasepala wa toropokgolwane goba mmasepala wa selete, bjalo ka ge go hlalošitšwe go karolo ya1 sa Mmušo a Selegae: Molao wa Ditho tša Mmasepala, 1998 (Molao wa Nomoro ya 117 wa 1998);

“midipase” e ra senamelwa seo se dirilwego goba seo se seo se diretšwego, goba seo go ya ka molao se fetotšwego ke motlhami yo a ngwadišitšwego ka go ya ka Molao wa Bosetšhaba wa Dinamelwa tša Tsela, go rwala batho ba 19 go ya go ba 35 bao ba dutšego, go akaretšwa le motledi,

“minipase” e ra senamelwa seo se dirilwego goba seo se seo se diretšwego, goba seo go ya ka molao se fetotšwego ke motlhami yo a ngwadišitšwego ka go ya ka Molao wa Bosetšhaba wa Dinamelwa tša Tsela, go rwala batho ba 18 bao ba dutšego, go sa akaretšwe le motledi,

“tirelo ya mohuta wa minipase” e ra tirelo ya dinamelwa tša batho bohletša tselengtšeo di sa sepelego ka lenaneo mme di šoma mo tseleng goba ditseleng tše itšeng, goba mo go kgonegago, ka gare lefelo leo le itšeng, ka senamelwa sa mmotoro, minipase, midipase goba senamelwa seo se diretšwego morwalo wo bofefo;

“mmotoro” e ra mmotoro, ntle le sethuthuthu, mmotoro wa paesekela ya mabilo a mararo goba mmotoro wa paesekela ya mabilo a mane bjalo ka ge go hlalošitšwe ka go Molao wa Bosetšhaba wa Dinamelwa tša Tsela, tšeo diretšwego, goba go ya ka molao di fetotšwego ke motlhami yo a ngwadišitšwego ka go ya ka Molao go rwala batho bao ba sa fetego 8 go sa akaretšwe le motledi,

“senamelwa sa mmotoro” le **“senamelwa”** e ra senamelwa sa mmotoro seo se hlalošitšwego ka go karolo ya 1 ya molao wa Bosetšhaba wa Dinamelwa tša Tsela;

“mmasepala” e ra mebasepala ka moka yeo e bolelwago go karolo ya 155(6) sa Molaotheo, mme lebakeng la legoro la C mmasepala yo a bolelwago go karolo ya 155(1)(c) sa wona, e akaretša mmasepala wa Legoro la B yo a hlalošwago ka go karolo ya 155(1)(b) lefelong la wona;

“Molao wa Bosetšhaba” e ra Molao wa Bosetšhaba wa Dinamelwa tša tseleng, 2000 (Molao wa 22 wa 2000);

“Molao wa Bosetšhaba wa Dinamelwa tša Tsela” e ra Molao wa Bosetšhaba wa Dinamelwa tša Tsela, 1996 (Molao wa 93 wa 1996);

“tirelo yeo e sego kontraka” e ra tirelo ya dinamelwa tša batho bohle tšeo di sepelago fase ntle le tšeo di šomago ka kontraka ya tirelo yeo e se nago thušo ya ditšhelete, kontraka ya tirelo yeo e thušwago ka ditšhelete ka ditšhelete, kontraka ya bjale yeo e thentariwego goba kontraka ya nako ya magareng;

“yo e sego leloko ” e ra motho mang goba mang, e ka ba motho fela, goba motho wa molao, yo e sego leloko la setlamo;

“pase ya go bulega ya go rwala ka tlase le ka godimo” e ra pase ya go bulega ya go rwala ka tlase le ka godimo yeo e diretšwego ka go ikgetha goba go ya ka molao di fetotšwego ke motlhami yo a ngwadišitšwego ka go ya ka Molao wa Bosetšhaba wa Dinamelwa tša Tsela, go šoma ditirelo tša boeti, kadimo/hirišwa mme di latela maemo a polokego ao a beilwego di dumeletšwe ke Lekgotla go šoma mabakeng ao;

“laesense ya tshepetšo” e ra laesense ya go šoma ka dinamelwa tša batho bohle go ya ka karolo ya33ya molao wa Bosetšhaba, yeo e filwego go ya ka Sekgao sa 6;

“mong tirelo” e ra mošoma ka dinamelwa tša batho bohle yo a hlalošitšwego go Molao wa Bosetšhaba, e lego motho yo a swerego kgwebo ya go šoma ka tirelo ya dinamelwa tša batho bohle tšeo di sepelago fase;

“setho sa mmušo” e ra setho sa mmušo seo se hlalošitšwego go karolo ya239 sa Molaotheo;

“tumelelo” e ra tumelo ya senamelwa sa go rwala batho tseleng goba tumelelo ya go swana le yeo yeo e filwego ka tlase ga molao wa pele bjalo ka ge go hlalošitšwe go Molao wa Bosetšhaba, wo o šomišwago ge go tsenywa tirišong molao wo go ya ka karolo ya78ya molao wa Bosetšhaba;

“tlhalošo” e ra go hlalošwa ke molawana;

“Porofensi” e ra Porofensi ya Gauteng;

“Foramo ya Porofensi ya Dinamelwa tša batho bohle” e ra Foramo ya Porofensi ya Dinamelwa tša batho bohle yeo e hlamilwego go ya ka karolo ya85;

“Dinamelwa tša batho bohle tša tseleng” go ya ka karolo ya4, e ra tirelo ya go rwala barho mo tseleng, le ge e ka ba gore titelo e kontrakeng goba aowa, tirelo ke yeo e fiwago ka go e lefela goba ka dikwano tše dingwe goba botho, go akaretšwa tirelo e fe goba e fe yeo e lego—

- (a) tirelo ya tuku-tuku;
- (b) tirelo ya dithekisi tša dimitara;
- (c) tirelo ya mohuta wa minipase;
- (d) tirelo ya mohuta wa pase;
- (e) tirelo ya thuto;
- (f) tirelo ya boeti;
- (g) tirelo ya kadimo/khirišo;
- (h) tirelo ya bašomi;
- (i) tirelo ya botho;
- (j) tirelo ya mohuta wa khoutšu ya lenaneo leo le beakantšwego;
- (k) tirelo ya bofelegetši (shuttle).

“motlhami yo a ngwadišitšwego” e akaretša motlhami, moreka ntle goba moagi wa dinamelwa yo a ngwadišitšwego ka tlase ga karolo ya5ya molao wa Bosetšhaba wa Dinamelwa tša Tsela;

“mongwadiši” e ra Mongwadiši wa Gauteng wa Dinamelwa yo a thwetšwego ka tlase ga karolo ya60;

“tirelo ya lenaneo leo le beakantšwego” e ra tirelo ya dinamelwa tša batho bohle tšeo di sepelago fase tšeo di šomago mo tseleng/ditseleng tše itšeng go ya ka tšhupa mabaka;

“seka treilara” e ra seka treilara bjalo ka ge e hlalošitšwe go karolo ya1 ka go Molao wa Bosetšhaba wa Dinamelwa tša Tsela;

“ditirelo” e ra tirelo ya dinamelwa tša batho bohle tšeo di sepelago fase;

“ditirelo tša phelegetšo” e ra tirelo ya dinamelwa tša batho bohle tšeo di sepelago fase lefelong leo le beetšwego magomo goba ditseleng tšeo di beilwego tšeo di ka beelwago lenaneo ka go nyakega goba tša se beelwe lenaneo, bjalo ka ge go hlalošitšwe go karolo ya17;

“ditirelo tša bašomi” e ra tirelo ya dinamelwa tša batho bohle tšeo di sepelago fase yeo e fiwago ka senamelwa sa mong mošomo goba senamelwa seo se fiwago ke mong tirelo go ya ka kontraka le mong mošomo, ge e šomišetšwa fela go rwala bašomi ba mong mošomo magareng ga mafelo a bona a tulo le mošomo, goba maetong ao a amanago le mošomo mme go sa lefelwe thwii;

“pase yeo e lekanetšego” e ra senamelwa seo e diretšwego go ya ka molao goba se fetotšwego ke motlhami yo a ngwadišitšwego ka go ya ka Molao wa Bosetšhaba wa Dinamelwa tša Tsela, go ka rwala banamedi bao ba dutšego ba 36 go iša go 70 le palo ya banamefi bao ba dutšego yeo e dumeletšwego ka setifikeiti sa maleba sa tsela;

“kontraka ya tirelo yeo e thušwago ka ditšhelete ka ditšhelete” e ra kwano, ntle le kontraka ya nako ya magareng goba kontraka ya bjale yeo e thentariwego, yeo e kwanwego magareng ga Kgoro, bolaodi bja dinamelwa, mmasepala goba toropokgolo ka lehlakoreng le lengwe , le mong tirelo ka go le lengwe, go šoma ka tirelo yeo e beakanyeditšwego lenaneo leo ka lona mong tirelo, go akaretšwa le ditefelo tša leeto tšeo di lefelwago, a hwetšago thušo ya ditšhelete go ya ka kontraka yeo e thentariwego;

“Molao wo” e akaretša melawana;

“Molao wa Boeti” e ra Molao wa Boeti, 1993 (Molao wa 72 wa 1993);

“tirelo ya boeti” e ra tirelo ya dinamelwa tša batho bohle tšeo di sepelago fase ya go rwala baeti go ya le go boa mafelong a kgahlego, mo baeti ba felegetšwago ke mohlahla baeti yo a ngwadišitšwego ka tlase ga karolo ya21ya molao wa Boeti;

“Molao wa Dinamelwa wa Kgoro ya Tshekoleswa” e ra Molao wa Dinamelwa wa Kgoro ya Tshekoleswa, 1998 (Molao wa 39 wa 1998);

“bolaodi bja dinamelwa” e ra bolaodi bjo bo bolelwago go karolo ya10(1)ya molao wa Bosetšhaba;

“setho sa taolo ya laesense ya tshepetšo ya dinamelwa” e ra setho sa taolo ya laesense ya tshepetšo ya dinamelwa yeo e bolelwago go karolo ya34;

“Lenaneo peakanyo la dinamelwa” e ra Lenaneo peakanyo leo le hlalošwago go karolo ya19ya molao wa Bosetšhaba;

“tuku-tuku” e ra senamelwa sa mmotoro wa mabilo a mararo wo o rwalago banamedi ba ka tlase ga bane;

“tirelo ya tuku-tuku” e ra tirelo yeo e sa sepetšwego ka lenaneo ya dinamelwa tša batho bohletša tselengya banamedi bao ba sa fetego ba ba raro, yeo e šomago ditseleng tša toropo tšeo di laotšwego goba ditseleng tšeo di golaganego mo mafelong leo le beilwego, ka lebelo la ka tlase ga dikilomitara tše 45 ka iri bjalo ka ge go hlalošitšwe ka go karolo ya7;

“Dinamelwa tša batho bohletša tselengtšeo di sa dumelelwago” e ra Dinamelwa tša batho bohletša tselengtšeo di sa dumelelwago ke laesense ya tshepetšo goba tumelelo mme di akaretša dinamelwa tšeo di šomišwago ke mong laesense ya tshepetšo goba tumelelo ntle le go ya ka melao le magora a laesense ya tshepetšo goba tumelelo

“tirelo yeo e sa sepetšwego ka lenaneo” e ra tirelo yeo e sa sepetšwego ka lenaneo ya dinamelwa tša batho bohletša tselengyeo e šomago tseleng goba ditseleng tše itšeng, goba mo go kgonegago, ka gare ga lefelo le itšeng, ntle le tšhupa mabaka, mo banamedi ba lefišwago ka o tee ka o tee;

“kontraka ya tirelo yeo e sa thušwego ka ditšhelete” e ra tirelo ya kontraka ya go ikhweletša ditefelo yeo e hlalošwago ka go Molao wa Bosetšhaba, e le kwano yeo e tselwago magareng a bolaodi bjo bo kontrakago le mong tirelo, ka mabaka a gore –

- (a) mong tirelo o tla fana ka tirelo ya dinamelwa tša batho bohle tša tseleng, tšeo di hlalošitšwego ka go lenaneo peakanyo la dinamelwa;
- (b) letseno la mong tirelo le akaretša ditefelo tšeo di lefelwago ke banamedi bao ba rwelwego, mo banamedi ba lefelago tšhelete yeo e kwanetšwego, le tefelomorago yeo a e lefelwago ke bolaodi bjo bo kontrakilego mong tirelo; le
- (c) mong tirelo ga a hwetše thušo ya ditšhelete goba thušo e fe goba e fe ya ditšhelete go tšwa go setho se fe goba se fe sa mafelong a mmušo mme mo mabakeng a temana ye, ditefelomorago tšeo di fiwago mong tirelo ka ditefelo tšeo di kwanelwago di ka se tšewe bjalo ka thušo ya ditšhelete goba mokgwa wo mongwe wa thekgo ya ditšhelete.

KAROLO YA2: DITIRELO TŠA DINAMELWA TŠA TSELENGTŠA BATHO BOHLE

3 Mekgwa ya hlatha ditirelo tša dinamelwa tša tša batho bohle tša go sepela fase tša batho bohle ka go lenaneo peakanyo

- (1) Go swanetše go godiša maano peakanyo go fihlelela mehuta, dinamelwa tšeo di kgokaganego, di fihlelelwago tša batho bao ba nago le bogole, phetogelo le tšweletšo ya dikgwebo tše nnyane le batho bao nakong ya pele ba bego ba hlokišwa dikgoba ka kgethollo yeo e sego maleba.
- (2) Bolaodi bjo bongwe le bjo bongwe, toropokgolo le mmasepala ba swanetše go hwetša le go hlatha ditirelo tša dinamelwa tša tša batho bohletša tselengtša batho bohle tšeo di tlogo hlalošwa ka go lenaneo peakanyo la bona la dinamelwa go ya ka –
 - (a) ditirelo tša dikontraka tšeo di thušwago ka ditšhelete tša ditirelo tšeo di sepetšwago ka lenaneo
 - (b) ditirelo tša dikontraka tšeo di sa thušwego ka ditšhelete tša –
 - (i) ditirelo tšeo di sepetšwago ka lenaneo
 - (ii) ditirelo tšeo di sa sepetšwego ka lenaneo
 - (iii) ditirelo tša lefelo
 - (c) ditirelo tšeo di sego tša kontrakiwa tša –

- (i) ditirelo tšeo di sepetšwago ka lenaneo
 - (ii) ditirelo tšeo di sa sepetšwego ka lenaneo
 - (iii) ditirelo tša lefelo
- tšeo di šomago ntle le thušo ya ditšhelete.
- (3) Motho yo a šomago ka tirelo ya dinamelwa tša batho bohletša tseleng swanetše go –
 - (a) go ba le tumelelo yeo e swanetšego, laesense ya tshepetšo goba tumelelo ya nako ye nngwe;
 - le
 - (b) go ngwadišwa go ya ka Molao wo mo mabakeng a mohuta wa dithekisi tša minipase, dithekisi tša dimitara, ditirelo tša mohuta wa dipase le wa dikhoutšu go ya ka karolo ya69, karolo ya77 le karolo ya81.
 - (4) Mokgatlo o ka se be mong tumelelo goba mong laesense ya tshepetšo.
 - (5) Ke laesense e tee fela yeo e tlogo fiwa go senamelwa se fe goba se fe.

4. Dikefošo

Mo mabakeng a Molao wo, tlhalošo ya "dinamelwa tša batho bohle tšeo di sepelago fase" e lokela go se akaretše tšeo di latelago:

- (a) tshepetšo ya molwetši yeo e dirwago ka ampulense go ya le go tšwa lefelong lefelong leo molwetši a hwetšago kalafo;
- (b) tshepetšo ya batho ka mmotoro bjalo ka sehlopha sa go sepela mmogo, mo leloko le lengwe le le lengwe le nago le nako ya lona ya go sepetša goba go beakanya gore maloko a mngwe a sepetšwe go ya le go tšwa lefelong leo le itšeng mabakeng ao a itšeng le gore ga go na ditefelo thwii goba le ge di se thwii go rwala batho bao.

5 Dikgonišego mabapi le baotledi le dinamelwa

- (1) Molekgotlaphethiši a ka bea melao ya maitshwaro ya baotledi ba dinamelwa tšeo di šomišetšwago mehuta ya go fapana ya ditirelo tša dinamelwa tša tseleng tša batho bohle mme baotledi bao ka mehla ge ba šoma ba swanetše go –
 - (a) hlweka le go apara gabotse
 - (b) se tsube; le
 - (c) gore ba be le tsebo yeo e tletšego ya lefelo leo tirelo e fiwago.
- (2) Karolwana ya (1) se ka se šome go ditirelo tša bašomi mo mabakeng ao a tlogago a sa swanela.
- (3) Molekgotlaphethiši a ka beya dinyakwa tšeo baotledi ba dinamelwa tša tsela tša tirelo ya batho bohle tša gore ba tsenele dithuto tša tlhahlo.
- (4) Lekgotla –
 - (a) le swanetše go kaonafatša mehuta le seemo sa dinamelwa tšeo di swanetšego go šomišwa go ditirelo tša dinamelwa tša tseleng tša batho bohle tše itšeng;
 - (b) goba mohlankedi a ka nyaka gore mokgopedi wa laesense ya tshepetšo a tliše senamelwa gore se lekolwe leswa mo a gononelago gore ga se a lokela tsela, go sa kgathatsege gore setifikeiti sa tsela se šetše se filwe senamelwa seo; mme

- (c) a ka gana go fana ka laesense ya tshepetšo ge e le gore go ya ka kgopolo ya gagwe senamelwa ga se a lokela tsela.
- (5) Dinamelwa tšeo di šomišwago go ditirelo tša dinamelwa tša tseleng tša batho bohle di swanetše go ba di hlwekile ge di tloga lefelong la tšona la go ema, ka gare le ka ntle, go ya ka ditaelo tšhupo tšeo di beilwego, ge e le gore di gona, goba, mabakeng a kontraka, e tla ba ditaelo tšhupo tšeo di hlalošwago ka go kontraka.
- (6) Go tlaeletšo ya dinyakwa tša Molao wa Bosetšhaba wa Dinamelwa tša Tseleng, Dinamelwa tšeo di šomišwago go ditirelo tša dinamelwa tša tseleng tša batho bohle, di swanetše go dula di le seemong seo se lokilego ka gare le ka godimo.
- (7) (a) Senamelwa seo di šomišwago go ditirelo tša dinamelwa tša tseleng tša batho bohle se swanetše go tlabelwa ka bonnyane setlabelo sa go tima mollo se tee seo se se lego seemong seo se šomago, le lepokisi la thušo ya pele leo le nago le ditlabelo tšeo di swanetšego.
- (c) Setlabelo sa go tima mollo le lepokisi la thušo ya pele di swanetše go bewa goba tša kgokeletšwa ka mokgwa wo o laetšwego le lefelo leo le swanetšego ka gare ga senamelwa, mme ditimamollo di swanetše go rekwa leswa nako le nako.
- (6) **Magoro a ditirelo**
- (1) Dilaesense tša tshepetšo tša ditirelo tša dinamelwa tša tseleng tša batho bohle di fiwa go ditirelo tšeo di latelago:
- (a) tirelo ya tuku-tuku yeo e bolelwago go karolo ya7;
 - (b) tirelo ya dithekisi tša dimitara yeo e bolelwago go karolo ya8;
 - (c) tirelo ya mohuta wa minipase yeo e bolelwago go karolo ya9;
 - (d) tirelo ya mohuta wa pase yeo e bolelwago go karolo ya10;
 - (e) tirelo ya thuto yeo e bolelwago go karolo ya11;
 - (f) tirelo ya boeti yeo e bolelwago go karolo ya12;
 - (g) tirelo ya kadimo/khirišo yeo e bolelwago go karolo ya13;
 - (h) tirelo ya bašomi yeo e bolelwago go karolo ya14;
 - (i) tirelo yeo e fihlelelwago ya dinamelwa;
 - (j) tirelo ya bofelegetši (shuttle) yeo e bolelwago go karolo ya17;
 - (k) tirelo ya botho yeo e bolelwago go karolo ya15
 - (l) tirelo ya mohuta wa khoutšu ya lenaneo leo le beakantšwego yeo e bolelwago go karolo ya16;
- (2) Molekgotlaphethiši a ka, ka tsebišo ka gare ga Kasete le ka morago ga go ikopanya le Foramo ya Porofensi ya Dinamelwa tša Tseleng tša Batho Bohle, oketša ditirelo go, fetola goba a tloša ditirelo go maina ao a filwego go karolwana ya (11).
- (3) Magoro a tirelo ao a ngwadilwego go karolwana ya (1) mabapi le melawana yeo e bolelwago go karolo ya3 go lebaka leo le tlogo a bontšhwa go Lenaneotsepetšo la B, mme a lebaka la magareng a bontšhwa go Lenaneotshepetšo la C.

7. Ditirelo ya tuku-tuku

Tirelo ya ruku tuku e ka –

- (a) se rwale banamedi bao ba fetago ba bararo;
- (b) fiwa fela ka senamelwa as tuku-tuku, mo Lekgotla le laelago ka go laesense ya tshepetšo yeo e amegago –
 - (i) tsela ya motse setoropo goba dikgokagano tša ditsela mo go tšona goba lefelo leo ka go lona di tla šomago;
 - (ii) lebelo la ka mafelelo la šoma la dikilomitara tše 45 ka iri.

8. Ditirelo tša dithekisi tša dimitara

- (1) Tirelo ya dithekisi tša dimitara e tla fiwa fela ka mmotoro goba minipase, fela –
 - (a) senamelwa se swanetše go tlabelwa ka mmitara wo o kgomareditšwego wo o šomago ka tshwanelo go ya ka dinyakwa tše di laotšwego, go meta tefelo ya leeto;
 - (b) mo lebakeng la minipase, mohuta le morwalo wa senamelwa di swanetše go dumelelwa ke Lekgotla ka morago ga go ikopanya le mokgatlo wa dithekisi tša dimitara wo o šomago mo lefelong;
 - (c) Lekgotla le swanetše go laola palo ya ka godimo ya batho bao ba ka go rwalwa, yeo e swanetšego go ba ka tlase ga senyane, mme e le yeo e ka bago ka tlase ga morwalo wa senamelwa;
 - (d) Lekgotla le ka bea mafelo ao a hlalošitšwego go tšea banamedi;
 - (e) Mo batho ba go feta ba bane ba rwalwago, senamelwa se swanetše go ba le setlabelo sa mitara seo se arojanwago;
 - (f) Senamelwa se swanetše go ngwalwa ka mo go laetšwego.
- (2) Lekgotla le ka bea bonnyane le bogolo bja ditefelo tša ditirelo tša dithekisi tša dimitara tše di swanetšego go kwalakwatšwa ka go Kasete.
- (3) Molekgotlaphethiši a ka bea lenaneo la maemopeakanyo la ditirelo tša dithekisi tša dimitara mme a dira gore ditshwayo tše di ikgethago di bontšhwe ke maemo ao a fapanego a dithekisi tša dimitara mme mo go dirilwego taelo ye, e swanetše go thoma go laesense ya tshepedišo yeo e amegago.
- (4) Dithekisi tša dimitara di ka tlogela lefelo la tšona la tšhomo leo le beilwego ge –
 - (a) e le gore di rwalwa banamedi bao ba swanago go tšwa le go ya mo ba yago;
 - (b) e le gore thekisi e boela morago e se na selo; goba
 - (c) ba swanetše ba dire bjalo go ya ka kontraka yeo e dumeletšwego ke Lekgotla.
- (5) Go sa kgathatšege karolwana ya (1), thekisi ya dimitara e ka šomišwa ka tefelo yeo e sa laolwego ke mitara ge e le gore tefelo ya leeto leo e kwanetšwe pele ga leeto.

9. Ditirelo tsa mohuta wa minipase

- (1) Ditirelo ya mohuta wa minipase o ka fiwa fela ka mebotoro, diminipase, dimidipase goba dinamelwa tseo di diretšwego go rwala morwalo wo bofefo.
- (2) Laesense yeo e fiwago tirelo ya mohuta wa minipase e swanetše go hlaloša gore tirelo e šoma godimo ga ditsela le dikgokagano, ntle le mabakeng ao a ikgethang ao a dumelelwago ke Molao wo.
- (3) Ditirelo ya mohuta wa minipase ke tirelo yeo e sa sepetšwego ka lenaneo ya dinamelwa tša tsela tša batho bohle ya batho bao ba sa fetego 35 yeo e se nago magora a ditefelo le lenaneo la nako.

10 Ditirelo tša mohuta wa dipase

- (1) Ditirelo tša mohuta wa pase e ka fiwa fela ke diminipase, dimidipase, dipase tša magareng, dikatreilara, dipase tša go rwala ka tlase le ka godimo goba dipase-setimela.
- (2) Mo mabakeng a pase ya go rwala ka tlase le ka godimo goba dipase-setimela, Lekgotla le ka agela tirelo legora ka go laesense ya tshepetšo go mafelo ao a beilwego goba dikgokagano tša tsela.
- (3) Ditirelo tša mohuta wa pase di swanetše go beelwa lenaneo leo le šomago ditseleng tseo di laotšwego goba dikgokagano go ya ka ditefelo tseo di tsebišitšwego le tšhupa mabaka tseo, mo ditirelong tseo di thušwago ka ditšhelete, di swanetšego go dumelelwa ke bolaodi bjo bo lefelago thušo yeo ya tšhelete.

(11) Ditirelo tša thuto

- (1) Ditirelo tša thuto di swanetše go beakanywa ka lenaneo la go iša barutwana, baithuti, bana ba sekolo sa ka tlase le bahlokamedi magareng ga mafelo a bona a bodulo le a thuto, mme di ka akaretša le maeto ao a sa beakanywago go ya le go tšwa lefelong la thuto leo le amegago ge e le gore seo se fela mabapi le mediro yeo e amanago le tša thuto.
- (2) Ditirelo tša thuto di ka fiwa ka mebotoro, diminipase, dimidipase, dipase tša magareng, dikatreilara, dipase tša go rwala ka tlase le ka godimo goba dipase-setimela goba dinamelwa tseo di diretšwego go rwala morwalo wo bofefo.
- (3) Pele go šetšwa kgopelo ya go fana, mpshafatša, phetolo goba go fetetša pele laesense ya tshepetšo ya ditirelo tša thuto, Lekgotla le swanetše go iša kgopelo go sekolo seo se amegago goba mafelo a mangwe a thuto go dira tshwaetšo le ditšhišinyo ka mkgwa wo o beilwego, mme le swanetše go šetša tshwaetšo le ditšhišinyo tseo di amogetšwego.

(12) Ditirelo tša boeti

- (1) Ditirelo tša boeti di swanetše go ba tseo di beeletšwago pele ga nako tseo di direlago boeti bja go ithabiša mo baeti ba felegetšwago ke

mohlahlala leeto yo a ngwadišitšwego ka tlase ga karolo ya 21 ya molao wa Boeti.

- (2) Ga go laesense ya tshepetšo yeo e dumelelago ditirelo tša boeti yeo e tla fiwago ntle le ge Lekgotla le hweditše e bile le etše hloko ditšhišinyo go tšwa go bolaodi bja boeti bjo bo amogelwago ke Molekgotlaphethiši, fela Lekgotla le no tšwela pele ntle le ditšhišinyo tšeo ge bolaodi bjo bo sa fana ka tšona ka nako yeo e beilwego mo kgopelong ya Lekgotla.
- (3) Ge go fiwa laesense ya tshepetšo ya ditirelo tša boeti, Lekgotla le ka bea ditaello tša gore senamelwa se swanetše go ba le setlabelo sa mmino, taolo ya moya, ditlabelo tša boapeelo goba ditlabelo tše dingwe tše di laelwago ke Lekgotla, goba ntlwana ya boithomelo ge diripana tša maeto di feta dikilomitara tše 200, goba ditaello tše dingwe.
- (4) Lekgotla le ka bea palo ya ka godimo ya banamedi bao ba ka rwalwago ke senamelwa seo se šomišwago go tirelo ya boeti, go sa kgathatšege gore senamelwa se ka rwala go feta fao.
- (5) Mo go lebanego, Lekgotla le ka hlatha mafelo le ditsela tša tshepetšo ya tirelo ya boeti.
- (6) Motledi wa senamelwa seo se šomišetšwago ditirelo tša boeti o swanetše gore ka dinako tšohle ge ditirelo yeo di phethagatšwa a obamele dinyakwa tšeo di beilwego ke molaotlhakwa wa boeti bjalo ka ge o hlalošitšwe.
- (7) Ditirelo tša boeti ga di a swanelwa ke go fiwa ka dipase-setimela.

(13) Ditirelo tše dingwe

- (1) Ditirelo tša khirišo/kadimo di tla fiwa fela mo batho ba išwago lefelong le tee, lefelong leo e lego gore letšatši le nako ya go tloga di beilwe pele ke motho goba mokgatlo wo o beeletšago leeto.
- (2) Ditirelo tša khirišo/kadimo di ka se fiwe ka dituku-tuku.

(14) Ditirelo tša bašomi

Ditirelo tša bašomi di ka fiwa ka go šomiša dinamelwa tšeo di dumeletšwego ke Lekgotla, go sa akaretšwe tuku-tuku, ge laesense ya tshepetšo yeo e dumeletšego tirelo tša bašomi e bontšha gore tirelo e godimo ga ditsela le dikgokagano goba e ka gare ga magora a lefelo.

(15) Ditirelo tša botho

Ditirelo tša botho di ka se fiwe ka pase ya go rwala ka tlase le ka godimo goba pase-setimela.

(16) Ditirelo tša mohuta wa khoutšu

- (1) Tirelo ya mohuta wa khoutšu e ka fiwa fela ka khoutšu fela –
 - (a) madulo a swanetše go fiwa banamedi ka moka ;

- (b) senamelwa se swanetše go tlabelwa ka ntlwana ya boithomelo ge banamedi ba tlike go sepetšwa diripana tša maeto tšeo di fetago dikilomitara tše 200;
- (c) tirelo e swanetše go šoma ka lenaneopeakanyo mo ditseleng tšeo di beilwego pele ga nako le ditefelo tšeo di beilwego pele ga leeto.
- (d) Lekgotla le ka laela dinyakwa tša koketšo go dikhoutšu.

(17) Ditirelo tša bofelegetši (shuttle)

- (1) Tirelo ya bofelegetši e ka fiwa fela ka limosini, mmotoro, minipase, midipase, pase ya magareng, pase ya go rwala ka tlase le ka godimo goba khoutšu.
- (2) Ditirelo ya bofelegetši di swanetše go akaretša tefelo yeo e beilwego pele tsela ka tsela tšeo di kwalakwatšwago go ya ka mo go dumeletšwego ke Lekgotla.
- (3) Lekgotla le ka bea palo ya ka godimo ya banamedi bao ba ka rwalwago ke senamelwa seo se šomišetšwago ditirelo tša bofelegetši go sa kgathatšege gore senamelwa se ka rwala go feta fao.
- (4) Letona le swanetše go fa taela go tirelo ya bofelegetši –
 - (a) lefelo leo le beetšwego magora le ditsela tšeo di sa fetolwego mo ditirelo tša bofelegetši di šomago gona ;le
 - (b) gore tirelo ga e latele lenaneotshepetšo ge e nyakega goba e a le latela.
 - (c)

(18) Magoro a dinamelwa

- (1) Mehuta yeo e latelago ya dinamelwa e ka šomišwa go ditirelo tša tseleng tša batho bohle, fela go fihla mo go itšeng le ka mokgwa wo go bontšhitšwego go Lenaneotshepetšo la A goba ka mokgwa wo go hlalošwago go karolo ya7 go ya go 17;
 - (a) tuku-tuku;
 - (b) limosini;
 - (c) mebotoro;
 - (d) diminipase;
 - (e) dimidipase;
 - (f) dipase tša magareng;
 - (g) dipase tša go rwala ka tlase le ka godimo;
 - (h) dipase-setimela;
 - (i) dinamelwa tšeo di diretšwego morwalo wo bofefe;
 - (j) dika-treilara;
 - (k) dikhoutšu;
- (2) Molekgotlaphethiši a ka re ka go Kasete le ka morago ga go ikopanya le Foramo ya Porofensi ya Dinamelwa tša Batho Bohle, a tlaleletša , a fetola, a tloša dinamelwa go letlakala leo le hlalošitšwego go seripana a sa (1).
- (3) Magoro a dinamelwa mabapi le mehuta ya ditirelo a bontšhwa go karolo yaA.

- (4) Senamelwa seo se diretšwego morwalo wo bofefo se ka dirišwa go tirelo ya dinamelwa tša tsela tša batho bohle ge e le gore se diretšwe go rwala morwalo wo bofefo.

KAROLO YA3: MATLA LE MEŠOMO YA MOLEKGOTLAPHETHIŠI LE MMASEPALA

19 Matla a Molekgotlaphethiši

Ntle le matla ao a boletšwego go gongwe ka mo Molaong wo, le ka go Molao wa Bosetšhaba, Molekgotlaphethiši a ka re, ka go ikopanya le Molekgotlaphethiši wa tša Ditšhelete –

- (a) a lefela dinyakišišo ka ga ditirelo tša dinamelwa tša tsela tša batho bohle;
- (b) a lefela go diragatša diteko tša diporotšeke ka ga ditirelo tšeo;
- (c) a fana ka tshedimošo ka ga ditirelo tšeo ka go šomiša ba ditaba, seyalemoya, thelebišene goba ba tša ditaba ba bangwe;
- (d) a thuša mebasepala yeo e se nago bašomi bao ba swanetšego goba bokgoni go diragatša mešomo yeo ba e filwego ka tlase ga Molao wo;
- (e) a lefela hlahlo ya bašoma ka dinamelwa, baotledi le balaodi ba ditirelo tšeo;
- (f) a fa tlhahlo go mekgatlo goba dihlopha tša batho bao ba šomago go godiša dinamelwa tša tseleng tša batho bohle;
- (g) a tsenela dikwano le diporofensi tše dingwe mabapi le mesepele ya go kgabaganya diporofensi ya dinamelwa tša ditirelo tša dinamelwa tša tsela tša batho bohle le merero yeo e sepelelanago le seo.

20 Mešomo ya Molekgotlaphethiši

Molekgotlaphethiši o swanetše go -

- (a) bea leihlo molaotshepetšo wa tirelo ya dinamelwa tša tsela tša batho bohle tša porofensi, a dire dinyakišišo ka ga merero yeo e hlagago go tiragatšo ya molaotshepetšo mme a dira diphethogo tšeo di swanetšego tša molaotshepetšo;
- (b) godiša le go hlohleletša tirišo yeo e oketšegilego ya dinamelwa tša tsela tša batho bohle mo Porofensing;
- (c) tšea magato ao a swanetšego go godiša tšhomišanommogo magareng ga bolaodi bja dinamelwa le Porofensi, e le go efoga poeletšo ya mošomo;
- (d) hlohleletša maitshwaro ao a šomegago a kgwebo ka lehlakoreng la beng tirelo mo tselong ya bona ya dinamelwa tša tsela tša batho bohle, le go hlohleletša phadišano ya go thentara ka dikontraka le ditumelelo;
- (e) mo Molao o nyakago poledišano le botšea karolo bja setšhaba pele go tšewa sephetho se fe goba se fe goba go diragatša tiro e fe goba e fe ya semmušo, goba go bea lenaneotshepetšo leo le swanetšego go latelwa mabapi le so;

- (f) leka go netefatša gore ditšhelete tšeo di fiwago ke Porofensi le bolaodi bja dinamelwa go dinamelwa tša tsela tša batho bohle di šomišwa ka mokgwa wa mohola, ka go seketša, ka go lekalekana le pepeneneng;
- (g) hlohleletša tšweletšo ya dinamelwa tša batho ka mokgwa wo o –
 - (I) elago hloko maswao a bosetšhaba le a boditšhabatšhaba le tiragatšo ye kaone;
 - (II) tšwetšago pele, ka gare ga maikemišetšo kakaretšo a dinamelwa tša tsela, le polokego ya banamedi;
 - (III) hlohleletša maitshwaro ao a šomegago a phadišano ya kgwebo mo tironfng ya dinamelwa tša tsela tša batho bohle;
 - (IV) tšewtša pele matla a go šoma ka makgethe le go fokotša kgatelelo ye mpe ya tikologo;
- (h) godiša dinamelwa tša tsela tša batho bohle e le go fihlelela –
 - (i) kgonagalo ya go phethagatša dinyakwa;
 - (ii) kgonagalo ya go šomiša methopo;
 - (iii) tirelo yeo e fihlelelwago e bile e le ya boleng bja godimo, le ditlabelomotho (infrastructure) tšeo di lego ka theko yeo e amogegago; le
 - (iv) tshepetšo ya polokego ya banamedi le bašomiši ba bangwe ba tsela;
- (j) kgonagatša tshepelelano le kgohlagano ka gare le magareng ga mehuta ya dinamelwa tša batho bohle tša tsela le go godiša phihlelelo le bonolo le go fokotša nako ya maeto.

21 Melawana

- (1) Molekgotlaphethiši a ka bea melawana yeo e hlalošago–
 - (a) tshedimošo yeo e swanetšego go tlišwa le kgopelo ya go fiwa, mpshafatša, phetolo goba phetetšo pele ya laesense ya tshepetšo;
 - (b) mokgwa le sebopego tšeo ka tšona dikgopelo tša dilaesense tša tshepetšo di swanetšego go dirwa;
 - (c) lenaneotshepetšo leo le swanetšego go latelwa ke setho sa taolo ya dilaesense tša tshepetšo le Lekgotla ge go šongwa ka kgopelo;
 - (d) tshedimošo yeo e swanetšego go tlišwa go kgopelo ya tshekoleswa ka go Lekgotla la Tshekoleswa kgahlanong le tiragalo, tšhupotaelo goba sephetho sa Lekgotla goba Mongwadiši;
 - (e) tshedimošo yeo e swanetšego go tlišwa ke Lekgotla goba Mongwadiši go Lekgotla la Tshekoleswa goba mmelaedi mabapi le tshekoleswa, mokgwa le nako yeo ka yona tshedimošo e swanetšego go tlišwa;
 - (f) lenaneotshepetšo leo le swanetšego go latelwa ke Lekgotla la Tshekoleswa ge go šongwa ka tshekoleswa;
 - (g) melato yeo Lekgotla le swanetšego go e ela hloko ge go elwa dikgopelo hloko tša laesense ya tshepetšo ka tlase ga karolo ya38;
 - (h) go fa dinomoro tša ditsela le go abelana seo go mekgatlo yeo e itšeng goba beng tirelo, le sebopego le go fa maswao a boitšhupo mabapi le seo;
 - (i) melao ya go šoma ka tirelo ya thuto;
 - (j) mananeotshepetšo a go rarolla dikgagano le bolamodi magareng ga mekgatlo le beng ditirelo;

- (k) lenaneo la maemo la beng ditirelo le baotledi bao ba amanago le ditirelo tša dinamelwa tša tsela tša batho bohle;
- (l) mekgwa le maemo a ditirelo tša dinamelwa tša tsela tša batho bohle mo Porofensing;
- (m) peakanyo, poeletšo, tokišo go ya ka dinako le tiragatšo ya leanotshepetšo la dinamelwa, godimo ga melawana le dinyakwa tšeo di beilwego ka tlase ga Molao wa Bosetšhaba;
- (n) kgonegišo le molawana wa tšhomišo ya ditlabelo tša dinamelwa tša tsela tša batho bohle mo Porofensing;
- (o) dinyakwa mabapi le –
 - (i) tshedimošo ka ga dinamelwa tša tsela tša batho bohle;
 - (ii) tshekong ya melato ya setšhaba le botšeakarolo bja setšhaba go leanopeakanyo la dinamelwa tša tsela tša batho bohle le tlhamo ya molaotshepetšo;
 - (iii) go sekaseka tiragatšo mošomo ka ga tšwelopele ya bolaodi bja dinamelwa, ditopo thwii le mebasepala go diragatšeng molaotshepetšo wa dinamelwa tša tsela tša batho bohle;
- (p) ditlamorago tša go se obamele magomo a nako ao a beilwego ka tlase ga Molao wo;
- (q) ditlhalošo le dinyakwa tšeo di swanetšego go obamelwa ke senamelwa seo se šomišwago go dinamelwa tša tsela tša batho bohle; go tee le tšeo di beilwego ke molaotlhakwa wa dinamelwa tša tseleng;
- (r) direkoto tšeo di swanetšego go lotwa ke motho yo a amanago tša dinamelwa tša tsela tša batho bohle le dipegotšhomo (returns) le tshedimošo yeo e swanetšego go tlišwa ke motho yo go Lekgotla goba go motho yo mongwe goba sehlangwa;
- (s) tšhelete le tšhelete ya go thuša tiro (allowance) yeo e lefelwago motho yo a nyakegago go iponatša pele ga Lekgotla goba Mongwadiši go fa bohlatse goba go tliša buka, leanotshepetšo goba ditokomane tše dingwe le ditlabelo;
- (t) melawana mabapi le polokego le šebešebe ya banamedi go dinamelwa tša tsela tša batho bohle le merero yeo e amanago le seo;
- (u) mokwa le sebopego sa leswao leo le bontšhago, boitsebišo, laesense ya tshepetšo, tsebišo goba tokomane ye nngwe yeo e filwego goba e nyakegago go ya ka Molao wo, go akaretšwa mokgwa, sebopego, bogolo le mmala wa, le tshedimošo yeo e swanetšego goba ka gare ga, ditokomane tšeo, goba go fa Lekgotla matla goba Mongwadiši go dira sebopego sa tšona;
- (v) mokwa wo ka wona leswao la boipontšho, boitsebišo, laesense ya tshepetšo le sebopego sa leswao leo le bontšhago, boitsebišo, laesense ya tshepetšo, tsebišo goba tokomane ye nngwe go sengwalwa tšeo di nyakegago go bontšhwa goba go rwalwa ka gare ga mmotoro go ya ka Molao wo, goba lebaka leo le beilwego ka tlase ga seo, di swanetše go bontšhwa goba go swarwa, ka seemo sa gona mo go, goba ka gare ga mmotoro;
- (w) melawana ya tshepetšo yeo e bolokegilego ya dinamelwa tšeo di šomišwago go dinamelwa tša tseleng tša batho bohle;
- (x) sebopego sa ditifikeiti tša ngwadišo tša beng tirelo le mekgatlo ya bona;

- (y) mehuta ya dinamelwa tšeo di ka šomišwago go mehuta yeo e fapanego ya dinamelwa tša tseleng tša batho bohle;
- (z) palo ye nnyane ya maloko ao mekgatlo e swanetšego go ba le yona gore ba kgone go lokelwa go ngwadišwa;
- (aa) lebaka ye nnyane leo ka lona mokgatlo o swanetšego go ba o le gona gore ba kgone go lokelwa go ngwadišwa;
- (bb) dinyakwa tše dingwe tša tlaletšo tšeo mokgatlo o swanetšego go di obamela gore ba kgone go lokelwa go ngwadišwa;
- (cc) go bea mokgwa wa dinyakišišo go ditatofatšo tša maitshwaromabe ka mekgatlo yeo e ngwadišitšwego, maloko goba bao e sego maloko;
- (dd) mokgwa wo ka wona mokgatlo goba yo e sego leloko ba swanetšego go dira kgopelo ya ngwadišo, foromo yeo kgopelo e swanetšego go dirwa, ditefelo tšeo di lefelwago go Mongwadiši tša kgopelo le ditefelo tša ngwaga ka ngwaga tšeo mokgatlo goba yo e sego leloko ba swanetšego go di lefela;
- (ee) kgontšho ya tlhahlo ya banamedi goba beng tirelo ya ditirelo tša dinamelwa tša tseleng tša batho bohle;
- (ff) tshepetšo ya barutwana le baithuti;
- (gg) boleloko le mešomo ya dikomiti tša dikgokagano tša dithekisi tša selegae seo se bolelwago go karolo ya91 goba diforamo tša dikgokagano tša selegae tšeo di bolelwago go karolo ya92, le lenaneotshepetšo la, le dinakokgafetša tša dikopano tša bona;
- (hh) dinyakwa le maemo a dimitara tšeo di swanetšego go tsenywa mo dithekising tša dimitara;
- (ii) tšhelete yeo e lefelwago ngwaga ka ngwaga ke beng tumelelo goba dilaesense tša tshepetšo tšeo di dumeletšwego go feta ngwaga;
- (jj) morero wo mongwe le wo mongwe wo o tla godišago malebiša a Molao wo.

- (2) Molekgotlaphethiši a ka dira melawana yeo e nyakago tefelo ya tšhelete ya –
- (a) kgopelo ya go fiwa, mpshafatšo, phetolo goba phetetšo pele ya laesense ya tshepetšo;
 - (b) tshekoleswa go Lekgotla la Tshekoleswa kgahlanong le tiragalo, tšhupotaelo goba sephetho sa Lekgotla;
 - (c) go fiwa ga leswao la boitšhupo ke setho sa taolo ya dilaesense tša tshepetšo ya dinamelwa goba tokomane ye nngwe goba kgatišo ya yona.

Le go bea tekanyo ya tšhelete, mabaka ao ka tlase ga wona tšhelete yeo e lefelwago e tla lobja goba ya lefelwa morago ka moka ga yona goba karolo yayona, tšhelete yeo e tlogo lefelwa ka seripa le mabaka ao ka wona tšhelete yeo e tlogo lefelwa morago ka seripa, ka moka goba ya lobja, e tla ba ka sephetho sa Lekgotla goba Lekgotla la Tshekoleswa.

- (3) Molekgotlaphethiši a ka dira Molaotheo wa Maemo a Bonnyane wa mang le mang wa mekgatlo le Molao wa Maitshwaro wa bao e sego maloko, mme a ka dira melawana ye mengwe yeo e laolago mokgwa wo ka wona –
- (a) mokgatlo wo o ngwadišitšwego le maloko a wona ba swanetšego go sepetša merero ya bona;

- (b) yo e sego leloko mme a ngwadišitšwe o swanetše go sepetša kgwebo ya gagwe.
- (4) Melawana ya go fapana yeo e dirilwego ka tlase ga seripa se, e ka dirišwa mo mafelong ao a fapanego a Gauteng le go mekgatlo ye meswa go sa swane le mekgatlo ya kgale.
- (5) Melawana yeo e akanywago mo seripeng se goba seripa se fe goba se fe sa Molao wo e tla kgontšha gore motho yo a tshelago dikgonegišo tšeo goba yo a palelwago ke go obamela seo, o tla bonwa molato mme ge a golegilwe o tla swanelwa ke kotlo goba kgolego yeo e sa fetego dikgwedi tše tshelago.
- (6) Molawana o fe goba o fe wo o dirilwego go ya ka molao wo o phumutšwego goba o phaetšwego thoko ke Molao wo mme o be o šoma pelenyana ga go tsenywa tirišong ga Molao wo, mabapi le merero yeo go yona Molekgotlaphethiši a kgonago go dira melawana go ya ka seripa se, e tšewa maikemišetšong a Molao wo, bjalo ka melawana yeo e dirilwego go ya ka seripa se go fihlela Molekgotlaphethiši a dira molawana wa go ntšha wo ka tlase ga seripa se.

22 Melao ya ka thoko

- (1) Bolaodi bja Toropokgolwane bo ka re go ya ka leanotshepetšo leo le kgohlaganego bja –
- (a) laola bogolo le palo ya dinamelwa tšeo di šomišwago go ditirelo tša dinamelwa tša batho bohle tša tsela tšeo di ka tsenago go lefelo le itšeng la lefelo la bjona la bolaodi mme bja bea nako goba dinako gore dinamelwa tšeo di ka tsena neng lefelong leo;
- (b) laola goba bja ganetša tseno ya senamelwa seo mo go lefelo leo le beilwego nakong yeo e beilwego;
- (c) thibela go nametša le go fološa banamedi ke senamelwa seo mo lefelong leo le beilwego nakong yeo e beilwego; le go bea nako goba dinako tša gore go ka nametšwa neng mme gwa fološwa neng.
- (2) Mmasepala a ka dira melao ya ka thoko go diragatša malebiša a Molao wo ao a sego kgahlanong le Molao wo goba melawana yeo e dirilwego ka tlase ga wona, go akaretšwa, fela go sa beelwe mapheko go –
- (a) go fa dinomoro tša ditsela le go abelana seo go mekgatlo yeo e itšeng goba beng tirelo, bao ba šomago ka ditirelo tša dinamelwa tša batho bohle tša tsela le sebopego le go fa maswao a boitšhupo mabapi le seo;
- (b) kabelo ya didirišwa go beng tirelo goba mekgatlo le ditefelo mabapi le seo;
- (c) Go thwalwa le maitshwaro a bathuši ba boema dinamelwa;
- (d) Maitshwaro a baotledi ba dinamelwa tšeo di šomago ka ditirelo tša dinamelwa tša tsela tša batho bohle, ao a ka akaretšago tšhupo le go letša phalammotoro (hooting) go bitša banamedi.
- (3) Mmasepela a ka tsenela dikwano le batho goba dihangwa mabapi le kabelo ya tšhomišo ya didirišwa tša ditirelo tša dinamelwa tša tsela tša batho bohle tšeo di lego dithotong tša poraebete, go ya ka melawana le

ditšhupatshepetšo tšeo di beilwego ke Molekgotlaphethiši, ge e le gore kabelo goba tšhomišo di mabapi le leanotshepetšo la dinamelwa.

23. Dinyakwa tša tshedimošo le lenaneo la go bega

Molekgotlaphethiši -

- (a) o swanetše go swarelela go lenaneo la tshedimošo le pegelo la dinamelwa tša tsela tša batho bohle ka tšhomišano le mebasepala le bolaodi bja dinamelwa go kgoboketša tshedimošo yeo e lego mabapi le Molao wo goba ya bosetšhaba goba ya molaotshepetšo wa porofensi wa naga;
- (b) a ka swara ditekanyetšo goba ditumelelo tša mmasepala goba bolaodi bja dinamelwa go tloga go letšatši leo le tla bewago ke yena, go fihlela bolaodi bo obamela dinyakwa tša go bega tšeo di hlalošwago go temana ya (a);
- (c) o swanetše go kwalakwatša dinyakwa le melawana yeo e hlalošago lenaneo leo le bolelwago go temana ya (a) mo go Kasete;
- (d) a ka kgoboketša tshedimošo mabapi le dinamelwa tša tsela tša batho bohle mme a e hlagiša gore bao ba nago le kgahlego ba e fihlelele le go fetiša tshedimošo mabapi le dinamelwa ka go šomiša babega ditaba, seyalemoya, thelebišene goba ba bangwe ba ditaba.

24. Taelo ya mošomo

Molekgotlaphethiši a ka laela mošomo goba a fa matla goba maikarabelo ao a beilwego go yena go mohlankedi ka go Lefapha, ntle le matla a go dira melawana, mme a ka nna a tšea taelo yeo le maikarabelo ao nakong ye nngwe le ye nngwe.

KAROLO YA4: LEANOTSHEPETŠO LA DINAMELWA TŠA TSELA TŠA BATHO BOHLE

25. Mekgwa ya leanotshepetšo la dinamelwa tša tsela tša batho bohle

Mekgwa yeo e latelago ya e tla dirišwa go maitekelo a Porofensi go leanotshepetšo la dinamelwa tša tsela tša batho bohle:

- (a) leanotshepetšo leo le kgohlaganego leo le kwešišagalago le swanetše go diragatšwa ka gare ga ponelopele ya tšweletšo yeo e kopanyago dinamelwa leanopeakanyo la naga;
- (b) leanotshepetšo la dinamelwa le swanetše go hlaola mehuta yeo e ka šomišwago;
- (c) le ge e le gore bolaodi bja dinamelwa bo ka se bafana ka tirelo ya ditimela mo lebakeng le le kopana le le le telele, merero ya ditimela e swanetše go tseneletšwa ka botlalo go leanotshepetšo la dinamelwa leo le kgohlaganego ka go ikopanya le bafana ka ditirelo tša ditimela;
- (d) ditlankana tša go fetišwa le mekgwa ye mengwe ya go swana le yeo di swanetše go dirišwa go fokotša nako ya leeto le go nolofaletša banamedi;

- (e) leanotshepetšo la dinamelwa la maleba le swanetše go bontšha gore ke magato a fe ao a ikgethileng ao a swanetšego goba ao a tlogo tšewa go nolofaletša bao ba nago le dinyakwa tša go ikgetha, bjalo ka batho bao ba nago le bogole.

26. Leanotshepetšo la dinamelwa tša batho bohle

- (1) Ge go beakanywa leanotshepetšo la dinamelwa tša batho bohle go ya ka karolo ya 26 ya molao wa Bosetšhaba, tšeo di latelago, magareng ga tše dingwe, di swanetše go elwa hloko:
- dikontraka ka moka tšeo di amegago;
 - ditsela tšeo di šomišwago ke ditirelo tšeo di thušwago ka ditšhelete le tšeo di sa thušwego ka ditšhelete.
- (2) leanopeakanyo la go swana le leo le swanetše go dirwa godimo ga tšeo di latelago, magareng ga tše dingwe:
- ditsela tšeo di bontšhwago ka botlalo gore di latela ditsela tše itšeng goba diterata, tšeo di sa swanego le ditsela tša go tšwa lefelong le, le go ya go lela;
 - tšhupamabaka ya ditirelo tše di beetšwego lenaneo;
 - morwalo wo o lego ditseleng tšeo;
 - dinyakwa tša banamedi ba tsela yeo;
- mme le swanetše go akaretša mehuta ya ditirelo tšeo di badilwego go karolo ya 6 bjalo ka ge go ka bewa.
- (3) leanopeakanyo leo le swanetše go ba le tshedimošo yeo e beilwego ke molawana goba ke molaotlhakwa wa bosetšhaba goba wa porofensi.
- (4) leanopeakanyo leo le swanetše go ba le tshedimošo yeo e kgontšhago bolaodi bja dinamelwa go bona tlhokego le dinyakwa tša ditirelo tseleng ye nngwe le ye nngwe mo go fanwago ka ditirelo tša dinamelwa tša tseleng tša batho bohle.
- (5) Mo nakong ya go beakanya leano leo, bolaodi bja dinamelwa bo swanetše go diriša lenaneotshepetšo la go ikopanya le setšhaba leo le beilwego mme bo swanetše go fa batho bao ba nago le kgahlego nako yeo e kgotsofatšago go fa ditshwaetšo le go ikemela mererong ya dipeakanyo tšeo di ka amago dikgahlego tša bona.

27. Mešomo ya bolaodi bja dinamelwa, ditoropokgolo le mebasepala mabapi le leanotshepetšo

- (1) Bolaodi bjo bongwe le bjo bongwe bja dinamelwa bo swanetše go tsenela kontraka le beng ditirelo ba ditirelo ka ga ditsela ka gare ga lefelo la bjona la taolo go ditirelo tšeo di hlalošwago go molaotshepetšo wa porofensi le bosetšhaba.
- (2) Mo go nago le tlhokego ya ditirelo tša tlaleletšo mo tseleng yeo e sego ya, e ka se fiwego ditirelo go ya ka kontraka, bolaodi bo swanetše go kgopela Lekgotla dilaesense tša tshepedišo tša ditirelo tšeo go elwa hloko leanotshepetšo la dinamelwa go ya ka karolo ya 38.
- (3) Bolaodi bja dinamelwa, ditoropokgolo le mebasepala ba swanetše go netefatša, go ya ka mo go ka kgonegago, ka ditšhišinyo tša maleba go Lekgotla, gore go fana ka dilaesense tša tshepetšo go dirwa ka mokgwa wo e lego gore banamedi mo ditseleng tšeo di amegago ba fiwa dinamelwa, go

ya ka go ba gona ga tšhelete, le gore go fana ka ditirelo tšeo di feteletšego go a efošwa.

- (4) Mo leanotshepetšo la dinamelwa le bontšhago pheteletšo ya ditirelo tseleng, bolaodi bja dinamelwa bo swanetše go –
 - (a) go se dumelele go ba gona ga dikgopelo tša dilaesense tša tshepetšo mo tseleng yeo;
 - (b) kgopela Lekgotla ka go ngwala go se fane ka dilaesense tša tshepetšo, goba go fetola dilaesense tša tshepetšo e fe goba e fe go dumelela ditirelo tša koketšo mo tseleng; le
 - (c) go tšea magato ao a šomago ka magato a semolao goba ka go gogela morago dilaesense tša tshepetšo tšeo di feteletšego go ya ka karolo ya51ya molao wa Bosetšhaba wo o balwago le Molao wo, goba ka mekgwa ye mengwe yeo e beilwego go tliša phetelelo ya tirelo sekeng go bapetšwa le tihokego.
- (5) Ge go beakanywa ditirelo tša kontraka, bolaodi bo swanetše go ela hloko ditsela ka moka ga tšona, seo se ra gore go elwe hloko ditirelo tšeo di hwetšago thušo ya ditšhelete le tšeo di sa hwetšego thušo ya ditšhelete mme go swanetše gore mo go swanetšego go fiwe dikontraka tšeo di kopantšhago dikontraka tšeo di hwetšago thušo ya ditšhelete le tšeo di sa hwetšego thušo ya ditšhelete.

28. Merero ya lebaka la phetogelo mabapi le leanotshepetšo

- (1) Leanotshepetšo la dinamelwa leo le dumeletšwego ka tlase ga 6(1) ya Molao wa Dinamelwa tša Motsesetoropo, 1977 (Molao wa Nomoro ya 78 wa 1977) le leanotshepetšo la dinamelwa le lengwe le le lengwe la retšene leo le thadilwego ke khansela ya ditirelo tša retšene go ya ka Molao wa Dikhansela tša Ditirelo tša Retšene, 1985 (Molao wa Nomoro ya 109 wa 1985) o tla dula o šomišwa go fihlela o fetolwa goba o tlošwa ka o mongwe ke leanotshepetšo la dinamelwa leo le amegago ka tlase ga Molao wa Bosetšhaba.
- (2) Rekhoto e fe goba e fe ya dinamelwa yeo e beakantšwego go ya ka karolo ya3ya molao wa Lebaka la Magareng wa Bosetšhaba wa Dipeakanyo tša Dinamelwa tša Tsela, 1998 (Molao wa Nomoro ya 45 wa 1998) e tla tšewa go ba rekhoto yeo e nyakegago go karolo ya23ya molao wa Bosetšhaba.
- (3) Mabakeng a dipeakanyo tšeo di šomago tšeo di lego go karolwana ya (1), Molekgotlaphethiši a ka re ka kwano a fa maikarabelo go bolaodi bjo bo itšego bja dinamelwa goba mebasepala ka tsebišo ka gare ga Kasete.
- (4) Mo e lego gore nakong ya ge Molao wo o tsenywa tirišong, Porofensi e be e dira leanotshepetšo la dinamelwa tša bohle, ntle le ditirelo tšeo di bolelwago go karolo ya20(4)ya molao wa Bosetšhaba, tšeo go ya ka Molaotheo di swanetše go dirwa ke mmasepala, Molekgotlaphethiši le bolaodi bja peakanyo bjo bo amegago ba swanetše go dira dipeakanyo tša neelano ya mediro ya leanopeakanyo go bolaodi bja peakanyo bjo bo amegago.

KAROLO YA 5: LEKGOTLA LA GAUTENG LA DILAESENSE TŠA TSHEPETŠO YA DINAMELWA

29. Tihamo le boleloko la Lekgotla la Gauteng la Dilaesense tša Tshepetšo ya Dinamelwa

- (1) Leina la Lekgotla la Gauteng la Ditumelelo leo le tihamilwego ka tlase ga karolo ya 2 ya molao wa Lebaka la Magareng wa Gauteng wa Dinamelwa tša Tsleng, 1998 (Molao wa Nomoro ya 2 wa 1998) o fetošeditšwe go Lekgotla la Gauteng la Dilaesense tša Tshepetšo ya Dinamelwa mme e swanetše go ba Lekgotla leo le bolelwago go karolo ya 30(1) ya molao wa Bosetšhaba.
- (2) Lekgotla le swanetše go ba le modulasetulo le palo ye nngwe ya maloko ao a kgethwago ke Molekgotlaphethiši, bao e tla bago batho bao ba nago le boitemogelo bjo botelele bja, mme ba kile ba bontsha bokgoni ka go merero ya , tša dinamelwa tša batho bohle, tša diintaseteri, kgwebo, ditšhelete le merero ya tša molao goba mo go šomeng ka ga merero ya setšhaba.
- (3) Maloko a Lekgotla la Gauteng la Ditumelelo ao a thwetšwego pele ga go tsenya tirišong ga Molao wo, ba tla tšwela pele ka mošomo bjalo ka maloko a Lekgotla go fihlela lebaka la thwalo ya bona le fela, ntle le ge Molekgotlaphethiši a fediša thwalo ya bona pele ga fao.
- (4)
 - (a) Pele ga go thwala maloko a Lekgotla, Molekgotlaphethiši o swanetše go kwalakwatša tsebišo ya maikemišetšo a go dira seo, mme a meme dikgopelo tša boleloko, kago bonnyane pampiritaba e tee yeo e dikologago porofensing, ka Seisemane le bonnyane polelo e tee ya semmušo yeo e bolelwago ka bophara Porofensing yeo.
 - (b) Pele ga go thwala maloko a ao, Molekgotlaphethiši o swanetše go kwalakwatša ka wona mokgwa wo, maina a batho bao a šišinyago go ba thwala go Lekgotla, mme a meme tshwaetšo le ditlhagišo mabapi le seo.
 - (c) Molekgotlaphethiši o swanetše go ela hloko ditshwaetšo le ditlhagišo tšeo a di amogelago.
- (5) Motho a ka se thwalwe goba a ba leloko la Lekgotla ge a -
 - (a) molekane goba mokgotsi, wa leloko la kgauswi, bana ba gagwe, mogwebammogo goba mong mošomo wa gagwe ba na le dikgahlego go kgwebo ya dinamelwa tša tseleng tša batho bohle goba ke modula kantoro yo a kgethilwego mo mokgatlong, goba o swaragane le modiro wo ka go wona a, go ya ka kakanyo ya Molekgotlaphethiši, go tla huetšago go se tšee lehlakore ga gagwe ge a dira mošomo wa gagwe wa kantoro.
 - (b) o na le mapheko a semolao;
 - (c) o jelwe ditšhelete mo a ka se hiweleng a hwetša thušo; goba
 - (d) o kile a swarelwa molato wo o amanago le go se tshepagale goba o ile a tlošwa mošomong wa go šomela setšhaba ka lebaka la maitshwaromabe
- (6) Ge thwalo ya motho o fe goba o fe bjalo ka leloko la Lekgotla e šetšwa, motho yo o swanetše go utolla go Molekgotlaphethiši, ka go ngwala, dikgahlego di fe goba di fe tšeo a ka bago le tšona lehlakoreng le fe goba le fe la intaseteri ya dinamelwa tša tsela tša batho bohle, mme go se dire bjalo go tla dirwa molato.

- (7) Modulasetulo wa Lekgotla o swanetše go thwalwa lebaka la go se fete mengwaga ye meraro, mme maloko a mangwe a Lekgotla lebaka la go se fete mengwaga ye mebedi, mme, go ya ka Molao wo, ba be kantorong ka mabaka a tefelo le ka mokgwa wo mongwe wo Molekgotlaphethiši a ka beago ge ba thwalwa,
- (8) Ge kantoro ya modulasetulo wa Lekgotla goba leloko la Lekgotla e tllile goba e tlogelwa, Molekgotlaphethiši o swanetše go tšea magato a ka pele go tlatša sekgoba seo ka go thwala, go ya ka seripa se motho yo a swanetšego e bile a le maleba yo a sa kgaolwago ka tšeo di boletšwego go karolwana ya (5).
- (9) Motho yo lebaka la gagwe la kantoro bjalo ka leloko la Lekgotla le fedilego, a ka thwalwa gape.
- (10) Hlogo ya Kgoro o swanetše, go ya ka melao yeo e laolago ditirelo tša setšhaba, go fana ka bašomi bao ba thušago Lekgotla go phethagatšeng mediro ya lona.

30 Botho ya mošomo, tlogelo ya le go ntšhwa kantorong ga maloko a Lekgotla

- (1) Leloko la Lekgotla le ka leboga mošomo ka tsebišo ya dikgwedi tše pedi tšeo di ngwetšwego go ya go Molekgotlaphethiši.
- (2) Molekgotlaphethiši a ka tloša leloko la Lekgotla kantorong ge -
 - (a) a paletšwe ke go obamela magora a mošomo wa gagwe;
 - (b) a latofadišwe ka maitshwaromabe goba a hlokomologile mošomo wa gagwe kgafetša kgafetša bjalo ka leloko la Lekgotla goba yo a paletšwego ke go dira mošomo wa gagwe ka go se kgethologanye;
 - (c) a sa kgone go phethagatša mošomo wa gagwe ka kgotsofatšo bjalo ka leloko la Lekgotla;
 - (d) a paletšwe ke go ba gona dikopanong tše tharo tšeo di latelanago tša Lekgotla ntle le lebaka leo le kwešišagalago.
- (3) Leloko la Lekgotla le swanetše go tšwa kantorong ge leloko le -
 - (a) swanetše go kgaolwa mošomong ka mabaka ao a boletšwego go karolo ya 29(5);
 - (b) tlošwa kantorong ka tlase ga karolwana ya (2).

31. Matla a Lekgotla

- (1) Ntle le matla a mangwe ao a filwego ke Molao wo, Lekgotla le ka -
 - (a) nyakišiša morero wo o welago ka go taolo ya Molao wom mme la iša ditšhišinyo ka seo go Molekgotlaphethiši;
 - (b) ka akanya mme la tšea sephetho ka ga, goba ka mokgwa wo mongwe la šoma go ya ka Molao wo, kgopelo ya laesense yeo e dirilwego go lona ka tlase ga -
 - (i) go fana ka laesense ya tshepetšo yeo e dumelelago dinamlelwa tša batho bohle tša tsela mono Gauteng;
 - (ii) fana ka laesense ya tshepetšo yeo e dumelelago dinamlelwa tšeo di thomago mono Gauteng mme di šoma gape ka

- porofensing ye nngwe ka kwano le Lekgotla la porofensi ye nngwe;
- (iii) go mpshafatša, go fetola goba go fetetša pele laesense ya tshepetšo yeo le e filego;
- (c) fana, go ya ka dikgonegišo tša Molao wo, laesense ya tshepetšo yeo e filwego, yeo e mpshafaditšwego, e fetotšwego goba e feteditšwego pele ke lona;
- (d) mabakeng a go šoma ka morero pele ga lona go ya ka Molao wo -
- (i) go ya ka sephetho sa lona go dumelela motho yo a angwago ke goba a nago le kgahlego mo morerong wo, goba moemedi wa maleba yo a dumeletšwego wa motho yo, go iponatša pele ga lona mme -
- (aa) a fa bohlatse goba a fa bohlatse ka polelo mabapi le morero;
- (bb) a bitša dihlatse mme a eta pele bohlatse ka dipotšišo tša mabapi le morero. Goba
- (cc) go botšiša motho yo a fago bohlatse bjalo ka hlatse mo morerong wo;
- (ii) ka tsebišo yeo e ngwetšwego yeo e hlalošitšwego mme ya išwa ka mokgwa wo o laetšwego, le tla nyaka motho gora a iponatše pele ga lona go fa bohlatse goba go tliša buka, peakanyo goba tokomane e fe goba e fe goba se sengwe seo se lego diatleng tša gagwe goba ka tlase ga taolo ya gagwe;
- (iii) la bitša motho yo a lego gona lefelong leo Lekgotla le šomago ka morero, go iponatša pele ga lona go fana ka bohlatse goba go tliša buka, peakanyo goba tokomane e fe goba e fe goba se sengwe seo se lego diatleng tša gagwe goba ka tlase ga taolo ya gagwe;
- (iv) la botšiša motho yo a lego pele ga lona bjalo ka hlatse;
- (v) la gana go theeletša motho yo a lego pele ga lona bjalo ka hlatse yeo e ganago go ikana goba go netefatšwa.

- (2) Motho yo a dutšego setulo sa Lekgotla leo go lona motho a hlagišwago bjalo ka hlatse bjalo ka ge go boletšwe go karolwana ya (1), a ka tšeiša boikano goba netefatšo ya motho yo a hlagago pele ga Lekgotla.
- (3) Lekgotla le swanetše go fa mahlakore ao a nago le kgahlego ka kgopelo ya mabaka ao a ngwetšwego go sephetho seo se tšerwego.

32. Dikopano le diphetho tša Lekgotla

- (1) Dikopano tša Lekgotla di swanetše go swarwa go ya ka melaotshepetšeo yeo e laetšwego le ka dinako le mafelo ao a laetšwego.
- (2) Modulasetulo le bonnyane maloko a mangwe a mabedi a Lekgotla ba tla dira khoramo ya dikopano tša Lekgotla.
- (3) Sephetho sa bontši bja maloko a Lekgotla bao ba lego gona mo kopanong se tla tšewa bjalo ka sephetho sa Lekgotla mabapi le tshepetšo mme mabakenfg a palo ya go lekana ya diboutu, motho yo a dutšego setulo o na le boutu godimo ga boutu ya gagwe.
- (4) Ge modulasetulo wa Lekgotla a sa kgone go ba gona kopanong ya Lekgotla, modulasetulo a ka bea leloko le lengwe la Lekgotla go ema bjalo ka modulasetulo kopanong yeo.
- (5) Ga go tiro, tšhupotaelo goba sephetho sa Lekgotla seo se tla tšewago bjalo ka ge se sa šome ka lebaka la gore ge tiro yeo e dirwa goba tšhupotaelo

goba ge sephetho se tšewa, sekgoba sa mošomo se be se le gona go Lekgotla goba go be go na le motho yo e lego leloko mo Lekgotleng yo a kgaotšwego mošomong ka tlase ga karolo ya29(5) go se hlwele e e ba leloko, goba motho yo tšhomišano ya gagwe e bohlokwa mo tiragatšong ya tiro yeo goba aqwa, goba go fa tšhupotshepetšo goba sephetho.

33. Tlhamo ya sehlopha sa boeletši go Lekgotla

- (1) Molekgotlaphethiši a ka, ge a kgopelwa ke Lekgotla, a hlama sehlopha sa boeletši seo se bitšwago Sehlopha sa Boeletši bja Lekgotla la Gauteng la Laesense ya Tshepedišo go eletša Lekgotla.
- (2) Sehlopha se swanetše go eletša Lekgotla ka go merero ya molaotshepetšo mme ga a swanela go tšea karolo go tšeeng sephetho ga Lekgotla ka bolona ntle le ge se kgopetšwe bjalo ke Lekgotla, mme ge se kgopetšwe bjalo, se swanetše go fa keletšo fela ya kakaretšo le ya mokgwa wa molaotshepetšo.
- (a) Sehlopha se swanetše go dirwa ke maloko ao a latelago, ao a swanetšego go kgethwa ke mekgatlo ya bona ka go fapana, ge e le gore mekgatlo o ngwadišitšwe go ya ka Molao goba o amogelwa ke Molekgotlaphethiši, mme o thwetšwe ke Molekgotlaphethiši;
 - (i) moemedi o tee go tšwa go Kgoro;
 - (ii) moemedi o tee go tšwa go bolaodi bja toropokgolwane;
 - (iii) moemedi o tee go tšwa go intaseteri ya dithekisi tša diminipase;
 - (iv) moemedi o tee go tšwa go intaseteri ya dithekisi tša dimitara;
 - (v) moemedi o tee go tšwa go intaseteri yeo e ikgokagantšhitšego ya dipase;
 - (vi) moemedi o tee yo a tšwago go intaseteri ye nnyane yeo e sa itsošago ya dipase;
 - (vii) moemedi o tee go tšwa go intaseteri bonamedi bja ditimela;
 - (viii) moemedi o tee go tšwa go bafana ka ditirelo tša thuto;
 - (ix) moemedi o tee go tšwa go mohuta wo mongwe le wo mongwe wa ditirelo tša dinamelwa tša bohle tša tseleng bjalo ka ge go hlalošitšwe ke Molao, ge Molekgotla Phethišo a tšere sephetho seo;
 - (x) e se be batho bao ba fetago ba bararo bao ba nago le bokgoni, go ya ka kgopolo ya Molekgotlaphethiši, go emela dikgahlego tša banamedi, yo mongwe le yo mongwe a emela banamedi go tšwa go legoro leo le fapanego la tirelo;
 - (xi) e se be baemedi bao ba fetago ba bararo go tšwa go bošomi bjo bo kgakaganego (organised labour) go tšwa go intaseteri ya dinamelwa tša bohle, yo mongwe le yo mongwe a emela bašomi go tšwa magorong ao a fapanego a tirelo.
- (b) Ge yo mongwe wa baemedi yo a bolelwago go temana ya (a) a se gona, mekgatlo wo o amegago o swanetše go bea legatong la moemedi yo motho yo fela a ka se bego wa lebaka la go ya go ile.
- (4) Modulasetulo wa Lekgotla e tla ba modulasetulo wa Sehlopha.
- (5) Sehlopha se swanetše go fa o tee wa maloko a sona mošomo wa go swanela modulasetulo ge modulasetulo a sa kgone go ba gona kopanong ya Sehlopha.
- (6) Maloko a Sehlopha a tla bitšwa ge go nyakega ke Lekgotla, fela ba swanetše go swara bonyane dikopano tše pedi ka ngwaga.
- (7) Leloko la Sehlopha leo e lego leloko la tirelo ya setšhaba le tla ba gona kantorong ge a nyakwa go dira seo ke Molekgotlaphethiši, mme maloko la mangwe a

swanetše go thwalwa lebakeng la go se fete mengwaga ye mebedi mme ba swanetše, go ya ka dikgonegišo tša Molao wo, ba sware kantoro go ya ka mabaka le mogolo wo Molekgotlaphethiši a ka, ka tšhomišano le Komiti ya Khuduthamaga ya tša Ditšhelete, laela gore leloko le thwalwe neng.

34. Tlhamo ya ditho tša taolo ya dilaesense tša tshepetšo ya dinamelwa

- (1) Hlogo ya Kgoro o swanetše go laela bahlankedi ba kgoro, o tee goba go feta fao go ba dikantorong tša bolaodi bja ditoropokgolwane go dira mešomo ya ditho tša taolo ya ditumelelo tša dinamelwa, ka mokgwa wo o laetšwego.
- (2) Setho sa taolo ya dilaesense tša tshepetšo ya dinamelwa se swanetše go amogela diforomo tša kgopelo tšeo di tladišwego tša dilaesense tša tshepetšo tša ditirelo tšeo di thomago lefelong la sona la toropokgolwane ga mmogo le ditefelo tsa dikgopelo, mme se swanetše go lekola gore diforomo tša kgopelo di tladišwe gabotse le gore ditokomane tšeo di angwago di tlišwa le diforomo tšeo mme di a šoma e bile di a amogelega, mme ba tsenye dintlha tša dikgopelo ka go panka ya datha ya maleba ka mokgwa wo o laetšwego.
- (3) Setho sa taolo ya dilaesense tša tshepetšo ya dinamelwa se swanetše gore bjale se iše diforomo tša kgopelo go bolaodi bja toropokgolwane, mebasepala yeo e amegago lefelong la toropokgolwane, diforomo tšeo di lebanego le dikomiti tšeo di amegago tša bokgokagani gore go dirwe ditšhišinyo ka mokgwa wo go letetšwego.
- (4) Ge go dirwa ditšhišinyo, bolaodi bja toropokgolwane bo swanetse go netefatša gore dikgopelo di sepelelana le mananeo peakanyo a dinamelwa le mananeo peakanyo ao a amegago a tšhomišo ya dinamelwa le naga le go ela hloko dintlha tšeo di swanago le tlhokego le dinyakwa tša tsela, go ba gona ga lefelo la boema dinamelwa le bontši bja dinamelwa tšeo di sepelago fao le dikelo hloko tše dingwe tša go toropokgolwane le lefelo la tikologo.
- (5) Ge go se na foramo goba komiti ya dikgokagano tša tsela le lefelo ka nako yeo e amegago, setho sa taolo ya dilaesense tša tshepetšo ya dinamelwa se swanetše go iša diforomo tša kgopelo gore go fiwe maikutlo le go fa ditšhišinyo go mekgatlo ka moka yeo e amegago, ntle le ge mekgatlo o šetše o file maikutlo ka ga foromo yeo ya kgopelo.
- (6) Setho sa taolo ya dilaesense tša tshepetšo ya dinamelwa se swanetše go kgobokanya dikemedi ka moka mme se di iše go tee le diforomo tša kgopelo le ditokomane tšeo di thekgago seo go Lekgotla gore go tšewe sephetho.
- (7) Mo dinamelwa tšeo di šišintšwego di tla šomago lefelong la setho sa taolo ya dilaesense tša tshepetšo ya toropokgolwane ye nngwe, setho sa taolo ya dilaesense tša tshepetšo sa mathomo se swanetše go hlagiša kgopelo go setho sa taolo ya dilaesense tša tshepetšo se sengwe, seo se swanetšego go tšea magato ao a bolelwago go karolwana ya (3) go ya go (6) mme sa buša dikgopelo le ditšhišinyo tšeo di šomegago go setho sa taolo ya dilaesense tša tshepetšo sa mathomo,
- (8) Mo lekgotla la Porofensi ye nngwe le feteditšego kgopelo go Lekgotla go dira ditshwaetšo mabapi le mokgopedi yo a lego porofensing ye nngwe, Lekgotla le swanetše go fetišetša kgopelo yeo go setho sa taolo ya dilaesense tša tshepetšo yeo e amegago gore se tle se hwetše ditshwaetšo le ditšhišinyo tšeo di bolelwago go karolwana ya (3).

KAROLO YA 6: DILAESENSE TSA TSHEPEDIŠO**35 Phetolelo ya ditumelelo go dilaesense tša tshepetšo**

- (1) Ditumelelo di dula di šoma go fihlela letšatši leo le beilwego go ya ka karolo ya³² (2) ya molao wa Bosetšhaba.
- (2) Ditumelelo di swanetše go fetolelwa go dilaesense tša tshepetšo tšeo di fiwago ka tlase ga dikgonegišo tšeo di sepelelanago tša Molao wo ka letšatši leo le bolelwago go karolwana ya (1), go sego bjalo di tla fela.
- (3) Ditumelelo tšeo di bego di sa šome nakong ya nako yeo e beilwego ke Molekgotlaphethiši ka tsebišo ka go Kasete di ka se fetolelwe go dilaesense tša tshepetšo mme di tla fela ka letšatši leo le beilwego ka go tsebišo.
- (4) Mo mabakeng a ge tumelelo e filwe go lebaka le itšeng, laesense ya tshepetšo e tla šoma seripeng seo se sa felago sa lebaka la tšhomo ya tumelelo.
- (5) Mo mabakeng a ge tumelelo e filwe go lebaka le le sa bewago, laesense ya tshepetšo e tla šoma lebakeng leo le sa bewago go ya ka dikgonegišo tša Molao wo, mabapi le kgogelo morago, phego, phetogo le go fela ga ditumelelo le dilaesense tša tshepetšo.
- (6) Tumelelo e ka se fetolelwe ka go laesense ya tshepetšo ntle le ge setifikeiti seo se šomago sa tokafalo goba sa tokelo tseleng sa senamelwa seo se amegago se hlagišwa mme karolo ya⁵(4) se a šoma mabapi le seo.
- (7) Ditumelelo tša ditirelo tšeo di sepetšwago ka lenaneo tšeo di dumelelago tšhomo mo lefelong leo le hlathilwego di swanetše go fetolelwa ka go dilaesense tša tshepetšo tšeo di bontšhago tsela ye nngwe le ye nngwe ka botlalo le tšhupamabaka a ditsela tšeo.
- (8) Ditumelelo tša ditirelo tšeo di sepetšwago ka lenaneo tšeo di fiwago go ya ka dikontraka tša lebaka la magareng le dikontraka tšeo di thentariwego ga bjale, di swanetše go fetolelwa ka go dilaesense tša tshepetšo go lebaka le kontraka yeo.
- (9) Ditumelelo tša ditirelo tšeo di sa sepetšwego ka lenaneo, go sa akaretšwe ditirelo tša dithekisi tša dimitara le ditirelo tša tuku-tuku tšeo di dumelago tšhomo lefelong leo le hlathilwego goba tikologo di swanetše go fetolelwa ka go dilaesense tša tshepetšo tšeo di bontšhago ditsela goba tsela ka botlalo, fela lefelo leo le hlathilwego le ka dumelelwa mabakeng ao a ikgethago bjalo ka bodudi bja boipei mo go se nago ditsela tšeo di itlhathago.
- (10) Ditumelelo tša ditirelo tša dithekisi tša dimitara di swanetše go fetolelwa ka go dilaesense tša tshepetšo tšeo di bontšhago ditsela tša go lefelo la go tlhatha la tšhomo go tšea banamedi, go ya ka karolo ya 8.
- (11) Tshepedišo ya le mokgwa wa go iša dikgopelo tšeo di swanetšego go dirwa ka fase ka sekakarolo (2) di tla ba ka mokgwa wo o hlalošitwego.

36. Dikontraka tša ditirelo

- (1) Bolaodi bjo swerego kontraka ga se bja swanela go tsenela kontraka ya tirelo yeo e thušwago ka ditšhelete ka mokgwa wo mongwe ntle le ka go amogela thentara go ya ka melawana yeo e dirilwego ke Molekgotlaphethiši, go ya ka Molao wa Bosetšhaba.

- (2) Sekakarolo (1) se tla šoma gape go dikontraka tša tirelo tšeo di sa thušwego, ka ntle le ge Molekgotlaphethiši a tlogetše ditirelo tšeo di rilego goba mehuta ya dikontraka go tšwa go senyakwa se ka go fa tsebišo ka gare ga Kuranta ya Mmušo.
- (3) Kontraka e swanetše go fiwa ke Kgoro goba bolaodi bja dinamelwa bja maswanedi go ya ka leanopeakanyo la dinamelwa leo le amegago, go ya ka karolo 39 (5) le diphetogo tšeo di tlhokegago.

37. Go fela le go fedišwa ga dilaesense tša tshepedišo le ditumelelo tša go amana le dikontraka

- (1) Ge kontraka e fe goba e fe e fela, mangwalo ka moka goba dilaesense tša tshepetšo tšeo ditirelo di filwego go ya ka tšona ka fase ga kontraka di tla fela ka tšatši la gona gomme di swanetše go neelwa Lekgotla lebakeng la matšatši a šupago morago ga go fela.
- (2) Mo dithentara di mengwago ka lebaka la kontraka ya tirelo yeo e thušwago ka ditšhelete –
 - (a) ga go mong tirelo yo a ka dirago kgopelo ya thentara yeo ntle le ge mong tirelo a neela Lekgotla gore le fediše ditumelelo ka moka le dilaesense tša tshepetšo tšeo di swerwego ke mong tirelo yo a amegago, gomme a dumelela ditirelo ditseleng tšeo di angwago ke ditirelo tše bjalo;
 - (b) Lekgotla, ka kgopelo ya bolaodi bjo bo fago kontraka, le swanetše go tšea tumelelo efe goba efe goba laesense ya tshepetšo yeo e dumelelago ditirelo ditseleng tšeo di angwago ke kontraka ye bjalo, ge fela e le gore mong laesense o lefšwa go ya ka methalohlhli yeo e boletšwego ka go karolo 51(4) ya Molao wa Bosetšhaba.
- (3) Ga go tefo yeo e tla dirwago ka baka la go fedišwa ga laesense ya tshepetšo goba tumelelo ka fase ga temana (a) ya sekakarolo (2).

38. Dikgopelo tša mabapi le dilaesense tša tshepedišo

- (1) Mo leanotshepetšo la dinamelwa e bontšhago tlhokego ya ditirelo tša tlaleletšo mo tseleng, bolaodi bja dinamelwa bo ka no mema dikgopelo tša dilaesense tša tshepetšo go Lekgotla go fa ditirelo tša banamedi ba dinamelwa tša setšhaba kamo e sego go ya ka kontraka ya tsela yeo.
- (2) Motho goba mokgatlo wo o ratago go fa tirelo ya banamedi ba dinamelwa tša setšhaba yeo e sego yeo e boletšwego ka go karolo 52(1), o swanetše go dira kgopelo go Lekgotla gore le fe laesense ya tsehepetšo ya maswanedi.
- (3) Mong laesense a ka no dira kgopelo go Lekgotla gore laesense ya tshepetšo e mpšhafatšwe goba e fetolwe.
- (4) Motho goba mokgatlo wo o ratago go šuthišetšwa laesense ya tshepetšo a ka no dira kgopelo go Lekgotla ka tumelelo yeo e ngwadilwego fase ya mong laesense gore laesense ya tshepetšo e šuthišetšwe.
- (5) Dikgopelo ka fase ga dikakarolo (1), (2), (3) goba (4) di swanetše go-
 - (a) dirwa di theilwe godimo ga kgopelo ye tee go senamelwa se tee;
 - (b) dirwa ka mokgwa wo o hlalošitšwego
 - (c) dirwa godimo ga foromo yeo e boletšwego
 - (d) sepela le tefišo yeo e boletšwego le ditshenyegelo tša go gatiša kgopelo ka fase ga karolo 42, bjalo ka ge go lekantšwe ke Lekgotla, empa ga go tefišo yeo e tla dirwago mo laesense ya tshepetšo e tla bago e theilwe godimo ga kontraka;

- (e) bolela senamelwa seo se yo šomišwago seo se šomišetšwago ditirelo tšeo di amegago;
 - (f) lebakeng la senamelwa sa go iša diphahlo se bofefo seo se fetoletšwego, di swanetše go tla le dintlha tša hlalošo ya senamelwa, bjalo ka ge go boletšwe;
 - (g) tsenya hlalošo ya botlalo ya tsela goba ditsela tšeo go tšona mokgopedi a yo šomago goba tšeo a ikemišeditšego go šoma go tšona, le dintlha ka moka mo banamedi ba yago go nametšwa le go fološwa; le
 - (h) išwa go mokgatlo wa taolo ya dilaense tša tshepetšo ya dinamelwa leo le hlongwetšwego lefelokgolwane la maswanedi.
- (6) Foromo ya kgopelo ya dikgopelo tšeo di boletšwego ka go sekakarolo (1), (2), le (3) mabapi le ditirelo tša mohuta wa dithekisi tša diminipase di swanetše go kgonegiša ditšhišinyo tša go tšwa mokgatlong wa dithekisi wo o šomago tseleng, ditseleng goba mararankodi ao go bolelwago ka wona tšeo mokgopedi e lego leloko la tšona, tšeo di swanetšego go tlatšwa ke mokgatlo pele kgopelo e tlišwa, goba taodišo yeo e bolelago gore ga go mokgatlo wo o lego gona goba gore mokgopedi ga se leloko leo le ngwadišitšwego.
- (7) Bakgopedi ba swanetše go bolela godimo ga foromo ya kgopelo ka fase ga kano goba netefatšo, ge e le gore ba kile ba otlelwa bosenyi bja mokgwa wo o boletšwego, gomme ge go le bjalo, ba bolele dikotlo tšeo, gape ba bolele ge e le gore bona goba bagatša ba bona, balekane goba ba malapa a bona, bafepšwa ke bona, balekane kgwebong goba bathwadi ke bahlankedi bao ba dumeletšwego goba bahlankedi ba Tirelo ya-Setšhaba goba Taolo ya Porofensi goba ba taolo ya mmasepala.
- (8) (a) Lekgotla le swanetše go tliša dikgopelo tša ditirelo tšeo e sego tša kontraka go foramo ya toropokgolwane ya dinamelwa ya maleba yeo e boletšwego ka go karolo 87 gore go dirwe ditšhišinyo, ka mokgwa wo o boletšwego, pele ga ge kgopelo e lahlwa.
- (b) Mo lekgotla goba foramo, yeo e lemogwago ke Molekgotlaphethiši e lego gona go mohuta wa tirelo wo o amegago, foramo ya dinamelwa ya toropokgolwane e swanetše go rerišana le lona ka mokgwa wo o boletšwego pele ga ge e išwa ditšhišinyo go Lekgotla.
- (9) Lekgotla le ka no ntšha, ge go dirilwe kgopelo ka mo go boletšwego le ge tefišo yeo e boletšwego e dirilwe, laesense ya tshepedišo ya nakwana ya matšatši ao a sa fetego a 60 mo kontraka e filwego mokgopedi ke setho sa mmušo le ge e le gore laesense ya maleba yeo e boletšwego ka go karolo 39(1) ga se e fiwe ka tšatši la go thoma ga kontraka.
- (10) Ge mong laesense a dira kgopelo ya tumelelo goba laesense ya tshepetšo ka mokgwa wo o boletšwego le ge tefišo yeo e boletšwego e lefilwe, Lekgotla le swanetše go ntšha kgatišo ya tumelelo goba laesense ya tshepetšo, yeo e netefaditšwego kemohlankedi wa Lekgotla, yeo e swanetšego go šomišwa ke mong ka fase ga karolo 47(b), mo kgopelo ya tšhutišetšo goba phetolo ya yona e išitšwego go Lekgotla gomme e se e fetšwe.

39. Go lahlwa ga kgopelo ya laesense ya tshepetšo

- (1) (a) Mothentara yo a filwego kontraka o tla lokela go fiwa laesense ya tshepetšo ya senamelwa se sengwe le se sengwe seo se tla sepetšago ditirelo tšeo di dumeletšwego ke kontraka gomme o swanetše go dira

kgopelo go Lekgotla ka mokgwa wo o boletšwego ya laesense ya tshepetšo ye bjalo sebaka seo se boletšwego ka gare ga kontraka.

- (b) Ga go tefišo ya kgopelo yeo e tla lefšwago mabapi le kgopelo ye bjalo.
- (2) Mohlankedi wa Lekgotla yo a laeletšwego lebaka le bjalo ke Lekgotla o lokelwa go ntšha laesense ya tshepetšo ka fase ga sekakarolo (1), go se na taba le dikgonegišo tša go ganetša tšeo di lego gongwe ka Molaong wo.
- (3) Lekgotla le ka se fe laesense ya tshepetšo ye mpšha goba la fetola laesense ya tshepetšo gore le oketše ditirelo tše di filwego ka fase ga tšona, ka ntle le ge dileanotshepetšo tša dinamelwa tša maleba di bontšha tlhokego ya tirelo tseleng yeo e amegago, go ya ka sekakarolo (5)
- (4) Mo leanotshepetšo ya maleba e bontšhago tlhokego ya tirelo yeo e diretšwego kgopelo, Lekgotla le swanetše go fa kgopelo, go ya ka mabaka afe goba afe ao a gapeletšwago go ya ka leanotshepetšo, ka ntle le ge le bona, go ya ka tšeo di boletšwego ka ditemaneng (a) go fihla go (d) tša sekakarolo (7), okare mokgopedi goba senamelwa ga se di lokele goba ga di swanelwe ke go fa tirelo.
- (5) Mo maano a se a lokišwego goba a se a fetšwe, Lekgotla le swanetše go iša hlogong dintlha tšeo di badilwego ka go temana (a) go fihla go (j) tša sekakarolo (7) ge le dira sephetho sa go ganela goba go dumelela kgopelo.
- (6) Mo go humanwego dikgopelo tše dintši tša dilaesense tša tshepetšo, tšeo di fetago palo ya dilaesense tšeo Lekgotla le ka di ntšhago go ya ka leanotshepetšo ya maleba, go swanetše go thongwa ka dikgopelo tša mpšhafatšo ya dilaesense tša tshepetšo, gomme ge leanotshepetšo e kgona go tšea ditirelo tše dingwe, go swanetše go išwa hlogong dintlha tšeo di badilwego ka go sekakarolo (7) ge go lekanyetšwa dikgopelo.
- (7) Ge go dirwa sephetho sa gore kgopelo e fiwe goba e ganelwe go fiwa, go mpšhafatšwa goba go fetolwa ga laesense ya tshepetšo ya go dira tirelo yeo e sego ka kontrakeng le ge go phethwa mabaka ao a yo sepelelanago le laesense ya tshepetšo, Lekgotla le swanetše go-
- (a) iša hlogong pele le go dira go ya ka dinyakwa tša bolaodi bja dinamelwa go ya ka dileanotshepetšo tša bjona tša dinamelwa, le ye nngwe le ye nngwe ya ditshišinyo tša bjona mabapi le taba ye, ge e le di gona; le
- (b) iša hlogong-
- (i) mohuta, badiri, sebopego le go amogelega ga senamelwa seo se amanago le laesense ya tshepetšo gore di loketše tirelo yeo se yo e dirago;
- (ii) ge e le gore, go ya ka pono ya Lekgotla goba mokgwa wa lona, bjalo ka ge go hlalošitšwe, mokgopedi o na le bokgoni bja go fa tirelo yeo laesense ya tshepetšo e e nyakelwago, ka tsela yeo e kgotsofatšago setšhaba;
- (iii) gore dikemedi ka moka tša kgopelo tšeo di filwego;
- (iv) dikotlo tša maswanedi tša kgale tša ditlolomolao tšeo di dirilwego ke mokgopedi go ya ka pono ya Lekgotla, goba mokgwa, bjalo ka ge go hlalošitšwe;
- (v) bogolo bja kgwebo yeo e sepetšwago ke mokgopedi, go thongwe ka dikgwebopotlana;
- (vi) nnete ya gore peleng mokgopedi o be a gateletšwe, go thongwe ka batho bao ba bego ba sa holege peleng;
- (vii) palo ya ditumelelo goba dilaesense tša tshepetšo tšeo mokgopedi a šetšego a ena le tšona, go thongwe ka baswari bao ba se nago goba bao ba nago le ditumelelo goba dilaesense tša tshepetšo tše mmalwa;

- (viii) botelele bja nako bjo mong laesense e bego e le moabi wa ditirelo, go thongwe ka baswari bao e lego kgale kudu ba efa tirelo;
 - (ix) ge Lekgotla le phetha ka mokgwa wo, laesense ya setsha goba tumelelo ya go swana le yona yeo e filwego ka fase ga dikamelawana tša mmasepala, yeo e dumelelago go šomišwa ga boemadinamelwa goba setsha, goba tšhišinyo ya go tšwa go mmasepala wa maleba ya gore go be le sekgoba sa go šoma, goba
 - (x) mabaka a mangwe ao go ya ka pono ya Lekgotla, a ka no amago go rata, go fa goba go gana kgopelo.
- (8) Lekgotla le ka se tšeele hlogong kgopelo ya laesense ya tshepetšo ya go tšwa go modiredi wa bolaodi bja dinamelwa, lefelo la kgapeletšo ya molao goba feme yeo e rwelego maikarabelo a go hlokomela ditirelo tša dinamelwa tša tseleng tša banamedi ba setšhaba ka lefelong leo.
- (9) Go se na taba le dikgonegišo tše dingwe tša molao wo, dikgopelo tša go bea senamelwa se sengwe seo se nago le madulo a go lekana goba a ka fase go ya ka laesense ya tshepetšo, di ka no fiwa ke mohlankedi wa Lekgotla, ge e le gore senamelwa ke sa legoro leo le ka no šomišetšwago tirelo yeo go bolelwago ka yona go ya ka Lenaneotshepetšo A, morago-
- (a) ga go tšeele hlogong gore senamelwa se se mpšha se loketše ditirelo tšeo di dumeletšwego ke laesense ya tshepetšo le gore lengwalo la nnete la go lokela tsela le šetše le filwe senamelwa seo, go ya ka karolo 5(4); le
 - (b) ga go netefatša gore mokgopedi o file tshedimošo yeo e boletšwego; le
 - (c) gore kgopelo ye bjalo ga e hloke go gatišwa ka fase ga karolo 42.
- (10) Lekgotla le ka no gana go tšeele hlogong kgopelo ya go fa, go mpšhafatša, phetolo goba tšhutišetšo ya laesense ya tshepetšo ge e le gore le tšeele hlogong gomme la gana kgopelo ya pele yeo e humanwego lebakeng la dikgwedi tše tšhelela pele ga tšatši leo kgopelo ya pele yeo e boletšwego e humanwego, yeo go ya ka pono ya lona e bego e ena le maikemišetšo a go swana le kgopelo yeo e boletšwego pele.
- (11) Ge le e fa kgopelo, Lekgotla le ka no gapeletša mabaka ao a ka no se sepelelanego le Molao wo goba Molao wa Bosetšhaba.

40. Dinamelwa tša go kgabaganya Diprofensi

- (1) Bakgopedi ba dinamelwa tša go kgabaganya diprofensi ba swanetše go dira kgopelo go Lekgotla ge e le gore ditirelo tšeo go bolelwago ka tšona di thoma ka Gauteng, goba ka Gauteng mmogo le ka profenseng ye nngwe.
- (2) Ka mabaka a karolo ye, ditirelo go tla tšewa gore di thoma lefelong leo batho ba namelago go lona senamelwa ka mabaka a go išwa lefelong le lengwe, le go goma mo.
- (3) Mabakeng ao go nago le pelaelo ya gore ditirelo di tla thoma kae, mokgopedi o swanetše go dira kgopelo ka profenseng yeo senamelwa se ngwadišitšwego go yona.
- (4) Lekgotla le ka se fe kgopelo ya laesense ya tshepetšo yeo e dumelelago ditirelo tšeo di thomago ka profenseng ye nngwe, goba go mpšhafatša goba tšhutišetšo ya laesense ya tshepetšo, goba ya phetolo ya laesense ya tshepetšo go dira ditirelo ka

profenseng ye nngwe, ntle le ka kwano ya bolaodi bja go fa dilaesense tša tshepetšo bjo bo hlongwetšego profense yeo.

- (5) Mo Lekgotla le ka se kgonego go humana dikarabo go tšwa bolaoding bja go fa dilaesense tša tshepetšo bja profense ye nngwe ka gare ga tshupetšo yeo go boletšwego ka yona ka go sekakarolo (4), goba ge le sa kgone go humana tumelo ya lekgotla le lengwe lebakeng la nako leo le boletšwego, Lekgotla le swanetše go iša taba bjalo ka tshekoleswa go Kgotla ya Tshekoleswa ya Dinamelwa yeo e hlomilwego ke Molao wa Kgotla ya Tshekoleswa ya Dinamelwa, ka mokgwa wo o boletšwego go ya ka Molao wo.
- (6) Tshekoleswa mabapi le ditirelo tša go kgabaganya diprofensi e swanetše go dirwa go Kgotla ya Tshekoleswa ya Dinamelwa bjalo ka ge go nyakwa ke Molao wa Kgotla ya Tshekoleswa ya Dinamelwa go ya ka Molao wo.
- (7) Lebakeng la ditirelo tša go kgabaganya diporofensi, banamedi ga se ba swanele go nametšwa goba go fološwa ntle le mo e lego dintlha tša go fološa goba ge ba fihlile mo ba yago gona, ka ntle le ge go se na tirelo ye nngwe gare ga dintlha tša go nametša goba ge ba fihlile mo ba yago le dintlha tša go fološa le tša go nametša, goba lebakeng la ditirelo tša mohuta wa dithekisi tša diminipase, mekgatlo ya maswanedi yeo maloko a yona a šomago tseleng goba ditseleng tšeo ba kwane ka mokgwa wo mongwe.

41. Dinamelwa tša tsela tša go kgabaganya mellwane

Dikgopelo tša dinamelwa tša tseleng tša go kgabaganya mellwane di swanetše go dirwa go Komiti ya Taolo go ya ka Molao wa Dinamelwa tša tseleng tša go Kgabaganya Mellwane, 1998 (Molao No. 4 wa 1998) ka tsela yeo e boletšwego go ya ka Molao wo.

42. Go gatišwa ga kgopelo ya mabapi le laesense ya tshepetšo

- (1) Go ya ka sekakarolo (2), pele ga ge Lekgotla le tšeela hlogong kgopelo ya go fa, go mpšhafatša, phetolo goba tšhutišetšo ya laesense ya tshepetšo, le swanetše go baka gore go gatišwe ka gare ga Kuranta ya Mmušo ya bosetšhaba gape le ka mokgwa wo o hlalošitšwego, dintlha tšeo di amegagotša kgopelo bjalo ka ge go tla ba go boletšwe le go phara tsebišo ya kgopelo ye bjalo godimo ga papetla ya ditsebišo dikantorong tša lona lebaka leo le boletšwego.
- (2) Ga go hlokege gore kgopelo e gatišwe ka fase ga sekakarolo (1) mo e lego kgopelo-
 - (a) ya go fetola dintlha tša senamelwa seo se swanago seo se boletšwego ka go laesense ya tshepetšo; goba
 - (b) yeo e theilwego godimo ga kontraka yeo e boletšwego ka go karolo 39(1).
- (3) Motho yo a nago le kgahlego yo a ratago go iša dikemedi go Lekgotla tšeo di ganetšanago goba tšeo di thekgago kgopelo yeo e gatišitšwego ka fase ga sekakarolo (1), o swanetše go dira bjalo ka tsela le lebakeng la nako tšeo di boletšwego, gape Lekgotla-
 - (a) le swanetše go dumelela motho yo e lego gore, lebakeng la nako yeo e boletšwego o tliša dikemedi go hlahloba foromo ya kgopelo ya mokgopedi le ditokomane tša go amana le yona ka kantorong ya Lekgotla ge tefišo yeo e boletšwego e lefilwe; le
 - (b) ka kgopelo ya motho yo a amegago, le ka no mo fa dikgatišo tša gona tša tefo ya tefišo yeo e boletšwego.

- (4) Lekgotla le lona le swanetše go dumelela mokgopedi go hlahloba, ntle le tefo, dikantorong tša lona, le go dira dikgatišo tša tefo ya tefišo yeo e boletšwego, dikemedi tšeo di ganetšanago goba tšeo di thekgago kgopelo.

43. Lebaka le mpšhafatšo ya laesense ya tshepetšo

- (1) (a) Dilaesense tša tshepetšo tša dinamelwa tša go sepetša ditirelo go ya ka dikontraka di swanetše go fiwa nako ye telele ya go feta lebaka le go ya ka dikwano le mabaka a kontraka.
 (b) Ge kontraka e fedišwa, dilaesense tša tshepetšo tša maswanedi di swanetše go bušetšwa go Lekgotla lebakeng la matšatši a šupa.
- (2) Mo e lego gore kontraka e fedile gomme kontraka ya go tsena legatong la yona ga se e fetšwe goba dipeakanyo tša mabapi le kontraka yeo e sego e fetšwe ga se di fetšwe le tšona go kgontšha mong go thoma ka ditirelo tša maswanedi ka nako, Lekgotla, ka kgopelo ya bolaodi bja dikontraka, le ka no katološa lebaka la bonnete bja dilaesense tša tshepetšo tšeo di amegago lebaka la nako leo le kgopetšwego ke bolaodi bjo bjalo.
- (3) Go ya ka karolo 35(5), dilaesense tša tshepetšo tša gore dinamelwa di sepetše ditirelo tša kontraka di swanetše go ya ka tšhišinyo ya bolaodi bja dinamelwa, di be lebaka leo le hlomamego la go se fete mengwaga ye mehlango gomme di tšeele hlogong-
- (a) mekgwa ya ga bjale le yeo e lebeletšwego yeo e nyakegago tseleng goba ditseleng goba mafelong ao a hlalošitšwego;
 (b) go ba le bokgoni ga ditirelo tšeo di šišintšwego bja go kgotsofatša nyako;
 (c) go ba gona ga kontraka ya ditirelo yeo e ka no angwago le tirelo yeo e kgopetšwego;
 (d) kgonego ya gore laesense yeo e kgopetšwego, e ka no se sa nyakega go ya ka dileanotshepetšo tša dinamelwa tša maleba; le
 (e) kgonego ya gore tirelo yeo e kgopetšwego, e ka no išwa gore e thentarwe.
- (4) Mpšhafatšo ya laesense ya go sepetša ya tirelo yeo e sego ya kontaka e ka se fiwe ka ntle le ge bolaodi bja dinamelwa bja maleba bo šišinya mpšhafatšo ye bjalo, go theilwe godimo ga dileanotshepetšo tša dinamelwa tša maleba, go ya ka karolo 39 (5).

44. Go fiwa ga laesense ya tshepedišo le dikgonegišo tša yona

- (1) Go ya ka sekakarolo (2), Lekgotla le swanetše go ntšha, ka mokgatlo wa taolo ya dilaesense tša tshepetšo tša dinamelwa le ka mokgwa wo o boletšwego, laesense ya tshepetšo yeo e filwego, e mpšhafaditšwego, e fetotšwego goba e šuthišeditšwego le lona go ya ka Molao wo, yeo e swanetšego go ntšhwa, lebakeng la kgopelo ya laesense ya tshepetšo ye mpšha, ya senamelwa seo se boletšwego ka gare ga foromo ya kgopelo.
- (2) Lekgotla le ka se ntšhe laesense ya tshepetšo ka ntle le ge-
- (a) Setifikeiti sa go lokela tsela sa senamelwa sa maleba se ntšhitšwe ka goba morago ga tšatši leo le phethilwego ka mokgwa wo o hlalošitšwego le le filwe, go ya ka karolo 5(4); le
 (b) mong o filwe bohlatse bjo kgotsofatšago Lekgotla gore mong o ngwadišitšeo di amegagoka molefa lekgetho ka fase ga Molao wa Lekgetho la Letseno, goba, go ya ka Molao wo, ga a nyakege gore a ngwadiše.

(3) Dilaesense tša tshepetšo di swanetše go bolela-

- (a) leina la mong laesense le nomoro ya boitšhupo goba nomoro ya yona ya ngwadišo ge e le gore ke khamphani, koporasi yeo e tswalegilego, trasete goba mokgatlo wa go swana le yona;
 - (b) nomoro ya ngwadišo, mohuta, nomoro ya boitšhupo ya senamelwa, ngwaga goba tlhamo bokgoni bja go rwala banamedi bja senamelwa seo se filwego laesense ya tshepedišo;
 - (c) mehuta ya ditirelo tšeo di e fetšwego;
 - (d) sebaka seo se filwego;
 - (e) lebakeng la laesense ya tshepedišo yeo e filwego gore senamelwa se sepetšwe ka fase ga kontraka-
 - (i) mohuta wa kontraka;
 - (ii) nomoro ya tšhupetšo ya kontraka;
 - (iii) maina le diaterese tša maloko a kontraka;
 - (f) lebakeng la laesense ya tshepedišo yeo e filwego senamelwa gore se sepetše ditirelo tšeo di beakantšwego-
 - (i) dintlha tša gare ga hlalošo ya botlalo ya tsela goba ditsela goba lefelo leo le hlalošitšwego tšeo di filwego laesense ka go bolela maina a mebila, dinomoro tša ditsela, ditšhupo goba maswao a naga a motse wo mongwe le wo mongwe wa kgauswi le toropo, toropo, toropokgolo, motse goba bofalelo;
 - (ii) mananeo a dinako a maswanedi
 - (g) ge e le gore laesense ya tshepedišo e filwe senamelwa gore se sepetše ditirelo tša mohuta wa thekisi ya minipase-
 - (i) dintlha tša gare ga hlalošo ya botlalo ya tsela goba ditsela goba lefelo leo le hlalošitšwego tšeo di filwego laesense ka go bolela maina a mebila, dinomoro tša ditsela, dišupo goba maswao a naga a motse wo mongwe le wo mongwe wa kgauswi le toropo, toropo, toropokgolo, motse goba bofalelo;
 - (iii) dintlha tša go nametša le tša go fološa ge e le gore di gona;
 - (h) maemo a mangwe ao Lekgotla le a gapeletšago ka fase ga karolo 39 (11); le
 - (i) dintlha tše dingwe tšeo di boletšwego.
- (4) Dilaesense ka moka tša tshepedišo tšeo di fiwago ke Lekgotla di swanetše go saenwa ke modulasetulo wa lona goba motho yo a laeletšwego ka go ngwala fase ke modulasetulo.
- (5) Laesense ya tshepedišo ga se e swanele go hirišwa ntle le ge senamelwa se sepetšwego ka fase ga peakanyo ya sekakontraka go ya ka kontraka ya tirelo yeo e sa thušwego le kontraka ya tirelo yeo e thušwego ka ditšhelete.

45. Direkhoto tša dilaesense tša tshepedišo

Lekgotla le swanetše gore le boloke ka lefelong la lona la kgwebo kgatišo ya laese ya tshepedišo ye nngwe le ye nngwe yeo e ntšhitšwego ke lona le diphetolo tša yona, gomme le tsenye dintlha tša goba tšeo di boletšwego ka gare ga tshepetšo ya tshedimošo ya khomphuthara yeo e hlalošitšwego.

47. Go bea senamelwa se sengwe legatong la seo se filwego laesense ya tshepedišo goba tumelelo

- (1) Mo e lego gore senamelwa seo se šomišwago ka fase ga laesense ya tshepedišo goba tumelelo se senyegile goba ga se sa kgonā go šomišwa nakwana ka baka la go thulana, Lekgotla goba leloko la lona leo le laeletšwego ke modulasetulo, le ka no fa tumelelo yeo e ngwadilwego fase gore senamelwa se sengwe se šomišwe legatong la sona, go ya ka dikakarolo (2) le (3).
- (2) Bokgoni bja go rwala banamedi bja senamelwa seo se bewago legatong la se sengwe bo swanetše go ba bja legoro yeo e ka šomišetšwago tirelo yeo go bolelwago ka yona go ya ka Lenaneotshepetšo A.
- (3) Senamelwa sa go bewa legatong la se sengwe se ka no šomišetšwa lebaka la nako leo le hlomamego leo le sa fetego matšatši a 42 go ya ka mo lekgotla goba leloko le tla bago le phethile, gomme lebaka leo le ka no katološwa go ya ka pono ya Lekgotla ge kgopelo ye nngwe e ka dirwa.
- (4) Ka nako ya go šoma legatong la senamelwa se sengwe, senamelwa se swanetše go tšewa e le seo laesense ya tshepedišo goba tumelelo e filwego ka baka la sona.

47. Mediro ya mong tumelelo goba mong wa laesense ya tshepedišo

Mong tumelelo goba mong wa laesense ya tshepedišo o swanetše go-

- (a) sepetša tirelo yeo e dumeletšwego ke tumelelo goba laesense ya tshepedišo go ya ka maemo a yona le dileanotshepetšo tša dinamelwa tšeo di swanetšego;
- (b) swara ka gare ga senamelwa tumelelo goba laesense ya tshepedišo goba kgatišo ya tšona goba tumelelo yeo e ngwadilwego fase yeo e boletšwego ka go karolo 46(1), goba kgatišo yeo e akantšwego ka go karolo 38(10), le setifikeiti sa ngwadišo sa mong seo se filwego go ya ka karolo 66, gomme a di bontšhe mohlankedi yo a filwego tumelelo ge di nyakega: empa Lekgotla le ka no laela ka go ngwala fase gore dihomesetšo tša tumelelo goba laesense ya tshepedišo di ka no se bolokwe ka gare ga senamelwa ge e le gore ke tše di kgolo kudu gomme ga go kgonege gore di šikarwe;
- (c) boloka tumelelo goba laesense ya tshepedišo le dikgatišo tša gona di le seemong seo e lego gore mangwalo le dinomoro tšeo di ngwadilwego go tšona di bonala gabotse, ge e le gore tumelelo goba laesense ya tshepedišo di senyegile goba ga di sa bonala gabotse, kgopelo ya tše dingwe e dirwe ka mokgwa wo o boletšwego;
- (d) dira gorē leina, aterese le mohuta wa kgwebo tša mong di ngwalwe senamelweng seo se filwego tumelelo goba laesense ya tshepedišo, mo lefelong leo le iponatšago, ka mokgwa wo o boletšwego goba wo o dumeletšwego ke Lekgotla ka go ngwala fase kgetseng yeo e rilego;
- (e) bontšha dintlha tše dingwe tšeo di boletšwego ke Lekgotla;
- (f) kgomaretša le go dula a kgomareditše ka mokgwa wo o boletšwego mo senamelweng, maswao ka moka a go lemogega ao a filwego go ya ka Molao wo;
- (g) dira kgopelo ya mpšhafatšo ya tumelelo goba ya laesense ya tshepedišo e sego morago ga matšatši a 30 pele tumelelo goba laesense di fela, gomme lebakeng la tumelelo, gore tumelelo e fetolelwe go ba laesense ya tshepedišo, go ya ka mabaka, gore mong o nyaka go mpšhafatša goba go fetolela.
- (h) netefatša gore tshedimošo ka moka yeo e lego ka gare ga tumelelo goba laesense ya tshepedišo e dula e mpšhafaditšwe ka dikgopelo tša maswanedi tša phetolo;
- (i) bušetša go Lekgotla lebakeng la matšatši a 14 tumelelo goba laesense ya tshepedišo yeo e fedišitšwego goba e bušeditšwego morago, goba yeo e fedilego;

- (j) ge e le gore ke tirelo ya sekgala se se telele, boloka lenaneo la banamedi bao ba lego ka gare ga senamelwa, gore banamedi bao ba rwelwego ke bomang, ka mokgwa le ka fomong yeo e boletšwego.

48. Maatla ao a tšweletšwago ke laesense ya tshepedišo

Laesense ya tshepedišo yeo e filwego ka fase ga Molao wo-

- (a) ga e dumelele mong go sepetša senamelwa tseleng ya setšhaba ka lefelong la taolelo ya mmasepala ge e le gore ga go molaong go dira ka mokgwa wo ka fase ga odinense, molawana goba sekamolao wa mmasepala wo;
- (b) e ka se lokolle mong go boitlamo bja go šala morago senyakwa seo se gapeletšwago ka fase ga molao, laesense goba tumelelo yeo e ntšhitšwego ke bolaodi bjo bongwe.

49. Go bušetša morago, go fegwa goba phetolo ya laesense ya tshpedišo

- (1) Mo e lego gore laesense ya tshepedišo e filwe e theilwe godimo ga kontraka, bolaodi bjo kontrakago bo swanetše go kgopela Lekgotla go bušetša morago laesense ya tshepedišo mo e lego gore kontraka e fedišitšwe ka lebaka lefe goba lefe.
- (2) Go ya ka sekakarolo (3), lebakeng la laesense ya tshpedišo yeo e sa fiwago go theilwe godimo ga kontraka, ka nako ye nngwe le ye nngwe Lekgotla le ka no bušetša morago, la fediša, la fega goba la fetola laesense ya tshepedišo lebaka leo le bonago le swanetše, ge e le gore
- (a) mong wa laesense ya tshepedišo goba modiredi wa mong o otletšwe bosenyi ka fase ga Molao wo, ka fase ga molao wo o amanago le dinamelwa, taolo ya dinamelwa, polokego goba dikamano tša bašomi;
- (b) go ya ka pono ya Lekgotla, mong wa laesense ya tshepetšo ga se a phethagatše maemo a laesense ya tshepedišo;
- (c) mong wa laesense ya tshepetšo ga se a šimolle tirelo yeo e dumeletšwego ke laesense ya tshepetšo goba karolo ya goba lebakeng la matšatši a 90 laesense ya tshepedišo e filwe; goba
- (d) mong wa laesense ya tshepedišo ga se a sepetše tirelo goba karolo ya yona matšatši a 180 a go šalana morago.
- (3) Ka fase ga sekakarolo (1) goba (2) Lekgotla le ka se bušetše morago goba la fega laesense ya tshepedišo ka ntle le ge e le gore-
- (a) bonyane tsebišo ya matšatši a 21 yeo e ngwadilwego fase ya maikemišetšo a lona a go dira ka mokgwa wo, le mabaka, e filwe mong ka poso yeo e ngwadišitšwego goba yeo e netefaditšwego;
- (b) mong o filwe sebaka, ka boyena goba ka moemedi, gore a hlage pele ga Lekgotla gomme a fe bohlatse mabapi le ditiro tšeo di šišintšwego; le
- (c) bolaodi bja dinamelwa, gomme ge bolaodi bja dinamelwa bo se bo lae lewego, mmasepala wa maleba o filwe sebaka sa go tliša dikemedi le go dira dipeakanyo tše dingwe.

50. Go fedišwa ga dilaesense tša tshepedišo tšeo di sa šomišwago

- (1) Ge e le gore Lekgotla le lemoga gore laesense ya tshepedišo yeo e fetoletšwego go tloga tumelelong goba laesense ye mpšha ya tshepedišo yeo e ntšhitšwego ga se e šomišwe lebakeng la matšatši a 90 morago ga ge e filwe, Lekgotla ka go fa tsebišo yeo e ngwadilwego fase, le swanetše go bitša mong gore a tliše mabaka, ao a kgotsofatšago Lekgotla gomme e be lebakeng leo le boletšwego ka gare ga tsebišo gore-
- (a) ke ka baka la eng a se a thome go sepetša tirelo ya dinamelwa tša banamedi ba setšhaba yeo e amanago le laesense yeo; le
- (b) ke ka baka la eng Lekgotla le sa swanela go fediša laesense yeo ya tshepedišo.
- (2) Mo Lekgotla le kgotsofaditšwego ke mabaka ao a filwego, mong wa laesense o swanetše go dumelwa lebaka le lengwe leo le boletšwego ke Lekgotla, empa e sego matšatši a go feta a 30, go thoma go sepetša tirelo, gomme mong o swanetše go tsebišwa ka go ngwala fase.
- (4) Ge Lekgotla le se le kgotsofale, goba ge e le gore mong ga se a tliše mabaka lebakeng la nako leo le filwego ka gare ga tsebišo, Lekgotla le swanetše go fediša laesense ya tshepedišo, gomme ka go ngwala fase le tsebiše mong gomme le mo laele gore a neele laesense yeo ya tshepedišo go Lekgotla mmogo le maswao a go lemogega a gona, lebakeng la matšatši a šupa morago ga tšatši la tsebišo.

51. Go bušetšwa morago ga dilaesense tša tshepedišo tša tlaleletšo goba ditumelelo

Mo e lego gore Lekgotla le kgotsofetše gore-

- (a) bolaodi bja dinamelwa, ka leanotshepetšo ya bjona bo phethile gore go na le ditirelo tša go feta tekano tseleng yeo e itšego, ditseleng goba mararankoding;
- (b) bolaodi bja dinamelwa bo rerišane le mong yo a šomago tseleng, ditseleng goba mararankoding, gomme go kopanwe le diforamo tša dinamelwa tša maswanedi, ka pono ya go humana go fedišwa ga dilaesense tša tshepedišo tša go feta tekano.

Lekgotla le swanetše go bušetša morago tumelelo goba laesense ya tshepedišo ya maswanedi go ya ka karolo 51 ya Molao wa Bosetšhaba, ge e le gore go kwanwe le mong go mo lefelela tahlego ya mehola ya ditšhelete ka mokgwa wa nnete le wa go kwala, wo o badilwego go ya ka methalohlahlhi yeo e phethilwego ka go karolo 51(4) ya Molao wa Bosetšhaba.

52. Ditumelelo tša nakwana

- (1) Ga go motho yo a swanetšego go fa ditirelo tša dinamelwa tša tseleng tša banamedi ba setšhaba mabapi le tiragalo yeo e itšego, go swana le tiragalo ya dipapadi, poloko goba lenyalo, ka ntle le ka fase ga tumelelo ya nakwana yeo e filwego ka fase ga karolo ye.
- (2) Sekakarolo (1) se ka se šome mo lego gore-
- (a) go tla sepetšwa tirelo ya dinamelwa tšeo di hirilwego (tšhatha) go ya ka laesense goba tumelelo ya maswanedi; goba
- (b) mong tirelo o tla fa tirelo go ya ka laesense ya tshepedišo; goba

- (c) tumelelo yeo e šetšego e dumelela dinamelwa tša maswanedi tseleng goba lefelo leo go bolelwago ka lona.
- (3) Mong laesense a ka no dira kgopelo go Lekgotla gore ge a lefile tefišo yeo e boletšwego, a fiwe katologano ya ditumelelo tša nakwana.
- (4) Lekgotla le swanetše go fa ditumelelo tša nakwana dinomoro tšeo di latelelanago tšeo di ntšhitšwego ke lona gomme le boloke ngwadišo ya ditumelelo le leina la mong wo di o filwego.
- (5) Pele ga go thoma ditirelo tšeo di boletšwego ka go sekakarolo (1), mong yo a amegago o swanetše go tlatša tumelelo ya nakwana ya leeto leo go bolelwago ka lona ka mokgwa wo o boletšwego gomme a boloke tumelelo ka gare ga senamelwa sa maswanedi dinako ka moka ge tirelo e dirwa le go e hlagiša ge e nyakwa ke mohlankedi yo a filwego tumelelo.
- (6) Ka pela ka mo go kgonegago, empa e sego morago ga diiri tše 72 morago ga go fetša tirelo yeo go bolelwago ka yona, mong o swanetše go tliša kgatišo yeo e tladišwego ya tumelelo ya nakwana go Lekgotla, gomme ge e le gore ke tirelo ya mohuta wa thekisi ya minipase, go mokgatlo wo e lego leloko la wona, le mokgatlo wo o ngwadišitšwego wa maswanedi wo o šomago tseleng goba mararankoding ao go bolelwago ka wona.
- (7) Lekgotla le ka no ntšha mong yo a tlwaetšego go sepetša ditirelo tša dinamelwa empa a se a tlatše ditumelelo tšeo di tlhokegago, goba a tlwaetšego go se šomiše ditumelelo tša nakwana gabotse.
- (8) Ditumelelo tša nakwana di swanetše go ba difomong tšeo di hlalošitšwego.
- (9) Ditumelelo tša nakwana di swanetše go šomišetšwa fela go nametša banamedi ge go ena le ditiragalo tša go direga di be di fele ka nako yona yeo, gomme ge di šomišwa-
- (a) banamedi ga se ba swanele go nametšwa le go fološwa mo tseleng
- (b) mong laesense o swanetše go boa leetong la nakwana a rwele banamedi bao a ilego le bona;
- (c) mong laesense ga se a swanele go fa ditirelo tša mohuta wa thekisi ya minipase lefelong leo a lego go lona ge a letetše banamedi.

53. Dilaesense tša tshepedišo tša mabaka ao a kgethegilego.

- (1) Mo e lego gore Molekgotlaphethiši o dirile ka fase ga karolo 93(2) go tswalela ditsela, Molekgotlaphethiši a ka no laela Lekgotla go mema dikgopelo tša dilaesense tša tshepedišo tša maemo ao a kgethegilego go sepetša ditirelo ditšelang tšeo.
- (2) Dikgopelo ka fase ga sekakarolo di swanetše go dirwa ka mokgwa wo o boletšwego le ge tefo ya tefišo yeo e boletšwego e humanwe.
- (3) Lekgotla le ka no tšeela hlogong kgopelo yeo e dirilwego ka fase ga sekakarolo (1), gomme, go ya ka pono ya lona, le ka no fa kgopelo ka botlalo goba karolo, lebakeng le lengwe le le lengwe, go ya ka mabaka ao Lekgotla le ka no a gapeletšago, goba la gana kgopelo.
- (4) Dilaesene tša mabaka ao a kgethegilego di swanetše go fiwa lebaka la nako leo le hlomamego leo le sa fetego matsatši a 21.
- (5) Lekgotla le ka no abela maatla a lona ka fase ga karolo ye go leloko goba mohlankedi wa Lekgotla.

54 Koketšo ya ditefišo tše dingwe pele go kgopelo ya phetolo ya tumelelo ya maswanedi goba laesense ya tshepedišo

Ka mehla ge tumelelo goba laesense ya tshepedišo e dumelela go fiwa ga mpho e bolela gore mong laesense o swanetše go šala morago lebaka la gore go fiwa go swanetše go dirwa ka ditefišo tšeo di dumeletšwego goba tšeo di beilwego ke Lekgotla, mong laesense yo a ka no re ka nako ye nngwe le ye nngwe, morago ga koketšo ya theko ya petroliamo ka Rephaboliking, a oketša tefišo ka bokaalo bjo sa fetego 10%, ge e le gore lebakeng la matšatši a 10 morago ga go thoma go šoma ga tefišo yeo e okeditšwego, mong o dira kgopelo ya phetolo ya maleba ya tumelelo goba laesense ya tshepedišo ya maswanedi ka fase ga Molao wo.

KAROLO 7: LEKGOTLA LA GAUTENG LA TSHEKOLESWA LA BANAMEDI BA SETŠHABA

55. Go hlongwa, boteng le mediro ya Lekgotla la Gauteng la Tshekoleswa bja Banamedi ba Setšhaba

- (1) Leina la Khomišene ya Dinamelwa tša POrofensi yeo e hlomilwego ke karolo 27 ya Molao wa Gauteng wa Ditirelo tša Nakwana tša Mohuta wa Dithekisi tša Minipase, le fetolwa go ba Lekgotla la Gauteng la Tshekoleswa bja Banamedi ba Setšhaba, gomme le tšewa e le mokgatlo wa Tshekoleswa wa dinamelwa tša porofensi, leo go bolelwago ka lona ka go karolo 128(1) ya Molao wa Bosetšhaba.
- (2) Lekgotla la Tshekoleswa le na le modulasetulo le bonyane leloko le lengwe leo le beilwego ke Molekgotlaphethiši-
 - (a) bonyane o tee wa bona o na le maitemogelo a maswanedi a go šoma bjalo ka moatefokate goba moemedi wa molao,
 - (b) yo mongwe goba ba bangwe ba swanetše go ba le maitemogelo a mantši le go ba ba bontšhitše go ba le bokgoni bja dinamelwa tša batho bohle.
- (3) Maloko a Khomišene yeo ao a beilwego pele ga go thoma ga Molao wo a tla tšwela pele go šoma bjalo ka maloko a Lekgotla la Tshekoleswa go fihla lebaka la go bewa ga bona le feta, ka ntle le ge Molekgotlaphethiši a fediša mošomo wa bona pele ga nako.
 - (a) Pele ga ge a bea maloko a Lekgotla la Tshekoleswa Molekgotlaphethiši o swanetše go gatiša tsebišo ya maikemišetšo a gagwe le go mema dikgopelo tša boleloko, bonyane ka gare ga kuranta ye tee yeo e balwago ka Porofensing, ka Seisimane le bonyane polelo ye nngwe ye tee ya semmušo yeo e bolelwago ka bophara Porofensing.
 - (b) Pele ga go bea leloko lefe goba lefe, Molekgotlaphethiši o swanetše go gatiša, ka mokgwa wo o swanago le wa ka godimo, maina a batho bao a šišinyago go ba bea go Lekgotla la Tshekoleswa le go mema ditshwaetšo le boikemedi mabapi le taba yeo.
 - (c) Molekgotlaphethiši o swanetše go ela hloko ditshwaetšo le boikemedi bo fe goba bo fe tšeo di filwego.
- (4) Ga go motho yo a ka kgethwago go ba leloko la Lekgotla la Tshekoleswa ge e le gore yena –
 - (a) goba molekane wa gagwe, ba leloko ba kgauswi, bafepšwa ke yena, molekane kgwebong goba mothwadi wa gagwe, o na le kgahlego ya tša ditšhelete ka gwebong goba go dinamelwa tša batho bohle goba ke mošomi yo a kgethilwego

ka mokgatlong, goba o dira tiro yeo, go ya ka pono ya Molekgotlaphethiši, e tla tshwenyanago le go dira mediro ya gagwe ka tshwanelo;

- (b) o na le paledišo efe goba efe ya semolao;
 - (c) o ile a pšhatlagana ka tša ditšhelete gomme a se a tšošološwe; goba
 - (d) o otletšwe bosenyi bja go amana le go se tshepege goba o ile a kobiwa mošomong wa setšhaba ka baka la go se itshware gabotse.
- (5) Ge go tšeelwa hlogong go kgethwa ga leloko lefe goba lefe la Lekgotla la Boipiletso, motho yo o swanetše go botša Molekgotlaphethiši, ka go ngwala fase, dikhahlego dife goba dife tše o a ka no bago a ena le tšona ka karolong efe goba efe ya intasteri ya dinamelwa tša batho bohle, gomme ge a ka palelwa ke go dira ka mokgwa wo, o tla ba a dirile bosenyi.
- (6) Modulasetulo wa Lekgotla la Tshekoleswa o swanetše go kgethwa lebaka leo le sa fetego mengwaga ye meraro, gomme maloko a mangwe a Lekgotla leo mabaka ao a sa fetego mengwaga ye mebedi, gomme, go ya ka dikgonegišo tša Molao wo, ba tla šoma go ya ka mabaka a go putswa le a mangwe ao a tla bago a phethilwe ke Molekgotlaphethiši ge ba kgethwa.
- (7) Ge kantoro ya modulasetulo goba leloko la Lekgotla la Tshekoleswa le se na motho goba le yo hloka motho, Molekgotlaphethiši, go ya ka karolo ye, o swanetše go tšea magato a bjako go tlatša sekgoba ka go bea motho yo a se loketšego, le wa nnete yo a ka se bonwego a se a loke go ya ka mo go boletšwego ka go sekakarolo (5).
- (8) Motho yo lebaka la gagwe la go ba ka kantorong bjalo ka leloko la Lekgotla la Tshekoleswa le fetilego, o tla lokela go kgethwa ka leswa.
- (9) Hlogo ya Kgoro, go ya ka melao yeo e laolago tirelo ya setšhaba, e swanetše go fa bašomi bao ba hlokegago go thuša Lekgotla la Tshekoleswa go phethagatša mediro ya lona.
- (10) Mediro ya Lekgotla la Tshekoleswa e tla ba go theeletša Tshekoleswa bja go amana le dikgopelo tša dinamelwa tša ka gare ga diporofensi.

56. Go leboga modiro, go tloga le go tlošwa kantorong ga Maloko a Tshekoleswa

- (1) Leloko la Lekgotla la Tshekoleswa le ka no leboga modiro ge le file tsebišo ya go ngwalwa fase ya dikgwedi tše pedi go Molekgotlaphethiši.
- (2) Molekgotlaphethiši a ka no tloša ka kantorong leloko la Lekgotla la Tshekoleswa-
- (a) leo le paletšwego ke go šala morago maemo a go kgethwa ga gagwe;
 - (b) leo le humanwego molato wa go se itshware gabotse goba yo a dulago a hlokomologile ka mehla mediro ya gagwe bjalo ka Leloko goba a paletšwe ke go šomiša mediro yeo ka nnete le ka mokgwa wa go se kgethe;
 - (c) leo le sa kgonego go phetha mediro ya gagwe bjalo ka leloko la Lekgotla leo ka kgontšhago;
 - (d) leo le paletšwego ke go tsenela dikopano tše tharo tša go latelana tša Lekgotla leo ntle le lebaka la go kwala.
- (3) Leloko la Lekgotla la Boipiletso le swanetše go tloga kantorong ge e le gore leloko le-
- (a) hlagelwa ke go ntšhwa modirong go boletšwego ka go karolo 55(5);
 - (b) tlošwa kantorong ka fase ga sekakarolo (2).

57. Maatla a Lekgotla la Tshekoleswa

- (1) Ntle le maatla a mangwe ao a fiwago ke Molao wo, Lekgotla la Tshekoleswa, ka mabaka a go ahlaahla taba yeo e lego pele ga lona go ya ka Molao wo, le ka no -
- (a) go ya ka pono ya lona, le ka no dumelela motho yo a angwago ke goba yo a nago le kgahlego tabeng yeo, goba moemedi yo a dumeletšwego wa motho yo, go hloga pele ga lona le-
- (i) go fa bohlatse goba go dira kemedi ya molomo ya go ba maswanedi Tshekoleswang; goba
- (ii) bitša dihlatse le go eta pele bohlatse bja taba ya maswanedi Tshekoleswang; goba
- (iii) botšolotša motho yo a fago bohlatse Tshekoleswang;
- (b) ka tsebišo yeo e ngwadilwego fase bjalo ka ge gio boletšwe le go dirwa ka mokgwa wo o boletšwego, le ka no nyaka gore motho a hloga pele ga lona go fa bohlatse goba go fa puku, leanotshepetšo goba tokomane ye nngwe goba sengwalwa seo a se swerego goba seo a se laolago;
- (c) bitša motho yo a lego gona lefelong leo go lona Lekgotla la Tshekoleswa le ahlaahlogo taba, go hloga pele ga lona goba go fa bohlatse goba go fa puku, leanotshepetšo goba tokomane ye nngwe goba sengwalwa seo a se swerego;
- (d) botšolotša motho yo a hlagago pele ga lona bjalo ka hlatse;
- (e) gana go theeletša motho yo a hlagago pele ga lona bjalo ka hlatse yo a ganago go kanišwa goba go netefatšwa.
- (2) Motho yo e lego modulasetulo kopanong ya Lekgotla la Tshekoleswa yeo go yona motho a hlagago bjalo ka hlatse bjalo ka ge go boletšwe ka go sekakarolo (1), a ka no sepetša kano go motho yo a hlagago.
- (3) Kgotla ya Tshekoleswa e swanetše go fa makoko a go ba le kgahlego, ge ba kgopetše, mabaka a gorer sephetho se tšwewe.

58. Dikopano le diphetho tša Lekgotla la Tshekoleswa

- (1) Dikopano le diphetho tša Lekgotla la Tshekoleswa di swanetše go swarwa go ya ka ditshepetšo tšeo di boletšwego le ka dinako le mafelong ao a boletšwego.
- (2) Modulasetulo le bonyane leloko le lengwe la Lekgotla la Tshekoleswa ba tla dira khoramo ya dikopano tša Lekgotla leo.
- (3) Ge e le gore modulasetulo wa Lekgotla la Tshekoleswa ga a kgone go tsenela kopano ya Lekgotla leo, modulasetulo a ka no laela leloko le lengwe la Lekgotla leo go dira bjalo ka modulasetulo wa kopano yeo.
- (4) Sephetho sa bontši bja maloko a Lekgotla la Tshekoleswa ao a lego gona kopanong e tla ba sephetho sa Lekgotla leo sa ditshepetšo, gomme, ge e le gore go na le diboutu tša go lekana, modulasetulo kopanong yeo o na le boutu ya go dira sephetho go tlaleletša boutu ya gagwe yeo a e dirilego pele.
- (5) Ga go tiro, thoko goba sephetho sa Lekgotla la Tshekoleswa seo se ka bonwago se sa šome ka baka la nnete ya gore, ge tiro e dirwa, goba thoko goba sephetho se fiwa, sekgoba se be se le gona Lekgotleng leo, goba motho e be e le leloko la Lekgotla leo yo a ntšhitswego ka fase ga karolo 55(5), go eya ka gore tumelo ya motho yo e be e tihokega ge go dirwa tiro yeo goba go fiwa ga thoko goba sephetho seo.
- (6) Lekgotla la Tshekoleswa le swanetše go theeletša tshekoleswa lebakeng la matšatsi a 60 la go humana tsebišo ya Tshekoleswa le go botša makoko a maswanedi sephetho ka bjona lebakeng leo le boletšwego.

59. Tshekofeswa go Lekgotla la Tshekoleswa kgahlanong le sephetho sa Lekgotla goba Mongwadiši

- (1) Boloka ka mo e kgonegišitswego ka Molaong wo le go ya ka sekakarolo (2), motho yo -
 - (a) a dirilego kgopelo go Lekgotla ya go fiwa, go mpšhafatšwa, go fetolwa goba go šuthišetšwa ga tumelelo goba laesense ya tshepedišo, goba yo tumelelo ya gagwe goba laesense ya tshepedišo e bušeditšwego morago, e fetotšwego goba e fegilwego ke Lekgotla;
 - (b) e lego mong wa tumelelo goba laesense ya tshepedišo yeo e filwego ke Lekgotla;
 - (c) a tlišitšego dikemedi go Lekgotla, ka mokgwa le lebakeng la nako leo le boletšwego, goba a dirilego kgopelo go Mongwadiši ya ngwadišo ka fase ga Molao wo, goba yo a bego a nyakišišwa ke Mongwadiši;
 - (d) gomme o angwa ke sephetho sa lekgotla goba Mongwadiši, ka mokgwa le nako tšeo di boletšwego, a ka no dira Tshekoleswa go Lekgotla la Tshekoleswa.
- (2) Mo Lekgotla le tsebišago motho ka go ngwala fase ka sephetho seo se boletšwego ka go sekakarolo (1), tšatši la tsebišo yeo e ngwadilwego fase le tla tšewa e le lona tšatši leo ka lona sephetho se filwego.
- (3) Lekgotla la Tshekoleswa le swanetše go tšeela hlogong tshekoleswa yeo tsentšwego ka tshwanelo go lona, gomme go ya ka pono ya lona le ka no-
 - (a) gana tshekoleswa le go netefatša sephetho; le
 - (b) gana go fetola tsheko, go beela ka thoko sephetho, le-
 - (i) go bea sephetho se sengwe legatong la sephetho sa Lekgotla; goba
 - (ii) go bušetša taba go Lekgotla go re le e tšeele hlogong ka leswa; goba
 - (c) go se fetole karolo ye nngwe ya sephetho sa tshekoleswa le go fetola sephetho.
- (4) Lekgotla la Tshekoleswa le ka no fa goba la gana kgopelo ya go fega tshepetšo ya sephetho sa Lekgotla goba Mongwadiši yo go dirwago tshekoleswa kgahlanong le yena, gomme kgopelo ye bjalo e swanetše go dirwa ka mokgwa wo o boletšwego le lebakeng la nako yeo e boletšwego.

KAROLO 8: MONGWADIŠI WA TŠA DINAMELWA WA GAUTENG LE NGWADIŠO YA MEKGATLO LE BENG TIRELO

60 Go kgethwa ga Mongwadiši wa tša Dinamelwa wa Gauteng le sehlopha sa boeletši

- (1) Mongwadiši yo a kgethilwego ka fase ga karolo 4 ya Molao wa Nakwana wa Ditirelo tša Mohuta wa Dithekisi tša Minipase tša Gauteng o tšewa gore ke Mongwadiši wa Dinamelwa tša Gauteng, yo e lego yena Mongwadiši yo go bolelwago ka yena ka go karolo 53(1) ya Molao wa Bosetšhaba.
- (2) Molekgotlaphethiši a ka no kgetha sehlopha sa boeletši yeo e nago le palo ya baeletši ba bjalo bao ba phethilwego ke Molekgotlaphethiši, go eletša Mongwadiši le go mo thuša ka mediro ya Mongwadiši, bao e tla ba batho bao ba nago le maitemogelo le bokgoni bjo bontši bja dinamelwa tša batho bohle.
- (3) Baeletši bao ba kgethilwego pele ga ge Molao wo o thoma go ya ka karolo 9 ya Molao wa Nakwana wa Ditirelo tša Mohuta wa Dithekisi tša Minipase wa Gauteng ba tšwela pele go šoma bjalo ka baeletši go fihla ge lebaka la bona la kgetho le feta, ka ntle le ge e le gore Molekgotlaphethiši o fediša mešomo ya bona pele ga nako.

- (4) (a) Pele ga go kgetha Mongwadiši goba moahlodiši, Molekgotlaphethiši o swanetše go gatiša tsebišo ya maikemišetšo a gagwe go dira ka mokgwa wo, le go mema dikgopelo tša boleloko, bonyane ka gare ga kuranta ye tee yeo e balwago ka Profenseng, ka Seisimane le bonyane polelo ye nngwe ya semmušo yeo e bolelwago ka bontši ka Profenseng.
- (b) Pele ga go kgetha Mongwadiši goba moahlodiši yo mongwe yo a amegago, Molekgotla Phethišo o swanetše go gatiša ka mokgwa wo o swanago le wa ka godimo, maina a batho bao a šišinyago go ba kgetha gomme a meme diswayaswayo le kemedi mabapi le taba yeo.
- (c) Molekgotlaphethiši o swanetše go iša hlogong diswayaswayo dife goba dife le dikemedi tše di humanwego.
- (5) Ga go motho yo a tla kgethwago bjalo ka Mongwadiši goba moahlodiši ge e le gore-
- (a) yena goba molekane wa gagwe, wa leloko la kgauswi, bafepšwa ke yena, molekane kgwebong goba mothwadi o na le kgahlego ya tša ditšhelete ka kgwebong ya dinamelwa tša tseleng tša banamedi ba setšhaba, goba ge e le gore o kgethilwe go ba ka kantorong ya mokgatlo, goba ge e le gore o dira tiro yeo, go ya ka pono ya Molekgotlaphethiši, e tla tshwenyanago le go phethagatšwa ga mediro ya gagwe ka tshwanelo.
- (b) o na le paledišo e fe goba e fe ya semolao;
- (c) o ile a felelwa ke tšhelete mo a ka se tsošwego; goba
- (d) o otletšwe bosenyi bja go amana le go se tshepege goba o ile a kobiwa mošomong wa setšhaba ka baka la go se itshware gabotse.
- (6) Ge go tšeelwa hlogong go kgethwa ga motho ofe goba ofe bjalo ka Mongwadiši goba moahlodiši, motho yo o swanetše go botša Molekgotlaphethiši, ka go ngwala fase, dikgahlego dife goba dife tše a ka no bago a ena le tšona ka karolong efe goba efe ya intasteri ya dinamelwa tša batho bohle, gomme ge a ka palelwa ke go dira ka mokgwa wo, o tla ba a dirile bosenyi.
- (7) Mongwadiši le baeletši ba swanetše go kgethwa lebaka leo le sa fetego menwaga ye meraro, gomme, go ya ka dikgonegišo tša Molao wo, ba tla šoma go ya ka mabaka a go putswa le a mangwe ao a tla bago a phethilwe ke Molekgotlaphethiši ge ba kgethwa.
- (8) Ge kantoro ya Mongwadiši e se na motho goba e yo hloka motho, Molekgotlaphethiši o swanetše go kgetha Mongwadiši yo moswa, yo e lego goba yo e bego e le moahlodi goba mmaseterata, goba ramolao goba moadfokata yo a šomilego bonyane mengwaga ye mehlano, goba yo, go ya ka pono ya Molekgotlaphethiši, a nago le boithekgo bja semolao bo lekanago goba maitemogelo a go phethagatša mediro yeo a e filwego ke Mongwadiši ka fase ga Molao wo.
- (9) Ge kantoro ya moahlodiši e se na motho goba e yo hloka motho, Molekgotlaphethiši o swanetše go kgetha moahlodiši yo moswa, yo e lego motho yo a nago le maitemogelo le bokgoni bja dinamelwa tša tšeleng tša banamedi ba setšhaba.
- (10) Motho yo lebaka la gagwe la go ba ka kantorong bjalo ka Mongwadiši goba moahlodiši le fetilego, o tla lokela go kgethwa ka leswa.
- (11) Hlogo ya Kgoro, go ya ka melao yeo e laolago tirelo ya setšhaba, e swanetše go fa bašomi bao ba hlokegago go thuša Mongwadiši go phethagatša mediro ya gagwe.

61. Go leboga modiro, go tloga le go tlošwa kantorong ga Mongwadiši le baeletši

- (1) Mongwadiši goba moahlodiši a ka no leboga modiro ge a file tsebišo ya go ngwalwa fase ya dikgwedi tše pedi go Molekgotlaphethiši.
- (2) Molekgotlaphethiši a ka no tloša ka kantorong Mongwadiši goba moahlodiši -

- (a) yo a paletšwego ke go šala morago ditlamo tša go kgethwa ga gagwe;
 - (b) yo a humanwego molato wa go se itshware gabotse goba yo a dulago a hlokomologile ka mehla mediro ya gagwe goba a paletšwe ke go šomiša mediro yeo ka nnete le ka mokgwa wa go se kgethe;
 - (c) yo a sa kgonego go phetha mediro ya gagwe ka kgontšhago;
 - (d) ge e le gore ke moahlodiši, yo a paletšwego ke go tsenela dikopano tše tharo tša go latelana tša baeletši ntle le lebaka la go kwala.
- (3) Mongwadiši goba moahlodiši o swanetše go tloga kantorong ge e le gore-
- (a) o hlagelewa ke go ntšhwa modirong go boletšwego ka go karolo 60(5);
 - (b) o tlošwa kantorong ka fase ga sekakarolo (2).

62. Mediro ya Mongwadiši

Mongwadiši o swanetše go-

- (a) tšeela hlogong le go dira sephetho ka dikgopelo tša ngwadišo ya mekgatlo, maloko le bao e sego maloko go ya ka Molao wo le go ngwadiša bao ba dumelelwago;
- (b) hlomia le go mpšhafatša ngwadišo ya mekgatlo yeo e ngwadišitšwego, maloko a yona, le bao e sego maloko ka mokgwa wo o boletšwego;
- (c) tshwarelela difomo tše di boletšwego tša go ngwadiša le disetifikeiti tše di swanetšego go swarwa, go bolokwa goba go fiwa ka fase ga Molao wo;
- (d) hlokomela go šalwa morago ke mekgatlo yeo e ngwadišitšwego le maloko a yona, ka dikgonegišo tša maemo a melaotheo ya minimamo yeo e boletšwego, gomme, lebakeng la yo e sego leloko, ka molao wa maitshwaro wo o boletšwego;
- (e) fa Molekgotlaphethiši tshedimošo ge a e kgopetše ya mabapi le mediro ya Mongwadiši;
- (f) fa dikeletšo le thušo ya ngwadišo go bakgopedi;
- (g) fa Molekgotlaphethiši pego ya ngwaga wo mongwe le wo mongwe ka tšwelopele yeo e dirilwego ge go phethagatšwa mediro ya Mongwadiši;
- (h) fa mang goba mang tshedimošo ya dipalopalo go tšwa ka rejistareng, ge a kgopetše ka go ngwala fase, ka ntle le ge tshedimošo ye bjalo, go ena le kgonego ya gore e ka hlokofatša kgwebo goba dikgahlego tša tša ditšhelete goba bokgoni bja motho yo rilego goba mokgatlo, goba ge e le gore e ka baka ka mokgwa wa thwii goba wa tharedi, gore motho yo a amegago a šupšwe, goba mokgatlo;
- (i) tšeela hlogong le go dira sephetho ka go fegwa goba go fedišwa ga ngwadišo ya mokgatlo goba ya leloko lefe goba lefe wa wona goba la motho yo e sego leloko.

63. Maatla a Mongwadiši

- (1) Ge a ahlaahla taba efe goba efe yeo e boletšwego ka go karolo 62(a) goba (i), Mongwadiši a ka no-
 - (f) dumelela motho yo angwago ke goba yo a nago le kgahlego tabeng yeo, goba moemedi yo a dumeletšwego wa motho yo, go hlaga pele ga Mongwadiši le-
 - (j) go fa bohlatse goba go dira kemedi ya molomo ya go ba maswanedi go taba;
 - (ii) bitša dihlatse le go eta pele bohlatse ka taba efe goba efe ya maswanedi go ditshepetšo tše di lego pele ga Mongwadiši;
 - (iii) botšolotša motho yo a fago bohlatse ka ditshepetšong tše;
- (b) ntšha tagafaro godimo ga fomo yeo e boletšwego go nyaka gore motho a hlage pele ga Mongwadiši go fa bohlatse goba go hlagiša puku, leanotshepetšo,

tokomane goba rekhoto ye nngwe goba sengwalwa goba selo seo a se swerego goba seo a se laologo, gomme a e fa motho yo ka mokgwa wo o boletšwego;

- (c) bitša motho yo a lego gona lefelong leo go lona ditshepetšo di swarwetšwego, go hlaga pele ga Mongwadiši go fa bohlatse goba go hlagiša puku efe goba efe, leanotshepetšo, tokomane goba rekhoto ye nngwe le ye nngwe goba sengwalwa goba selo seo a se swerego lefelong leo;
 - (d) botšolotša motho yo a hlagago bjalo ka hlatse;
 - (e) nyaka gore bohlatse bofe goba bofe bja molomo bo fiwe ka fase ka kano goba netefatšo, gomme ka lebaka leo, a sepetša kano goba go tšea netefatšo go tšwa go hlatse efe goba efe;
 - (f) gana go kwa bohlatse bofe goba bofe bja molomo goba dikemedi go tšwa go motho ofe goba ofe ka ntle le ge motho yo a kanišitšwe goba a dirile netefatšo bjalo ka hlatse.
- (2) Mongwadiši a ka no sepetša kano goba netefatšo go motho yo a hlagago pele ga Mongwadiši bjalo ka hlatse.
 - (3) Mongwadiši o swanetše go fa bao ba nago le kgahlego, ge ba kgopetše ka go ngwala fase gape gomme ba filwe mabaka, sephetho seo a se tšerego.

64. Dikopano le diphetho tša Mongwadiši le baeletši

- (1) Dikopano tša Mongwadiši le baeletši di swanetše go tshwarwa go ya ka ditshepetšo tšeo di boletšwego le ka dinako le mafelong ao a boletšwego.
- (2) Diphetho dikopanong tšeo di amegagodi tla tšewa ka kwano, gomme Mongwadiši o tla ba le lentšu la mafelelo ge e le gore ga go na kwano.
- (3) Ga go sephetho seo se tšerwego kopanong seo se tla tšewago e se sa nnete ka baka la gore, ge sephetho seo se tšewa, go be go ena le sekgala gare ga baeletši goba motho e be e le moeletši yo a ntšhitšwego ka fase ga karolo 50(5).

65. Kgopelo ya go rola modiro

- (1) Mokgatlo, leloko gona yo e sego leloko yo a ratago go ngwadišwa o swanetše go išwa go Mongwadiši, ka mokgwa le godimo ga foromo yeo e boletšwego, kgopelo ya ngwadišo yeo e sepelago le tefišo ya ngwadišo yeo e boletšwego, ge e le gore e gona, le tshedimošo yeo e nyakwago ke Molao wo le Mongwadiši.
- (2) Ge e le gore, morago ga go tšeela hlogong kgopelo le go netefatša tshedimošo yeo e filwego, Mongwadiši o kgotsofetše gore mokgopedi o šetše morago dinyakwa tšeo di hlokegago, Mongwadiši o swanetše go ngwadiša mokgopedi.
- (3) Ge e le gore, morago ga go tšeela hlogong kgopelo Mongwadiši ga se a kgotsofale gore mokgopedi o šetše morago dinyakwa tša maswanedi, Mongwadiši o swanetše go tsebiša mokgopedi ka dinyakwa tšeo di se di kgotsofatšwego, gomme a ka no fa mokgopedi dikeletšo le thušo go mo kgontšha go kgotsofatša dinyakwa tšeo.

66. Go ntšha disetifikeiti le maswao ao a lemogegago ge go ngwadišwa

- (1) Mo mokgatlo, leloko, goba yo e sego leloko a ngwadišwago, Mongwadiši o swanetše go tsenya dintlha tšeo di boletšwego ka gare ga ngwadišo ya dinamelwa ya profense gomme a fe mokgatlo, leloko goba yo e sego leloko nomoro ya ngwadišo, le setifikeiti sa ngwadišo ka fomong yeo e boletšwego.
- (2) Go tlaleletša, Mongwadiši o swanetše go fa, ka mokgwa le ka fomong yeo e boletšwego, leswao la go lemogega go koloi ye nngwe le ye nngwe ya leloko leo le

ngwadišitšwego goba yo e sego leloko yeo e šomišwago ka fase ga bolaodi bja tumelelo ya maswanedi goba laesense ya tshepedišo.

67. Mekgatlo, maloko le bao e sego maloko bao ba sepetšago dinamelwa tša go kgabaganya diporofensi

- (1) Morago ga go ngwadiša mokgatlo, leloko goba yo e sego leloko yo a sepetšago dinamelwa tša go kgabaganya diporofensi, Mongwadiši o swanetše go romela kgatišo ya setifikeiti sa ngwadišo le dintlha ka moka tšeo di ngwadišitšwego go mongwadiši goba kgoro yeo e rwelego maikarabelo a merero ya dinamelwa ka profenseng ye nngwe le ye nngwe yeo maloko a mokgatlo, goba bao e sego maloko, ba šomago go tloga goba go ya go yona.
- (2) Mo Mongwadiši a tsebišitšwego ke mongwadiši wa profenseng ye nngwe gore mokgatlo, leloko goba yo e sego leloko o ngwadišitšwe ka profense ye nngwe yeo, Mongwadiši o swanetše go ngwala seo ka gare ga direkhoto tša gagwe, mmogo le dintlha tša gona bjalo ka ge di filwe ke mongwadiši yo mongwe.

68. Peeletšo ya ditokelo tša mekgatlo yeo e ngwadišitšwego le beng tirelo

- (1) Thušo ka Mmušo wa Profense ya Gauteng go mekgatlo le beng tirelo e ka no fiwa fela go bao ba ngwadišitšwego ka fase ga Molao wo.
- (2) Ga go mong tirelo goba moemedi wa mokgatlo yo a ka fago kemedi ka foramo ya thekisi goba mokgatlo wa kemedi wa go tshwana le yona yeo e hlomilwego ke Molao wo, ka ntle le ge e ngwadišitšwe ka mabaka ao.

KAROLO 9: NGWADIŠO YA MEKGATLO YA DITHEKISI TŠA DIMINIPASE LE BENG TIRELO

69. Ngwadišo ya kgapeletšo ya mekgatlo, maloko le bao e sego maloko a ditirelo tša mehuta ya dithekisi tša diminipase

Morago ga tšatši leo le tla bago le phethilwe ke Molekgotlaphethiši ka go fa tsebišo ka gare ga Kuranta ya Mmušo, ga go mong tirelo yo a tla sepetšago ditirelo tša mohuta wa thekisi ya minipase, gomme ga go mokgatlo wo o ka sepetšago kgwebo ka mokgwa wo, ntle le go ngwadišwa ka fase ga Mokgatlo wo.

70. Mekgatlo le beng tirelo bao ba ngwadišitšwego ka fase ga Molao 11 wa 1997

- (1) Mokgatlo wo o ngwadišitšwego ka botlalo go ya ka karolo 7 ya Molao wa Gauteng wa Nakwana wa Ditirelo tša Mohuta wa Dithekisi tša Diminipase, o tla tšewa gore o ngwadišitšwe ka fase ga Molao wo.
- (2) Motho yo a ngwadišitšwego ka botlalo bjalo ka leloko la mokgatlo wo o ngwadišitšwego, goba e se leloko, go ya ka karolo 7 ya Molao wa Gauteng wa Nakwana wa Ditirelo tša Mohuta wa Dithekisi tša Diminipase, o tla tšewa gore o ngwadišitšwe ka fase ga Molao wo.

71. Dikgetho le direferentamo

- (1) Molekgotlaphethiši a ka no laela mokgatlo ka tsebišo ya go ngwalwa fase gore o sware dikgetho tša komiti phethiši ya mokgatlo, goba direferentamo ka ditaba tšeo di bakago

dingangišano goba go se kwane ka gare ga mokgatlo goba gare ga mokgatlo le mokgatlo wo mongwe goba mekgatlo, lebakeng la nako yeo e boletšwego ka gare ga tsebišo, gomme la laela ka gare ga tsebišo gore kgetho goba referentamo e hlokomelwe ka mokgwa wo o ikemetšego ka noši ke-

- (a) motho goba batho bao ba beilwego le go putswa ke Molekgotlaphethiši, goba
- (b) motho goba batho bao ba beilwego le go putswa ke mokgatlo ka tshenyegelo ya wona.

(2) Mongwadiši a ka no fega goba a fediša ngwadišo ya mokgatlo yeo e palelwago ke go šala morago taelo yeo e ntšhitšwego ka fase ga sekakarolo (1).

(2) Ngwadišo ya mekgatlo

Mongwadiši o swanetše go ngwadiša mokgatlo wo e lego gore ge o dira kgopelo o kgotsofaditše Mongwadiši-

- (a) gore o bile gona lebaka la go se be ka fase ka lebaka la minimamo leo le boletšwego;
- (b) gore palo ya maloko e kgotsofatša minimamo wo o boletšwego;
- (c) gore molaotheo le molao wa maitshwaro wo o filwego ke mokgatlo di saenilwe le go amogelwa ke yo mongwe le yo mongwe wa maloko a wona;
- (d) gore molaotheo wo go bolelwago ka wona le molao wa maitshwaro di sepelelana le go šala morago dinyakwa tšeo di boletšwego;
- (e) gore mokgatlo o ipshina ka thekgo ya bommasepala ba maleba le bolaodi bja dinamelwa;
- (f) gore leloko le lengwe le le lengwe la mokgatlo le swere tumelelo ya nnete goba laesense ya tshepedišo ya senamelwa se sengwe le se sengwe seo se le sepetšago, le gore ditshepedišo tša gagwe di ka gare ga bolaodi bja tšona.
- (g) gore leloko le lengwe le le lengwe la mokgatlo le file bonnete bja go kgotsofatša Mongwadiši gore leloko le ngwadišitšeo di amegagoka molefa lekgetho ka fase ga Molao wa Lekgetho la Letseno, goba, go ya ka Molao wo, ga a nyakege gore a ngwadiše ka mokgwa wo; le
- (h) gore tshedimošo ka moka yeo e nyakwago ke Mongwadiši go ya ka Molao wo goba ka mokgwa wo mongwe e filwe le gore tshedimošo ye e netefaditšwe ka mokgwa wo o boletšwego.

73. Ngwadišo ya maloko a mekgatlo yeo e ngwadišitšwego

Mo e lego gore mokgatlo o ngwadišitšwe, Mongwadiši o swanetše go ngwadiša leloko le lengwe le le lengwe la wona leo tshedimošo ya gagwe yeo e nyakegago e filwego ka fomong ya maswanedi le yo a swerego tumelelo ya neete goba laesense ya tshepedišo, bjalo ka leloko la mokgatlo.

74. Maloko a maswa a mekgatlo yeo e ngwadišitšwego

- (1) Mo e lego gore mokgatlo wo o ngwadišitšwego o amogetše leloko le le mpšha leo le nago le tumelelo ya maswanedi goba laesense ya tshepedišo ya tsela goba ditsela tšeo go bolelwago ka tšona, o swanetše gore, lebakeng la matšatsi a 14 a kamogelo ye bjalo, o tsebiše Mongwadiši ka go ngwala fase le go mo fa dintlha tšeo di boletšwego tša leloko le bjalo le le mpšha, gomme ka tšona mongwadiši o tla ngwadiša motho yo a amegago bjalo ka leloko la mokgatlo wo.

- (2) Mo mokgatlo o amogetšego mong tirelo nakwana go ba leloko, yo a se nago tumelelo ya maswanedi goba laesense ya tshepedišo ya tsela goba ditsela tšeo go bolelwago ka tšona, o swanetše gore, lebakeng la matsatši a 14 a kamogelo ye bjalo, o tsebiše Lekgotla ka go ngwala fase ka kamogelo ye bjalo le go fa Lekgotla dintlha tšeo di boletšwego
- (3) Mong tirelo yo go boletšwego ka yena ka go sekakarolo (2) o swanetše go dira kgopelo ya laesense ya tshepedišo ya maswanedi lebakeng la matsatši a 14 la go amogela boleloko bjo bjalo bja nakwana, le go fa bohlatse bja kgopelo ye bjalo go Mongwadiši.
- (4) Nnete ya gore mosepedišo yo a amogetšwego nakwana bjalo ka ge go boletšwe ka go sekakarolo (2), goba ya gore mong tirelo yo a amegago o dirile kgopelo ya laesense ya tshepedišo bjalo ka ge go boletšwe ka go sekakarolo (3), ga go mo fe tokelo ya go šepetša tirelo ya dinamelwa tša batho bohle.
5. Ge Lekgotla le ka fa laesense ya tshepedišo ya maswanedi go leloko leo le amogetšwego nakwana le bjalo, Lekgotla le swanetše go tsebiša Mongwadiši lebakeng la matsatši a 14 gomme le fe Mongwadiši kgatišo ya laesense ya tshepedišo mmogo le dintlha tša go amana le leloko leo tšeo Lekgotla le di filwego ke mokgatlo wa maswanedi.
- 6 Ge le amogela kgatišo ye bjalo le dintlha, Mongwadiši o swanetše go -
107. Ge mong tirelo wa nakwana yo a amegago a ka palelwa ke go dira kgopelo ya laesense ya tshepedišo yeo e tlhokegago lebakeng la nako yeo e nyakegago ka go sekakarolo (3), goba ge Lekgotla le ka tsebiša mong tirelo gore kgopelo ye bjalo ga se e atlege, mokgatlo o swanetše go fediša go amogelwa ga mong tirelo yo a amegago lebakeng la matsatši a šupa morago ga go feta ga lebaka leo le boletšwego ka go sekakarolo (3), goba morago ga tsebišo ye bjalo, go etšwa gore naa go diregile eng.

75. Ngwadišo ya bao e sego maloko

- (1) Yo e sego leloko o dumelwa go ngwadiša, gape, morago ga go dira kgopelo, o swanetše go ngwadišwa, mo e lego gore yo e sego leloko-
- (a) o phethagaditše molao wa maitshwaro wo o boletšwego;
 - (b) o swere laesense ya tshepedišo ya maswanedi goba tumelelo ya senamelwa se sengwe le se sengwe seo yo e sego leloko a se šomišetšago tirelo ya dinamelwa tša tseleng tša banamedi ba setšhaba;
 - (c) a sepetšago tirelo ya tseleng ya banamedi ba setšhaba yeo tumelelo goba laesense ya tshepedišo ye bjalo e amanago le yona, go šala morago, le mabaka ao a hlomeseditšwego go tumelelo goba laesense ya tshepedišo;
 - (d) a filego bohlatse bja go kgotsofatša Mongwadiši bja gore yo e sego leloko o ngwadišitšwe bjalo ka molefa lekgetho ka fase ga Molao wa Lekgetho la Letseno, goba, go ya ka Molao, ga go nyakege gore a ngwadiše ka mokgwa wo; gape
 - (e) o dirile kgopelo bjalo ka yo e sego leloko ka mabaka ao a latelago:
 - (i) ga go mokgatlo wo o ngwadišitšwego mabapi le tsela goba ditsela, goba ge go kgonega, ka lefelong mo tirelo ya dinamelwa tša tseleng tša banamedi ba setšhaba e sepetšwego;
 - (ii) mo go nago le mokgatlo wo bjalo wo o ngwadišitšwego, ge e le gore-
- (aa) mokgopedi o ganeditšwe boleloko bja mokgatlo;
- (bb) dinyakwa tša boleloko tša mokgatlo ga di kwale;

(cc) go lebeletšwe mabaka ao a lego gona, mokgopedi a ka se lebelelwe gore gore e tla ba leloko la mokgatlo;

(dd) go na le pelaelo yeo e kwalago ya gore mokgopedi, ge a ka amogelwa go ba leloko la mokgatlo, o tla kgethollwa ka mokgwa wo e sego wa nnete.

- (2) Mo yo e sego leloko a holofelago go dira kgopelo ya laesense ya tshepedišo, yo e lego leloko o swanetše go dira pele kgopelo go Mongwadiši, ka mokgwa wo o boletšwego le ka fomo ya ngwadišo bjalo ka yo e sego leloko.
- (3) Mongwadiši o swanetše go netefatša ge e le gore mokgopedi yo a kgopelago ka fase ga sekakarolo (2) o šala morago dinyakwa tša sekakarolo (1), gomme ge go le bjalo, a fe mokgopedi setifikeiti sa go hlatsela taba yeo gore se fiwe Lekgotla.
- (4) Ge Lekgotla le ka ntšha le go fa laesense ya tshepedišo ya maswanedi go yo e sego leloko, Lekgotla le swanetše go tsebiša Mongwadiši lebakeng la matšatši a 14 le go fa Mongwadiši kgatišo ya laesense ya tshepedišo.
- (5) Ge a humana dintlha tše bjalo, Mongwadiši o swanetše go ngwadiša yo e sego leloko.

76. Dikgato tša thupišo

- (1) Mongwadiši o swanetše go fega goba go bušetša morago ngwadišo ya mokgatlo goba mong tirelo ka baka la go palelwa ke go šala morago Molao wo goba melawana yeo e hlalošitšwego ka go molaotheo wa maemo a minimamo goba molao wa maitshwaro wa maloko, go ya ka mo go tla bago go le ka gona, goba ka baka la maitshwaro a mangwe ao a tla bago a boletšwe gore ke ao a sego a maswanedi.
- (2) Morago ga go amogela ngongorego, goba go umakwa goba go theilwe godimo ga tshedimošo ya nyakišišo yeo a e lemogilego, Mongwadiši a ka no sepetša nyakišišo ka mokgwa wo o boletšwego.
- (3) Pele ga go nyakišiša, Mongwadiši o swanetše go romela temošo yeo e ngwadilwego fase go mokgatlo goba mong tirelo yeo e mo nyakago gore a lokiše go palelwa lebakeng la nako yeo e boletšwego ka gare ga temošo, leo le sa tshwanelago go ba ka fase ga matšatši a 21.
- (4) Ge nyakišišo e utolla gore go bile le palelo ye bjalo goba maitshwaro, Mongwadiši a ka no-
 - (a) gapeletša tefišo ye e sa fetego bokaalo bjo bo boletšwego'
 - (b) romela taetšo yeo e ngwadilwego fase yeo e saenilwego ke yena ya phego ya nakwana ya setifikeitti sa ngwadišo; goba
 - (c) romela taelo yeo e ngwadilwego fase yeo e saenilwego ke yena yeo e bušetšago morago setifikeiti goba ngwadišo.
- (5) Ka bjako morago ga go ntšha taelo ya gore leina la mokgatlo goba yo e sego leloko le tlošwe ka gare ga ngwadišo ya ngwadišo, Mongwadiši o swanetše go romela kgatišo yeo e netefaditšwego ya gona go Lekgotla le go mohlankedi yo mogolo ka go Kgoro ya mmušo goba instithušene yeo e fago mehola goba thušo go mokgatlo wo goba maloko a wona goba mong tirelo yo.

KAROLO 10: NGWADIŠO YA MEKGATLO YA DITHEKISI TŠA DIMETARA LE BENG TIRELO

77. Ngwadišo ya mekgatlo ya dithekisi tša dimetara, maloko le bao e sego maloko

Dikarolo 63, 73, 74 le 76 di swanetše go šoma, le diphetogo tšeo di tlhokegago, go ngwadišo ya dithekisi tša dimetara, maloko le bao e sego maloko, gomme tlhagišo ya gona e be "ditirelo tša dithekisi tša metara" go tlhagišo ya "ditirelo tša mehuta ya dithekisi tša diminipase".

78. Ngwadišo ya mekgatlo ya dithekisi tša dimetara

Mongwadiši o swanetše go fa ngwadišo go mokgatlo wa dithekisi tša metara yeo ge o dira kgopelo o kgotsofatšago Mongwadiši

- (a) Gore o bile gona lebaka leo le sa fetego lebaka la minimamo leo le boletšwego;
- (b) gore molaotheo le molao wa maitshwaro tšeo di filwego ke mokgatlo di saenilwe le go amogelwa ke le lengwe le le lengwe la maloko a wona;
- (c) gore molaotheo wo o boletšwego le molao wa maitshwaro di sepelelana le go šala morago dinyakwa tšeo di boletšwego;
- (d) gore mokgatlo o iphsina ka thekgo ya bommasepala ba maswanedi le balaodi ba tša dinamelwa;
- (e) gore leloko le lengwe le le lengwe la mokgatlo le tshwere laesense ya tshepedišo ya maswanedi goba tumelelo ya senamelwa se sengwe le se sengwe seo le se sepetšago le gore ditshepedišo tša gagwe di ka gare ga ditaelo tša tšona;
- (f) gore leloko le lengwe le le lengwe la mokgatlo le na le laesense ya nnete ya radio
- (g) gore leloko le lengwe le le lengwe la mokgatlo le file bohlatse bja go kgotsofatša Mongwadiši bja gore leloko le ngwadišitšwe bjalo ka molefa lekgetho ka fase ga Molao wa Lekgetho la Letseno, goba go ya ka Molao wo, ga go nyakege gore a ngwadiše ka mokgwa wo; le
- (h) gore tshedimošo ka moka yeo e nyakwago ke Mongwadiši go ya ka Molao wo goba ka mokgwa wo mongwe e filwe le gore tshedimošo ye e netefadišwe ka mokgwa wo o boletšwego.

79. Ngwadišo ya bao e sego maloko bao ba sepetša tirelo ya dithekisi tša metara

- (1) Yo e sego leloko yo a sepetšago goba a holofelago go sepetša tirelo ya thekisi ya metara o lokelwa go ngwadišwa, gomme, morago ga go dira kgopelo ya gona, o swanetše go ngwadišwa, mo yo e sego leloko-
 - (a) a phethagaditšego molao wa maitshwaro wo o boletšwego;
 - (b) a tshwergo tumelelo ya maswanedi goba laesense ya tshepedišo ya senamelwa se sengwe le se sengwe yeo yo e sego leloko a sepetšago thekisi ya metara ka yona;
 - (c) a sepetšago tirelo ya thekisi ya metara yeo e amanago le tumelelo ye bjalo goba laesense ya tshepedišo, ya go šala morago dikwano tša, le ditlamo tšeo di sepelago le laesense ya tshepedišo;
 - (d) o swere laesense ya radio ya nnete;
 - (e) o file bohlatse bjo bo kgotsofatšago Mongwadiši bja gore yo e sego leloko o ngwadišitšeo di amegagoka molefa lekgetho ka fase ga Molao wa Lekgetho la

Letseno, goba, go ya ka Molao wo, ga a nyakege gore a ngwadiše ka mokgwa wo; le

- (f) o file tshedimošo ka moka yeo e nyakwago ke Mongwadiši go ya ka Molao wo goba ka mokgwa wo mongwe, gomme tshedimošo ye e netefadišwe ka mokgwa wo o boletšwego.

- (2) Mo yo e sego leloko a holofelago go dira kgopelo ya tumelelo goba laesense ya tshepedišo, yo e sego leloko o swanetše go dira pele kgopelo go Mongwadiši ka mokgwa wo o boletšwego le ka fomo ya ngwadišo bjalo ka yo e sego leloko.
- (3) Mongwadiši o swanetše go netefatša ge e le gore mokgopedi yo a kgopelago ka fase ga sekakarolo (2) o šala morago dinyakwa tša sekakarolo (1), gomme ge go le bjalo a fe mokgopedi setifikeiti gore a se fe Lekgotla.
- (4) Ge Lekgotla le ka ntšha le go fa tumelelo ya maswanedi goba laesense ya tshepedišo go yo a amegago yo e sego leloko, lekgotla le swanetše go tsebiša Mongwadiši lebakeng la matšatši a 14 le go fa Mongwadiši kgatišo ya tumelelo goba laesense ya tshepedišo.
- (5) Ge a humana dintlha tše bjalo, Mongwadiši o swanetše go ngwadiša yo e sego leloko.

80. Dinyakwa tšeo di kgethegilego tša baotledi ba dinamelwa tša go sepetša tirelo ya dithekis tša metara

- (1) Go tloga ka tšatši leo le phethilwego ke Molekgotlaphethiši ka tsebišo ka gare ga Kuranta ya Mmušo, ga go motho yo a dumeletšwego go otlela senamelwa seo se fago tirelo ya thekisi ya metara, ka ntle le ge motledi yo a amegago a phasišwe teko yeo e boletšwego ka mokgwa wo o boletšwego, gape a filwe ke Molekgotlaphethiši goba ke mmasepala setifikeiti sa lebaka leo, ka mokgwa le ka fomo yeo e boletšwego.
- (2) Dinyakwa tša sekakarolo (1) di tla tlaletša, empa di ka se tsene legatong la dinyakwa tša Molao wa Dinamelwa tša Tseleng wa Bosetšhaba.

KAROLO 11: NGWADIŠO YA MEKGATLO YA MOHUTA YA PESE LE MOHUTA YA KHOUTŠHU LE BENG TIRELO

81. Ngwadišo ya mekgatlo ya mohuta ya pese le mohuta ya khoutšhu le beng tirelo

Dikarolo tša bo 69, 73, 74 le 76 di tla šoma go ngwadišo ya mekgatlo yeo e sepetšago ditirelo tša mohuta wa pese le mohuta wa khoutšhu, le bao e sego maloko bao ba sepetšago ditirelo tše bjalo, gomme ka karolong yeo di balwa e le "ditirelo tša mohuta wa pese" goba "ditirelo tša mohuta wa khoutšhu, go ya ka mo go tla bego go le ka gona, go tlhagišo ya "ditirelo tša mohuta wa minipase".

82. Ngwadišo ya mekgatlo ya beng tirelo ba ditirelo tša mohuta wa pese le mohuta wa khoutšhu

Mongwadiši o swanetše go ngwadiša mekgatlo wa beng tirelo ba ditirelo tša mohuta wa pese le mohuta wa khoutšhu wo kgopelo ya wona e kgotsofatšago Mongwadiši-

- (a) gore o bile gona lebaka la nako leo le sego ka fase ga lebaka la minimamo leo le boletšwego;

- (b) gore molaotheo le molao wa maitshwaro tšeo di filwego ke mokgatlo di saenilwe le go amogelwa ke le lengwe le le lengwe la maloko a wona;
- (c) gore molaotheo wo o boletšwego le molao wa maitshwaro di sepelelana le go šala morago dinyakwa tšeo di boletšwego;
- (d) gore mokgatlo o iphsina ka thekgo ya bommasepala ba maswanedi le balaodi ba tša dinamelwa;
- (e) gore leloko le lengwe le le lengwe la mokgatlo le tshwere laesense ya tshepedišo ya maswanedi goba tumelelo ya senamelwa se sengwe le se sengwe seo le se sepetšago le gore ditshepedišo tša gagwe di ka gare ga ditaello tša tšona;
- (f) gore leloko le lengwe le le lengwe la mokgatlo le na le laesense ya nnete ya radio
- (g) gore leloko le lengwe le le lengwe la mokgatlo le file bohlatse bja go kgotsofatša Mongwadiši bja gore leloko le ngwadisitšwe bjalo ka molefa lekgetho ka fase ga Molao wa Lekgetho la Letseno, goba go ya ka Molao wo, ga go nyakege gore a ngwadiše ka mokgwa wo; le
- (h) gore tshedimošo ka moka yeo e nyakwago ke Mongwadiši go ya ka Molao wo goba ka mokgwa wo mongwe e filwe le gore tshedimošo ye e netefaditšwe ka mokgwa wo o boletšwego.

83. Ngwadišo ya bao e sego maloko bao ba sepetšago ditirelo tša mohuta wa pese le mohuta wa khoutšhu

- (1) Yo e sego leloko yo a sepetšago goba a holofelago go sepetša tirelo ya mohuta wa pese goba ya mohuta wa khoutšhu o lokelwa go ngwadišwa, gomme, morago ga go dira kgopelo ya gona, o swanetše go ngwadišwa, mo yo e sego leloko-
 - (a) a phethagaditšego molao wa maitshwaro wo o boletšwego;
 - (b) a tshwereco tumelelo ya maswanedi goba laesense ya tshepedišo ya senamelwa se sengwe le se sengwe yeo yo e sego leloko a sepetšago tirelo ya mohuta wa pese goba ya mohuta wa khoutšhu ka yona;
 - (c) a sepetšago tirelo yeo e amanago le tumelelo ye bjalo goba laesense ya tshepedišo, ya go šala morago dikwano tša, le ditlamo tšeo di sepelago le tumelelo goba laesense ya tshepedišo;
 - (d) o file bohlatse bjo bo kgotsofatšago go Mongwadiši bja gore yo e sego leloko o ngwadišitšeo di amegagoka molefa lekgetho ka fase ga Molao wa Lekgetho la Letseno, goba, go ya ka Molao wo, ga a nyakege gore a ngwadiše ka mokgwa wo; le
- (2) Mo yo e sego leloko a holofelago go dira kgopelo ya tumelelo goba laesense ya tshepedišo, yo e sego leloko o swanetše go dira pele kgopelo go Mongwadiši ka mokgwa wo o boletšwego le ka fomo ya ngwadišo bjalo ka yo e sego leloko.
- (3) Mongwadiši o swanetše go netefatša ge e le gore mokgopedi yo a kgopelago ka fase ga sekakarolo (2) o šala morago dinyakwa tša sekakarolo (1), gomme ge go le bjalo a fe mokgopedi setifikeiti gore a se fe Lekgotla.
- (4) Ge Lekgotla le ka ntšha le go fa tumelelo ya maswanedi goba laesense ya tshepedišo go yo a amegago yo e sego leloko, lekgotla le swanetše go tsebiša Mongwadiši lebakeng la matšatši a 14 le go fa Mongwadiši kgatišo ya tumelelo goba laesense ya tshepedišo.

(5) Ge a humana dintlha tše bjalo, Mongwadiši o swanetše go ngwadiša yo e sego leloko.

KAROLO 12: DIFORAMO TŠA DINAMELWA

84. Dikgonegišo tša kakaretšo

- (1) Molekgotlaphethiši a ka no lemoga dihlopha tša bašomiši goba beng tirelo ba ditirelo tša dinamelwa tša tseleng tša banamedi ba setšhaba, goba baotledi ba dinamelwa tše di šomišetšwago ditirelo tše bjalo, go tshwana le dithekisi tša makgotla a ditropokgolo, ka mabaka a Karolo ye, gore di emetše bašomiši, beng tirelo goba baotledi.
- (2) Go tlaletša, diforamo le dikomiti tše di hlomilwego ke Karolo ye, Molekgotlaphethiši a ka no laetša ka go hlongwa ga dipopego tša go nyaka go tshwana, gore di emele mokgwa wo o rilego wa dinamelwa tša tseleng tša banamedi ba setšhaba, goba sehlopha sa mehuta ye bjalo.

85. Foramo ya Profense ya Dinamelwa tša batho bohle

- (1) Molekgotlaphethiši o swanetše go hloma Foramo ya Profense ya Dinamelwa tša batho bohle (PPPTF) le go e kgethela maloko, ao, go ya ka mokgwa wo o boletšwego, ao a sa fetego-
- (a) a mararo a swanetše go emela Kgoro;
- (b) le tee le swanetše go emela bolaodi bja toropokgolo ye nngwe le ye nngwe ka Profenseng;
- (c) a mabedi a swanetše go emela setšhaba seo se šomišago dinamelwa;
- (d) a mabedi a swanetše go emela intasteri ya dithekisi tša diminipase gomme yo mongwe le yo mongwe wa leloko la foramo ya toropokgolo ya dithekisi goba lekgotla;
- (e) a mabedi a emele intasteri ya dithekisi tša diminipase le go ba leloko la foramo ya toropokgolo ya dinamelwa;
- (f) a mabedi a swanetše go emela intasteri ya dipese gomme yo mongwe le yo mongwe e be leloko la foramo ya toropokgolo la dinamelwa goba foramo ya dipese;
- (g) yo tee o swanetše go emela intasteri ya banamedi ba ditimela gomme a be leloko la foramo ya dinamelwa ya toropokgolo;
- (h) yo tee o swanetše go emela ye nngwe le ye nngwe ya ditirelo tšo di latelago, ge e le gore Molekgotlaphethiši o bona gore bolumo ya ditirelo tše di amegagoka Profenseng e nyaka gore go be bjalo:
- (i) ditirelo ya tuku-tuku
- (ii) ditirelo tša thuto
- (iii) ditirelo tša boeti
- (iv) ditirelo tša dinamelwa tša go hirišwa (tšhatha)
- (v) ditirelo tša bašomi
- (vi) ditirelo tša botho
- (vii) ditirelo tše di beakantšwego tša mohuta wa khoutšhu
- (viii) ditirelo tša bofelegetši

- (i) o tee e swanetše go ba leloko la Lekgotla;
- (j) ba ba bedi e swanetše go ba ditsebi tšeo di lemogwago ka go intasteri ya dinamelwa tša Profensing tša Setšhaba, goba e be batho ba go ba le maitemogelo a mantši goba ba bontšhitše bokgoni bjo bogolo ka mererong ya go amana le dinamelwa goba merero ya tikologo goba ya ditšhelete.
- (k) ba ba bedi ba swanetše go emela mekgatlo ya baotledi
- (2) Ge e le gore moemedi yo a kgethilwego ga a gona, Molekgotlaphethiši a ka no bea yo mongwe legatong la moemedi yo a amegago empa e ka se be wa go ya go ile.
- (3) Pele ga go kgetha maloko a PPPTF, Molekgotlaphethiši o swanetše go mema ditšhišinyo go tšwa mekgatlong ya maswanedi ka go romela goba go gatiša tsebišo ka mokgwa wo o phethwago ke Molekgotlaphethiši.
- (4) Mo go sa humanwago ditšhišinyo lebakeng la nako yeo e boletšwego ka gare ga tsebišo, Molekgotlaphethiši, go ya ka karolo ye, a ka no kgetha batho gore e be maloko a PPPTF, bao Molekgotlaphethiši a bonago ba lokile.
- (5) PPPTF e swanetše go etwa pele ke mohlankedi wa Kgoro. Maloko a swanetše go kgetha yo tee wa bona gore e be motlatša modulasetulo, yo a swanetšego go phethagatša mediro ya modulasetulo ge e le gore modulasetulo ga a gona.
- (6) PPPTF e swanetše go phetha ditshepetšo le bokgafetšakgafetša bja dikopano tša yona, ge fela e le gore ga se e swanele go kopana ga tee ka kotara.
- (7) Leloko la PPPTF le swanetše go tloga ka kantorong ya lona ge e le gore le ntšhwa ka fase ga sekakarolo (7), goba le fa tsebišo yeo e ngwaletšwego Molekgotlaphethiši.
- (8) Molekgotlaphethiši a ka no ntšha ka kantorong leloko la PPPTF leo-
 - (a) le humanwego molato wa go se itshware gabotse goba leo le hlokomologago mediro ya lona ka mehla bjalo ka leloko la PPPTF;
 - (b) le sa kgonego go phethagatša mediro ya lona bjalo ka leloko la PPPTF ka kgontšhago;
 - (c) leo le paletšwego ke go tsenela dikopano tše tharo tša go latelana tša PPPTF ntle le lebaka la go amogelwa ke Molekgotlaphethiši;
 - (d) le palelwa go fihla mo e lego gore ga a kgone go phetha mediro ya gagwe; goba
 - (e) ga le sa emela mokgatlo goba intasteri yeo a bego a e kgethetšwe go e emela.

86. Mediro ya Foramo ya Profense ya Dinamelwa tša batho bohle

Modiro wa PPPTF e tla ba go eletša Molekgotlaphethiši ge Molekgotlaphethiši a kgopetše, ka merero yeo e latelago ka Profensing:

- (a) kgontšhago ya molaotshepetšo wa dinamelwa tša tseleng tša banamedi ba setšhaba le tšwelopele ye nngwe ya molaotshepetšo wo;
- (b) mokgwa wo molaotshepetšo wa dinamelwa tša setšhaba o phethagatšwago;
- (c) kgokaganyo ya dinamelwa;
- (d) tlhokego ya melaotlhakwa ya go fetola go kgontšha molaotshepetšo wa dinamelwa tša tseleng tša setšhaba go phethagatšwa;
- (e) tiro ya tokišo, phetogo le taolo ya phetogo ka diinstithušeneng tšeo di tšeago karolo ka go dinamelwa tša tseleng tša setšhaba;
- (f) kgoboketšo le papatšo ya tshedimošo ya dinamelwa tša tseleng tša setšhaba;
- (g) poledišano gare ga mekgwa ya dinamelwa tša setšhaba;
- (h) kopanyo gare ga mekgwa ya dinamelwa tša setšhaba, go tsenywa ka go fa tithekete;
- (i) kgokagano le banamedi le dihlopha goba diinstithušene tšeo di emelago banamedi, le tšeo di ahlaahlago dingongorego le dipelaelo tša banamedi.

87. Diforamo tša dinamelwa tša toropokgolo

- (1) Bolaodi bjo bongwe le bjo bongwe bja toropokgolo ka Profenseng bo swanetše go hloma foramo ya dinamelwa ya toropokgolo (MTF) ya lefelo la yona la taolelo.
- (2) Go maloko a MTF, ao a sa fetego-
- (3) a mararo a swanetše go emela bolaodi bja toropokgolo yeo e amegago, gabotse go tšwa go dikgoro tša bolaodi bjo rwelego maikarabelo a merero ya dinamelwa tša tsela le peakanyo;
 - (a) le tee le swanetše go emela Kgoro;
 - (b) a mabedi a swanetše go emela setšhaba seo se šomišago dinamelwa;
 - (c) a mabedi a swanetše go emela banamedi bao ba šomišago dinamelwa ka lefelong;
 - (d) a mabedi a emele intasteri ya dithekisi tša diminipase le go ba maloko a foramo ya toropokgolo ya dinamelwa ya maswanedi;
 - (e) a mabedi a swanetše go emela intasteri ya dithekisi tša metara;
 - (f) a mabedi a swanetše go emela intasteri ya dipese;
 - (g) yo tee o swanetše go emela intasteri ya banamedi ba ditimela;
 - (h) yo tee o swanetše go emela diyunione tša baotledi;
 - (i) ba ba bedi swanetše go emela digole;
 - (j) ba ba bedi e swanetše go ba ditsebi tšeo di lemogwago ka go intasteri ya dinamelwa goba e be batho ba go ba le maitemogelo a mantši goba ba bontšhitše bokgoni bjo bogolo ka mererong ya go amana le dinamelwa goba merero ya tikologo goba ya ditšhelete.
- (3) Ge moemedi yo a kgethilwego a se gona, bolaodi bja toropokgolo bo ka no nyaka wo mongwe legatong la gagwe, empa a ka se be wa leruri.
- (4) Pele ga go kgetha maloko go MTF, bolaodi bja toropokgolo bo swanetše go mema ditšhišinyo go tšwa mekgatlong ya maswanedi ka go romela goba go gatiša tsebišo ka mokgwa wo o boletšwego.
- (5) Ge e le gore ditšhišinyo ga se di humanwe lebakeng la nako leo le boletšwego ka gare ga tsebišo, bolaodi bja toropokgolo, go ya ka karolo ye, bo ka no kgetha batho bao ba bonago ba lokile go ba maloko a MTF.
- (6) Bolaodi bja toropokgolo bo swanetše go kgetha yo tee wa baemedi ba bjona bjalo ka modulasetulo. Maloko a swanetše go kgetha yo mongwe wa bona bjalo ka motlatša modulasetulo, yo a swanetšego go phethagatša mediro ya modulasetulo ge e le gore ga a gona.
- (7) MTF e swanetše go kopana ka dinako le ka mokgwa wo o boletšwego.
- (8) Leloko la MTF le swanetše go tšwa ka kantorong ge e le gore le tlošwa ka kantorong go ya ka sekakarolo (8) goba ge e le gore le rola modiro ka go romela tsebišo go mmasepala goba bolaodi bja dinamelwa bjo bo amegago.
- (9) Bolaodi bja toropokgolo bo ka no tloša leloko lefe goba lefe la MTF ka kantorong leo le-
 - (a) paletšwego ke go šala morago ditlamo tša go kgethwa ga gagwe;
 - (b) humanwego molato wa go se itshware gabotse goba leo le dulago le hlokomologile mediro ya lona bjalo ka leloko la MTF;
 - (c) sa kgonego go phetha ka kgontšhago mediro ya lona bjalo ka leloko la MTF;
 - (d) le paletšwego ke go tsenela dikopano tše tharo tša go latelelana tša MTF ntle le lebaka la go se amogelege;
 - (e) le palelwago mo e lego gore ga le kgone go phethagatša mediro ya lona; goba

- (f) le sa kgonago go emela mokgatlo goba intasteri yeo le kgethilwego gore le e emele.

88. Mediro ya foramo ya dinamelwa ya toropokgolo

Diforamo tša dinamelwa tša toropokgolo di swanetše go-

- (a) dira bjalo ka mokgwa wa kgokagano gare ga bolaodi bja toropokgolo bja maswanedi, le intasteri ya dinamelwa tša tsela tša setšhaba;
- (b) dira bjalo ka mokgwa wa go rarolla mathata le ditaba ka go intasteri ya dinamelwa tša tsela tša setšhaba le go nolofatša dingangišano ka lefelong leo le amegago;
- (c) phatlalatša tshedimošo ka ditšwelopele tše dimpšha le merero ye mengwe yeo e amago intasteri ya dinamelwa tša tseleng tša setšhaba;
- (d) fa melaotshepetšo le maano a tiragatšo ao a kopanetšwego ka ditaba tša go tshwana le, empa di sa kgaoletswe go-
 - (i) hlahlo le tšwetšopele ya bokgoni;
 - (ii) tshepedišo le taolo;
 - (iii) tharollo ya dikgakgano;
 - (iv) dipopego tša ditefo;
 - (v) dikamano tša baotledi le bašomi le ditlamo tša mošomo;
 - (vi) kopanyo ya mekgwa
 - (vii) tshedimošo le dipanka tša data;
 - (viii) diboemadinamelwa, ditsha, ditheminale le dinolofatši tše dingwe le tšwelopele ya tšona;
 - (ix) merero ya polokego; le
 - (x) peakanyo ya ditirelo
- (e) fa ditsenyo go balaodi ba togaleanopeakanyo la dinamelwatša tsela tša setšhaba, Lekgotla le balaodi ba bangwe, le
- (f) phetha mediro yeo e boletšwego ke Molekgotlaphethiši goba ka gare ga dikamelao ya bommasepala, goba go šišinya ka gare ga methalohlhali yeo e gatišitšwego ke Molekgotlaphethiši goba bolaodi bja toropokgolo.

89. Diforamo tša dithekisi tša toropokgolo

- (1) Bolaodi bjo bongwe le bjo bongwe bja toropokgolo bo swanetše go hloma foramo ya dithekisi ya toropokgolo.
- (2) Mekgatlo yeo e latelago e swanetše go emelwa ka foramong ya dithekisi ya toropokgolo ka mokgwa wo o boletšwego:
 - (a) bolaodi bja toropokgolo bja maswanedi;
 - (b) dikomiti ka moka tša gae tša kgokaganyo ya dithekisi;
 - (c) ge e le gore go na le lekgotla la dithekisi goba mokgatlo wa go swana le lona, moemedi wa gona, gomme ge e le gore ga go na lekgotla goba mokgatlo wo bjalo, mekgatlo ka moka ya dithekisi tše di ngwadišitšwego yeo e sepetšwago ka lefelong la taolelo ya bolaodi bjo bjalo;
 - (d) baemedi ba mekgatlo ya go tshwana le diyunione tša baotledi;
 - (e) baemedi ba mekgatlo ya maswanedi ya banamede goba dihlopha;
 - (f) batho ba bangwe le mekgatlo bjalo ka ge go boletšwe.
- (3) Ge moemedi yo tee yo a boletšwego ka go sekakarolo 2 a se gona, bolaodi bja maswanedi bo ka no bea yo mongwe legatong la moemedi yo a amegago, empa e ka se be leruri.

- (4) Foramo ya dithekisi ya toropokgolo e swanetše go kgetha yo tee wa maloko a yona bjalo ka modulasetulo.
- (5) Diforamo tša dithekisi tša toropokgolo di swanetše gore di kopane ka dinako ka moka, le ka mokgwa wo o boletšwego.

90. Mediro ya diforamo tša dithekisi tša toropokgolo

Diforamo tša dithekisi tša toropokgolo di swanetše go-

- (a) šoma bjalo ka mokgwa wa kgokagano gare ga mmušogae le intasteri ya dithekisi ka lefelong la bolaodi bja toropokgolo;
- (b) šoma bjalo ka mokgwa wa kgokagano gare ga mekgatlo ya dithekisi;
- (c) šoma bjalo ka mokgwa wa go rarolla mathata le ditaba tša intasteri ya dithekisi, le go nolofatša tharollo ya dikgakgano, le go godiša khutšo ka intastering;
- (d) phatlalatša tshedimošo ka ditšwelopele tše dimpša le ditaba tše dingwe tše di amago intasteri ya dithekisi;

(e) fa ditsenyo tša merero ya melaotshepetšo le maano a tiragatšo ao a kopantšwego, empa di sa kgaoletšwe go-

- (i) tihahlo le tšwetšopele ya bokgoni;
- (ii) tshepedišo le taolo;
- (xi) tharollo ya dikgakgano;
- (xii) dipopego tša ditefo;
- (xiii) dikamano tša baotledi le bašomi le ditlamo tša mošomo;
- (xiv) kopanyo ya mekgwa
- (xv) tshedimošo le dipanka tša data;
- (xvi) diboemadinamelwa, ditsha, ditheminale le dinolofatši tše dingwe le tšwelopele ya tšona;
- (xvii) merero ya polokego; le
- (xviii) peakanyo ya ditirelo

- (f) fa ditsenyo go balaodi ba togaleanopeakanyo la dinamelwatša tsela tša setšhaba le balaodi ba bangwe;
- (g) netefatša gore mekgatlo e phatlalatša tshedimošo ya maswanedi go maloko a yona;
- (h) netefatša gore mekgatlo ka moka e emetšwe ka foramong le ka dikomiting tša kgokagano tša maswanedi;
- (i) fa ditšhišinyo go Lekgotla mabapi le dikgopelo tša dilaesense tša tshepedišo;
- (j) dira dikemedi go mekatlo ya profense le ya bosetšhaba ka Diforamo tša Profense tša Dinamelwa tša Setšhaba mabapi le molaotshepetšo le molaotlhakwa wo o šišintšwego wa dinamelwa tša setšhaba, le merero yeo go boletšwego ka yona ka go temana (e);
- (k) tšeela hlogong mekgwa ya go kaonafatša polelo le ikonomi ka ditshepedišong tša dithekisi;
- (l) phetha mediro ye mengwe yeo e boletšwego ka go dikamelao tša bommasepala goba yeo e šišintšwego ka go methalohlahli.

91. Dikomiti tša kgokagano ya dithekisi tša gae

- (1) Mmasepala yo mongwe le yo mongwe ka ntle le bolaodi bja toropokgolo o swanetše go hloma komiti ya kgokagano ya dithekisi tša gae, ya lefelo la wona la taolelo goba ya mafelo ao a hlalošitšwego ka gare ga lefelo.
- (2) Mediro ya komiti ya kgokagano ya dithekisi tša gae e tla fa ditsenyo go foramo ya maswanedi ya dithekisi tša toropokgolo mabapi le merero yeo e hlalošitšwego ka go karolo 90.
- (3) Molekgotlaphethiši a ka no dira melawana yeo e bolelago boleloko le go šoma ga dikomiti tša kgokagano, le ditshepetšo tša le bokgafetšakgafetša bja dikopano tša gona, go ya ka sekakarolo (4).
- (4) Boleloko bja dikomiti tša kgokagano ya dithekisi tša gae bo swanetše go kgaoletswa go mekgatlo ya gae yeo e ngwadišitšwego le bao e sego maloko bao ba sa ngwadišwago.

92. Go hloma le go dira ga diforamo tše dingwe le tša kgokagano ya gae

Mmasepala yo mongwe le yo mongwe a ka no hloma foramo ya kgokagano ya gae, bjalo ka ge go nyakega, ya ditirelo tše dingwe tša dinamelwa tša tsela tša setšhaba goba mekgwa ya mafelo a wona a taolelo.

KAROLO 3: KGAPELETŠO YA MOLAO**93 Magato ao a kgethegilego a tšhoganyetšo**

- (1) Molekgotlaphethiši, ka tsebišo ka gare ga Kuranta ya Mmušo, a ka no bega lefelo leo go lona magato ao a kgethegilego ao a kgonegišitšwego a yo šomago go gona, mo e lego gore le bona gore se se a hlokega go bušetša maemo sekeng ka lefelong leo le tsebegago ka dikgaruru, merusu goba go se be le tsepamo.
- (2) (a) Molekgotlaphethiši a ka no dira melawana ya go kgonegiša gore tsela ye tee goba tše dintši, goba diboemadinamelwa bjalo ka ge go tla ba go hlalošitšwe, goba gore ditsela le diboemadinamelwa ka moka, ntle le go hlaloša, di tswalelwe tshepetšo ya ditirelo tša dinamelwa tša tsela tša setšhaba ka lefelong leo le begilwego ka fase ga sekakarolo (1) lebaka leo le boletšwego ka gare ga tsebišo, le gore ga go motho yo a ka sepetša ditirelo tše di boletšwego mo ditseleng goba tseleng yeo e amegago goba ka boemadinamelwang goba diboemadinamelwang tše di amegago lebakeng leo.
 - (b) Melawana e ka no kgonegiša gore go ganetšana le tšona go bake tlolomolao gomme wa bolela dikotlo tša gona.
- (3) Pele ga go dira melawana ka fase ga sekakarolo (2), Molekgotlaphethiši o swanetše go baka gore tsebišo e gatišwe ka gare ga Kuranta ya Mmušo goba ka gare ga kuranta yeo e balwago ka lefelong leo le begilwego, yeo e bolelago gore-
 - (a) tlhalošo ye kopana ya mokgwa le maikemišetšo a a tiro yeo e ikemišeditšiwego;
 - (b) tsela goba ditsela le boemadinamelwa goba diboemadinamelwa tše di yo tswalelwago, goba tše go šisintšwego gore di tswalelwe ka lefelong leo le begilwego;
 - (c) lebaka leo ka lona melawana yeo e šišintšwego e tla thomago go šoma;

- (d) gore batho bao ba nago le kgahlego le bao ba amegago ba ka no kgopela mabaka a melawana yeo e šišintšwego;
 - (e) gore batho bafe goba bafe bao ba nago le kgahlego le bao ba amegago ba ka no dira ditlhagišo;
 - (f) nako yeo ka yona ditlhagišo di ka no dirwago, yeo e se e tshwanelego go ba ka fase ga diiri tše 24;
 - (g) aterese yeo ditlhagišo di swanetšego go romelwa go yona; le
 - (h) tsela yeo ka yona ditlhagišo di yo dirwago.
- (4) Molekgotlaphethiši o swanetše go tšeela hlogong ditlhagišo dife goba dife tše di humanwego ka fase ga sekakarolo (3) pele ga ge a dira melawana ka fase ga sekakarolo (2).

94. Ditlolomolao

(1) Motho o molato wa tlolomolao-

- (a) ge a sepetša tirelo ya dinamelwa tša tseleng tša setšhaba ka mokgwa wo o ganetšanago le karolo 3(3) ya karolo 69;
- (b) ge a sepetša goba a phetha tirelo ya dinamelwa tša tsela tša setšhaba ka mokgwa wo o ganetšanago le mabaka le ditlamo tša laesense ya tshepedišo goba tumelelo.
- (c) ge a ganetšana le dikgonegišo dife goba dife tša Molao wo;
- (d) ge e le gore, yena mong wa laesense ya tshepedišo goba tumelelo goba kemedi goba modiredi wa mong yo a amegago, o dumelela yo mongwe go šomiša laesense ya tshepedišo goba tumelelo go senamelwa se sengwe seo e sego sona seo se boletšwego ka go laesense ya tshepedišo goba tumelelo;
- (e) ge motho a dira kgopelo ya goba a humana laesense ya tshepedišo a tseba gore laesense ya tshepedišo ya ga bjale e setše e filwe senamelwa seo se tshwanago;
- (f) ge e le gore motho, ka maikemišetšo a go fora, o fetola, o senya goba o tlaleletša laesense efe goba efe ya tshepedišo goba tokomane ye nngwe ya semmušo ka fase ga Molao wo
- (g) ge e le gore, o a tseba gore tokomane ga se laesense ya tshepedišo goba tumelelo, goba tokomane ye bjalo ya semmušo, gore e fetotšwe goba e sentšwe goba go tlaleletšwa fela a e šomiša;
- (h) ge motho a efa tshedimošo ya bofora mabapi le kgopelo efe goba efe yeo e dirilwego go Lekgotla goba Mongwadiši goba ge a be a hlaga ditshepetšong, nyakišišong goba go botšolotšwa pele ga Lekgotla goba Mongwadiši;
- (i) ge motho a ekiša mohlankedi yo a nago le tumelelo;
- (j) ge motho a paleliša ka maboomo mohlankedi yo a nago le tumelelo go phethagatša mediro ya gagwe ya go sepelelana le kantoro yeo e amegago ge motho a gana goba a palelwa ke go šala morago taelo ya semolao ya mohlankedi yo a nago le tumelelo;
- (k) ge motho a palelwa ke go bušetša tumelelo, laesense ya tshepedišo, setifikeiti sa ngwadišo goba letshwao leo le lemogegago go Mongwadiši goba Lekgotla go ya ka mo go tla bego go nyakilwe, ge e le gore Molao o nyaka gore a dire ka mokgwa wo;
- (l) ge e le gore motho, ntle le lebaka la go kwala-
 - (i) o gana goba o palelwa ke go hlaga pele ga Lekgotla goba Mongwadiši go šala morago taelo goba tagafaro yeo e ntšhitšwego ka fase ga Molao wo; goba
 - (ii) o gana goba a palelwa ke go araba bokaone go ya ka tsebo le bokgoni bja gagwe, potšišo efe goba efe yeo a e botšišwago semolao le leloko lefe goba

lefe la Lekgotla goba ke Mongwadiši, go ya ka mo go tla bego go nyakilwe, goba

- (iii) o gana goba o palelwa ke go hlagiša puku efe goba efe, tokomane, leanotshepetšo, rekhoto goba sengwalwa go šala morago taelo ye bjalo goba tagafaro;

(m)ge e le gore, mo motho a sepetšwago bjalo ka monamedi ka gare ga senamelwa ge go sepetswa tirelo ya dinamelwa tša tsela tša setšhaba, motho-

- (i) o palelwa ke go lefa tefo ya leeto ge e kgopelwa ke motledi goba mong tirelo wa senamelwa seo se amegago; goba
- (ii) o kgoga ka gare ga senamelwa go ganetšana le tsebišo ya ka gare ga senamelwa yeo e sa dumelelego go kgoga, goba
- (iii) o šitela ka maboomo monamedi yo mongwe; goba
- (iv) ga a theeletše taelo yeo e kwalago yeo e ntšhitšwego ke motledi goba mong tirelo wa senamelwa seo ka mabaka a go phethagatša taelo goba go fediša tshwenyo goba go laola tshoganyetšo efe goba efe yeo e bakwago ka gare ga senamelwa seo, goba;
- (v) o dira tiro efe goba efe ka maboomo ka gare goba mo go senamelwa yeo e ka no bakago kgobalo goba ya tsenya kotsing bophelo bja motho ofe goba ofe goba ya baka tshenyo ya dilo;

(o) ge e le gore motho yo e lego mong wa tumelelo goba laesense ya tshepedišo goba motledi wa senamelwa seo se amanago le tumelelo goba laesense yeo o palelwa ke go šala morago maikarabelo afe goba efe goba boikgafo bjo a bo gapeletšwago ke mong yo a amegago goba motledi go ya ka Molao wo.

(2) Neng le neng ge molaodi, moemedi goba modiredi wa mong wa laesense ya tshepedišo goba tumelelo a diragatša goba a palelwa ke go diragatša tiro, yeo e lego gore ge mong laesense wa laesense ya tshepedišo goba tumelelo a e dirilego goba a paletšwego ke go e dira ka boyena, e tla bago e bile tlolomolao go ya ka sekakarolo (1), mong yo a amegago o tla humanwa a le molato wa tlolomolao yeo ge e le gore-

(a) mong-

- (i) ke karolo ya goba o dumeletše tiro a tseba goba palelo yeo e amegago; goba
- (ii) ga se a tšea dikgato ka moka tša maikarabelo go thibela tiro goba palelo; le
- (b) tiro goba palelo ya mokgwa le tiro ya go palelwa yeo e diregilego, e le molaong goba e se molaong, e be e wela ka fase ka karolo ya bolaodi goba modiro wa molaodi, moemedi goba modiredi.

95. Dikotlo

Motho yo a otletšwego tlolomolao ka fase ga Molao wo o tla fiwa kotlo ya go lahlelwa kgolegolong lebaka leo le sa fetego ngwaga wo tee goba tefišo ya bokaalo bjo bo sa fetego R100 000, goba tšona bobedi, tefišo le kgolegelo.

96. Go abiwa/kabo ya bahlahlobi

Hlogo ya kgoro e ka no aba mohlankedi goba modiredi wa kgoro gore e be mohlalobi wa dinamelwa.

97. Go swarwa goba go lahlegelwa ke dinamelwa

- (1) Mo e lego gore mohlankedi yo a nago le tumelelo o kgotsofetše, ka mabaka ao a kwalago gore senamelwa seo se šomišetšwago go namelwa tseleng ke setšhaba, le ge e le gore o humane gore tumelelo yeo e tlhokegago, laesense ya tshepedišo, tumelelo ya nakwana goba tumelelo yeo e ngwadilwego fase yeo go boletšwego ka yona ka go karolo 46(1) ga e ka koloing bjalo ka ge karolo 47(b) e nyakile goba 52(4), mohlankedi o swanetše go swara senamelwa.
- (2) Senamelwa seo se swerwego ka fase ga sekakarolo (1) se swanetše go išwa kua dephe yeo go boletšwego ka yona ka go sekakarolo (6), gomme se tshwanetše go bolokwa gona le go lokollwa go motho yo a amegago fela morago ga ge-
 - (a) tumelelo ya nnete, laesense ya tshepedišo, tumelelo ya nakwana goba tumelelo ye bjalo yeo e ngwadilwego fase e bontšhwa mohlankedi yo a nago le tumelelo, yo a netefadišego ka go ngwala fase gore di bontšhitswe, gomme mong tirelo o swanetše go boloka ditokomane tšeo di tlhokegago ka gare ga senamelwa, ge e le gore go lefišitšwe tefišo ye bjalo, goba
 - (b) motho yo a amegago o kgotsofatša mohlankedi gore senamelwa se be se sa šomišetšwe go nametša setšhaba, gomme mohlankedi yo o netefadiše se ka go ngwala fase; goba
 - (c) melato ka moka ya go amana le dinamelwa tša tsela tša setšhaba e phimotšwe goba batho bao ba bonwego molato ba lokolotšwe.
- (3) Mo senamelwa se sa lokollwago lebakeng la matšatši a 90 go swarwa ga sona, se tla fiwa profense, ka ntle le ge go bontšhitšwe gore tiegišo ya go humana tokollo ya sona ga se phošo ya motho yo a nyakago tokollo ye bjalo.
- (4) Tahlegelo ka fase ga sekakarolo (3) e ka se ame ditokelo dife goba dife tšeo motho a nago le tšona go senamelwa, ge e le gore go humanwa bohlatse bja gore o be a sa tsebe gore senamelwa se se yo šomišetšwa go sepetša tirelo ya go nametša setšhaba a sa tsebe goba gore o be a ka se kgone go thibela tšhomišo ya sona.
- (5) Karolo 35 (4) ya Molao wa Tshepetšo ya Bosenyi, 1997 (Molao No. 51 wa 1977), o tla šomišwa le diphetolo tša maswanedi go tahlegelo ka fase ga sekakarolo (3).
- (6) Molekgotlaphethiši goba mmasepala, ka go fa tsebišo ka gare ga Kurata ya Mmušo, ba ka no aba lefelo leo le boletšwego ka gare ga tsebišo gore e be dephe ka mabaka a karolo ye, gomme ba ka no re ka wona mokgwa wo, ba fetola goba ba phimola tsebišo ye bjalo.
- (7) Ge go swarwa dinamelwa ka fase ga karolo ye, bahlankedi bao ba nago le tumelelo ba swanetše go dira go ya ka ditshepetšo tšeo di hlalošitšwego le go tlatša ditokomane tšeo di boletšwego.

98 Dikgononelo

Ge go diragatšwa ka fase ga Molao wo-

- (a) motho yo a rwelego yo mongwe ka senamelwa, goba yo a dumeletšego go rwalwa ka mokgwa wo ga motho yo mongwe go tlaleletša motledi wa senamelwa, a gononelwa gore o sepeditše senamelwa sa tsela sa setšhaba, ka ntle le ge go hlatselwa ka mokgwa wo mongwe;
- (b) mong wa senamelwa seo ka go sona motho a rwalwago o gononelwa gore o rwele motho yo, ka ntle le ge go hlatselwa gore e be e se motledi wa

senamelwa ka nako ya go rwalwa go bolelwago ka gona gomme ga se a dumelele tšhomišo ya senamelwa go rwala.

99. Maatla a mangwe a bahlankedi ba go ba le tumelelo

(1) Mohlankedi yo a nago le tumelelo a ka no emiša, ka taelo ya Lekgotla, tumelelo goba laesense ya tshepedišo yeo e fedilego goba yeo e bušeditšwego morago, yeo e fedišitšwego goba yeo e fegilwego go ya ka Molao wo.

(2) Ka ntle le mediro le maatla tšeo go boletšwego ka tšona ka Molaong wo, mohlankedi yo a nago le tumelelo, kamano le dinamelwa tša tseleng tša setšhaba a ka no-

- (a) baka gore senamelwa se emišwe ka mokgwa wo o boletšwego le go tsenya senamelwa le go se hlahloba mmogo le ditokomane tšeo di dumelelago senamelwa go netefatša ge e le gore senamelwa seo se šomišetšwa go nametša banamedi ba setšhaba ba tseleng goba go phethagatša maatla goba tiro yeo e dumeletšwego;
- (b) nyaka gore motledi wa senamelwa a fe leina la gagwe le aterese le bohlatse bja ditokomane tša go di thekga, le leina le aterese tša mong wa senamelwa, mmogo le dintlha tša kgwebo yeo senamelwa se e šomišetšwego;
- (c) nyaka gore motledi goba motho yo mongwe yo a rwelego maikarabelo a senamelwa a ntšhe ditokomane tša hlahlobo goba direkhoto tše dingwe ka gare ga senamelwa tšeo a di swerego, tšeo ka tsela efe goba efe di amanago le batho bao ba rwelwego ka senamelwa seo;
- (d) nyaka gore motho yo a lego ka gare ga senamelwa seo go kgolwago gore se šomišetšwa go nametša banamedi ba tseleng ba setšhaba, goba yo go kgolwago gore o be a le ka gare ga senamelwa e se kgale, a fe leina la gagwe leo le tletšego le aterese le bohlatse bja ditokomane go di thekga le gore ba bolele ge e le gore ba lefile goba ba swanetše go lefa tefišo ya gore ba rwalwe ka senamelwa, le gore ba fe leina le aterese tša motho yo ba mo lefilego goba yo ba swanetšego go mo lefa;
- (d) nyaka gore direkhoto tšeo di bolokilwego go ya ka Molao wo di hlagišwe ke motledi wa senamelwa goba mong tirelo, ge e le gore di gona, gore di hlahlobje;
- (e) tsena lefelong ka nako ya go kwala, go sepetša nyakišišo yeo e dumelelwago ke modiro wa gagwe bjalo ka mohlankedi yo a dumeletšwego, gomme a ka no re ge a le lefelong goba ka nako ye nngwe yeo e kwalago, a-
 - (i) botšolotša motho yo, go ya ka pono ya gagwe a ka kgonago go fa tshedimošo yeo a e nyakago;
 - (ii) nyaka gore motho ka yona nako yeo, goba lefelong le ka nako tšeo a ka no di phethago, a mo fe dipuku tša gagwe ka moka le ditokomane tšeo, go ya ka pono ya gagwe di ka no šomago bjalo ka bohlatse bja tlolomolao yeo e belaelwago go ya ka Molao wo; le
 - (iii) go nyakišiša puku goba tokomane le go ntšha dilo ka gare goba a dira dikgatišo tša gona, gomme a nyaka hlalošo ya ditsenyo tša ka gare ga yona.

F Empa motho yo a botšolotšwego goba a nyakegago gore e fe hlalošo, o na le ditokelo ka moka tšeo motho yo a fago bohlatse pele ga molao a nago le tšona;

(g) nyaka gore motledi goba motho yo mongwe yo a rwelego maikarabelo a senamelwa seo se šomišetšwego go nametša setšhaba a ntšhe ditokomane tšeo di

- ntšhitšwego ke Lekgotla goba Mongwadiši tša sehamelwa goba gore se šomišwa bjang le seo molao o nyakago gore di bolokwe ka gare ga senamelwa seo;
- (h) nyaka gore motledi goba motho yo mongwe yo a rwelego maikarabelo a senamelwa seo se somišetšwago go nametša setšhaba tseleng le seo se senyegilego mo e lego gore se ka baka kotsi bathong le dilong, a ntšhe ka yona nako yeo laesense ya ga bjale ya tshepedišo, mmogo le maswao ao a lemogegago a go amana le senamelwa, le gore a tlogele go ditiro tša gagwe go fihla ge tshenyego e lokišitšwe;
- (j) ka taelo ya Lekgotla a swara laesense ye nngwe le ye nngwe ya tshepedišo goba tumelelo yeo e lego ka gare ga taelo gomme a di fa Lekgotla.

100. Tshepedišo ya go humanwa phošo

- (1) Go ya ka karolo ye, Molekgotlaphethiši, ka melawana, a ka no kgonegiša mokgwa wa dintlha tša go bonwa phošo mabapi le batho bao ba tloago Molao wo, ka ditshenyo tšeo di se di bolelwego ka go Kahlolo ya Tshepedišo ya Molao wa Ditlolomolao tša Dinamelwa tša Tseleng, 1998 (Molao No. 46 wa 1998), gomme mo go dirilwego kgonegišo-
- (a) ya go rekhota palo yeo e rilego ya dintlha tša diphošo kgahlanong le leina la mosenyi nako ye nngwe le ye nngwe ge mosenyi a otlwa ka baka la ditlolomolao tše bjalo;
- (b) ya go phara ka kotlo yeo e rilego goba phedišo yeo go boletšwego ka yona ka go sekakarolo (2)(b) ka basenyi bao diphošo tša bona di lekanago goba di fetago palo yeo e itšego.
- (2) (a) Ntle le go kgaoletša maatla a Molekgotlaphethiši ka fase ga sekakarolo (1) mabapi le go rekhota ga dintlha tša diphošo kgahlanong le mosenyi, go ka no dirwa kgonegišo gore palo ya dintlha tša diphošo tšeo di ka no rekhotwago nako ye nngwe le ye nngwe di oketšwe go ya ka mokgwa wa tekanyo goba fomula yeo e boletšwego-
- (i) go mabaka a tlolomolao a bobedi le a go latela;
- (ii) go ya ka bošoro bja tlolomolao, gore ge e le gore tlolomolao e šoro kudu, palo ya diphošo yeo e rekhotwago e be godimo
- (b) Go golegwa goba ditefišo di ka no pharwa basenyi mabakeng a maswanedi, goba bjalo ka mokgwa wo mongwe wo o ka šomišwago-
- (i) kgalemo le temošo tšeo di ngwadilwego fase di ka no fiwa;
- (ii) go fegwa ga laesense ya tshepedišo goba tumelelo yeo e tshwerwego ke mosenyi. Go fegwa go tla ba lebaka la nako leo le boletšwego le go hlalošwa ka gare ga tsebišo yeo e ngwadilwego fase ya go fegwa ya mosenyi;
- (iii) go bušetšwa morago ga laesense ya tshepedišo goba tumelelo; goba
- (iv) kiletšo yeo e boletšwego yeo e lego fasenyana ga yeo e kgonegišitšwego ka go seka temana (ii) goba (iii).
- (3) Molekgotlaphethiši o swanetše go fa tsebišo ya tsenyo yeo e šišintšwego ya dintlha tša tshepetšo ya diphošo, gomme ka gare ga tsebišo-
- (a) a hlaloše ka botlalo tshepetšo yeo e šišintšwego; le
- (b) a meme bao ba nago le kgahlego go fa diswayaswayo ka tshepetšo yeo e šišintšwego, gape, kudukudu, ka dikotlo le ditumelelo tše dingwe tšeo di šišintšwego, le go ba mema go fa diswayaswayo tšeo di ngwadilwego fase e sego morago ga matšatši a 30 morago ga kgatišo.

- (4) Go kgonegiša tshepetšo ya go bonwa diphošo go swanetše go ngwadišwa ka mokgwa wo o boletšwego, gomme go tla thoma go šoma le go gapeletšwa le go tlama morago ga matšatši a 30 a go gatišwa.
- (5) kotlo goba kiletšo ye nngwe e ka no se gapeletšwe go ya ka sekakarolo (2)(b) ka ntle le ge melawana ya toka ya tlhago e šomisitšwe go mosenyi.

KAROLO 14: KAKARETŠO

101: Inšorensense ya kgapeletšo ya beng tirelo

- (1) Molekgotla Phethisi a ka no dira melawana yeo e kgonegišago gore beng ba ditumelelo goba dilaesense tša tshepedišo tša mehuta ya ditirelo tša dinamelwa tša tsela tša setšhaba e kgonegiše inšorensense ya maikarabelo ya setšhaba ya banamedi goba mehuta ye mengwe ya inšorensense yeo e boletšwego ka gare ga melawana. Melawana e ka no bolela gape dinyakwa tša bao ba inšorago bao ba fago inšorensense ye bjalo.
- (2)
 - (a) Lekgotla le ka go gapeletša ditlamo go dilaesense tša tshepedišo mabapi le dinyakwa tša inšorensense yeo go bolelwago ka yona ka go sekakarolo (1) tšeo di sa sepelelanego le melawana ye bjalo.
 - (b) Melawana e ka no kgonegiša gape gore bohlatse bja inšorensense ye bjalo bo fiwe Lekgotla goba batho ba bangwe bao ba boletšwego ka melawaneng, lebakeng la dinako tšeo di boletšwego.
- (3) Inšorensense yeo e boletšwego ka go sekakarolo (1), e swanetše gore, gare ga tše dingwe, e fe khupetšo ya tahlegelo goba tshenyo yeo e bakilwego ke tshenyo ya maruo goba lehu goba kgobalo ya motho ofe goba ofe yeo e bakilwego ke tiro ya maboomo goba ya go se hlokomele goba tlolo ya mong tirelo goba moemedi goba balata ba mong tirelo mabapi le tirelo ya dinamelwa tša tsela tša setšhaba.
- (4) Molekgotlaphethiši o swanetše go dira melawana ka fase ga sekakarolo (1) ya ditirelo tša boeti lebakeng la matšatši a 180 a go thoma ga Molao wo.

102. Magato a go thekga dinamelwa tša tsela tša setšhaba

- (1) Molekgotlaphethiši a ka no dira melawana yeo e beelago ka thoko methaladi ya ditsela ya ka fase ga taolelo ya profense gore e šomišwe fela ke dinamelwa tšeo di šomišetšwago ditirelo tša dinamelwa tša tsela tša setšhaba, go se na taba le dikgonegišo tša Molao wa Bosetšhaba wa Dinamelwa tša Tsela.
- (2) Molekgotlaphethiši a ka no thuša balaodi ba dinamelwa goba bommasepala ka go-
 - (a) dira dipeakanyo le maano a go phaka le go nametša, go agwa le go bolokwa ga infrastraktšha yeo e tlhokegago ya dipeakanyo tše bjalo;
 - (b) beela thoko methaladi ye mengwe ditseleng ka fase ga taolelo ya bona gore e šomišwe fela ke dinamelwa tšeo di somišetšwago ditirelo tša dinamelwa tša tsela tša setšhaba;
 - (c) peakanyo, kago le tshwaro ya infrastraktšha ya go kaonafatša kgontšhago le go ba bonolo ga ditirelo tša dinamelwa tša tsela tša setšhaba.

103 Dikgonegišo tša nakwana

- (1) Mo e lego gore, ka nako ye nngwe le ye nngwe pele ga ge Molao wo o thoma-
- (a) motho o be a otlilwe, go ya ka molao ofe goba ofe wo o fedišitšwego ke karolo 104, ya tlolomolao yeo e lego tlolomolao go ya ka Molao wo, mo go lego maswanedi go Molao wo, motho o tšewa le go tshwarwa bjalo ka motho yo a dirilego tlolomolao yeo e sepelelanago yeo e kgonegišitšwego ka Molaong wo; le
- (b) leswao lefe goba lefe la go lemogega leo le filwego go ya ka molao wo bjalo wo o fedišitšwego wa senamelwa sa go amana le tumelelo le tšewa le go swarwa ka mabaka a Molao wo, go fihla nako yeo tumelelo yeo e felago, e fetolelwago go laesense ya tshepedišo, goba e bušetšwago morago goba go fedišwa go ya ka Molao wo, bjalo ka leswao la go lemogega leo le filwego ka fase ga Molao wo.
- (2) Kgetho, kabelo, molawana, tsebišo goba tokomane yeo e dirilwego, yeo e gatišitšwego goba yeo e filwego, goba se sengwe seo se dirilwego, ka fase ga Molao wo o fedišitšwego ke karolo 104, di tšewa di begilwe, di hlomilwe di dirilwe, di gatišitšwe, le go fiwa goba go dirwa ka fase ga dikgonegišo tša go sepelelana tša Molao wo.
- (3) Ka mabaka a sekakarolo (2), kgopelo ya go fiwa ga goba go ntšha tumelelo yeo e sa lahlwago ka nako ya go thoma ga Molao wo, e tla tšewa gore ke kgopelo ya ka fase ga Molao wo ya go fiwa ga laesense ya tshepedišo ya maswanedi.
- (4) Tšatši la 1 Julae 1999 leo le gatišitšwego go ya ka karolo 25(1) ya Molao wa Gauteng wa Nakwana wa Ditireo tša Mohuta wa Dithekisi tša Minipase, ka go Tšebišo 1211 ya 1998 (Kuranta ya Mmušo ya go se Tlwaelege 495 ya 22 Mei 1998) le tšewa gore le katološeditšwe go tšatši la go thoma la Karolo 6 ya Molao wo.
- (5) Boipiletšo bjo bo filwego Molekgotlaphethiši go ya ka karolo 8(5) ya Molao wa Gauteng wa Nakwana wa Ditireo tša Mohuta wa Dithekisi tša Minipase, empa e sa lahlwa ge Molao wo o thoma, bo tšewa gore ke Tshekoleswa go Lekgotla la Tshekoleswa ka fase ka karolo 59.
- (6) (a) Ka mehla ge molao wo o nyaka gore go tšeelwe hlogong peakanyo efe goba efe ya dinamelwa, Lekgotla, Bolaodi bja kontraka, bolaodi bja dinamelwa, motse mogolo goba mmasepala ba ka no tšwela pele ka taba ya maswanedi, ka tumelelo ya Molekgotlaphethiši, go se na taba le nnete ya gore peakanyo ya dinamelwa ya maswanedi ga se e lokišwe le gore ga se e tlišwe gore e dumelelwe, goba gore ga se e gatišwe ka fase ga karolo 29 (1) ya Molao wa Setšhaba.
- (b) Molekgotlaphethiši a ka no fa tumelelo ye bjalo ka kakaretšo goba ka mabaka ao a itšego.
- (c) Lekgotla le bjalo, bolaodi, motse mogolo goba mmasepala o swanetše go tšeela hlogong peakanyo efe goba efe ya dinamelwa yeo e lego gona goba taba ye nngwe yeo o e bonago e le maswanedi.
- (7) Maatla afe goba afe ao a phethagatšwago goba maikarabelo goba mediro yeo e dirwago ka nnete ke Lekgotla la Tumelelo ya Dinamelwa la Nakwana la Gauteng leo le boletšwego ka go karolo 29(1) go ya ka molao wo o fedišitšwego ke karolo 104 morago ga go thoma ga Molao wa Bosetšhaba, di tšewa gore di phethagaditšwe ka nnete ka fase ga kgonegišo yeo e sepelelanago ya Molao wo.

104. Phedišo ya melao le ditlogelo

- (1) Melao yeo e latelago e a fedišwa:
 - (a) Molao wa Gauteng wa Nakwana wa Ditireo tša Mohuta wa Dithekisi tša Minipase; le
 - (b) Molao wa Gauteng wa Nakwana wa Dinamelwa tša Tsela, 1998 (Molao No. 2 wa 1998)
- (2) Molao wa Dinamelwa tša tsela, 1977 (Molao No. 74 wa 1977) go tlogelwa go sepetšwa ka Gauteng.

105. Molao o tlama Mmušo

Molao o tlama Mmušo.

106. Thaelele ye kopana le go thoma

- (1) Molao wo o bitšwa Molao wa Gauteng wa Dinamelwa tša Tsela tša Setšhaba, 2001, gomme o tla thoma go šoma ka tšatši leo le phethilwego ke Letona ka Kgoeletšo ka gare ga Kuranta ya Mmušo.
- (2) Dikarolo tša go fapana tša Molao wo di ka no thoma go šoma ka matsatši a go fapana, goba go ya ka mafelo a go fapana.
- (3) Karolo 29(1) e tšewa gore e thomile go šoma ka 1 Disemere 2000.

**LENANELO LA A: MAGORO A DINAMELWA/MEHYTA YA DITIRELO TŠA BANAMEDI
MEHUTA YA DINAMELWA**

MAGORO A DINAMELWA	Ditirelo tša Tuk-tuk	ditirelo tša mohuta wa dithekisi	ditirelo tša mohuta wa dithekisi tša diminipase	ditirelo tša mohuta wa dipase	ditirelo tša thuto	ditirelo tša boeti	ditirelo tša kadimo	ditirelo tša bašomi	ditirelo tša bofeleg etši	ditirelo tša dinamel wa tšeo di fihlelelw ago	ditirelo tša botho	ditirelo tša mohuta wa khoutšu wa lenaneo
Ka tlase ga 4 Bjalo ka tk-tuk	ABC	aowa	aowa	aowa	Aowa	aowa	aowa	aowa	aowa	aowa	ABCD	aowa
Limosini	aowa	aowa	aowa	aowa	Aowa	ee	ee	G/c	ee	ee	ee	aowa
4 go ya go 8 mmotoro	aowa	ee	GH	aowa	ee	ee	N	G/c	ee	ee	ee	aowa
9 go ya go 18 minipase	aowa	EFM	GH	ee	ee	ee	N	G/c	ee	ee	ee	aowa
19 go ya go 35 midipase	aowa	aowa	PQR	ee	ee	ee	N	G/c	ee	ee	ee	aowa
36 go ya go 70 pase ya magareng	aowa	aowa	aowa	ee	ee	ee	N	G/c	ee	ee	Ee	aowa
Pase setimela	aowa	aowa	aowa	OK	ee	aowa	N	G/c	Aowa	ee	Aowa	aowa
Sekaterailara	aowa	aowa	aowa	ee	ee	ee	ee	EE	Aowa	ee	ee	aowa
Khoutšu	aowa	aowa	aowa	aowa	aowa	ee	ee	G/c	aowa	ee	ee	ee

Senamelwa se bofefo	aowa	aowa	ee	aowa	ee	l	l	ee	aowa	aowa	aowa	aowa
Pase ya ka fase le godimo	aowa	aowa	aowa	LK	ee	ee	N	G/c	ee	ee	aowa	aowa

**LENANELO LA B: MAGORO DITIRELO TŠA BANAMEDI KA MEKGWA YA LEANOTSHEPETŠO
MEHUTA YA DITIRELO**

MEKGWA		Tuku-tuku	Dithekisi tša dimitara	Dithekisi tša diminipase	Mohuta wa dipase	thuto	boeti	Dikhi rišo kadimo	bašomi	Bofele getši	ditirelo tšeo di fihlelel wago	Tša botho	Mohuta wa khoutšu
Ditirelo tša di ikontraka tšeo di thušwago ka ditšhelete	Ditirelo tšeo di sepetšwago ka lenaneo	aowa	aowa	aowa	ee	Ee ka tumelelano	aowa	aowa	aowa	ee	ee	Aowa	Aowa
Ditirelo tšeo di ikontraka tšeo di thušwago ka ditšhelete	Ditirelo tšeo di sepetšwago ka lenaneo	Ee ka tumelelano	aowa	aowa	ee	ee	aowa	aowa	aowa	ee	ee	Aowa	Aowa
	Ditirelo tšeo di sa sepetšwego ka lenaneo	Ee ka tumelelano	aowa	ee	aowa	ee	aowa	aowa	aowa	ee	ee	Aowa	Aowa
	Tirelo ya lefelo	Ee ka tumelelano	Ee ka tumelelano	aowa	aowa	ee	aowa	aowa	aowa	ee	ee	Aowa	Aowa
	Ditirelo tšeo di sepetšwago ka lenaneo	ee	aowa	aowa	ee	ee	aowa	aowa	aowa	ee	ee	Aowa	ee
	Ditirelo tšeo di sa sepetšwego ka lenaneo	ee	aowa	ee	aowa	ee	aowa	ee	ee	ee	Ee	Ee	Aowa
	Ditirelo tša lefelo	ee	ee	aowa	aowa	ee	ee	aowa	ee	ee	ee	ee	ee

**LENANEO LA C: MAGORO DITIRELO TŠA BANAMEDI KA MEKGWA YA LEANOTSHEPETŠO (PHETOGELO)
MEHUTA YA DITIRELO**

MEKGWA		Tuku-tuku	Dithekisi tša dimitara	Dithekisi tša diminipase	Mohuta wa dipase	thuto	boeti	Dikhi rišo kadimo	bašomi	Bofele getši	ditirelo tšeo di fihlelel wago	Tša botho	Mohuta wa khoutšu
Ditirelo tša di ikontraka tšeo di thušwago ka ditšhelete	Ditirelo tšeo di sepetšwago ka lenaneo	aowa	aowa	di tla boledišwanwa	ee	Ee ka tumelelano	aowa	aowa	aowa	ee	ee	Aowa	Aowa
Ditirelo tšeo di sa kontrakiwago	Ditirelo tšeo di sepetšwago ka lenaneo	Ee ka tumelelano	aowa	aowa	ee	ee	aowa	aowa	aowa	ee	ee	Aowa	Aowa
	Ditirelo tšeo di sa sepetšwego ka lenaneo	Ee ka tumelelano	aowa	ee	aowa	ee	aowa	aowa	aowa	ee	ee	Aowa	Aowa
	Tirelo ya lefelo	Ee ka tumelelano	Ee ka tumelelano	ee	aowa	ee	aowa	aowa	aowa	ee	ee	Aowa	Aowa
	Ditirelo tšeo di sepetšwago ka lenaneo	ee	aowa	aowa	ee	ee	aowa	aowa	aowa	ee	ee	Aowa	ee
	Ditirelo tšeo di sa sepetšwego ka lenaneo	ee	aowa	ee	aowa	ee	aowa	ee	ee	ee	Ee	Ee	Aowa
	Ditirelo tša lefelo	ee	ee	ee	aowa	ee	ee	aowa	ee	ee	ee	ee	ee

DINTHLA TŠA LENAETSHEPETŠO LA A

- A senamelwa se dumelelwa fela mararankoding a toropong ao a boletšwego
- B senamelwa se swanetše go sepela fela ka lebelo la maksimamo leo le boletšwego
- C tirelo ya go tlama lefelo
- D "selo sa tlhomphe" se swanetše go ba mong wa senamelwa
- E senamelwa se swanetše go ba le senolofatši sa dimetara tša go arolelanwa
- F legoro la senamelwa le swanetše go ba le tšhišinyo ya intasteri ya dithekisi tša metara
- G tirelo ya go thewa tseleng ntle le ge lefelo le dumelelwa mabakeng ao a sa tiwaelegago
- H tirelo e sepelelane le Molaokakanywa wa Nakwana wa Dithekisi
- I e kgaolelitšwe go boeti bja bohlagahlaga
- J senamelwa goba dikarolo tša diphetolelo di swanetše go tlangwa le go fetolelwa ke motlhami yo a ngwadišitšwego goba go fetolelwa ka maemo ao a boletšwego
- K go kgaoletšwa go šoma lefelong leo le itšego goba mararankoding a tsela
- L tirelo e šale morago melawana ya dinamelwa ya ga bjale
- M palo ya banamedi e kgaolelitšwe ke laesense ya tshepedišo (mohlala go 7 diminipaseng)
- N mong laesense a be le tumelelo ya banamedi ba setšhaba ya senamelwa (go ra gore mohuta wa thekisi ya minipase, mohuta wa pese, ya sekolo, mohuta wa khoutšhu goba tirelo ya baeti)
- O ditirelo di swanetše go kgonegišwa ka gare ga dileanotshepetšo tša dinamelwa tša maswanedi
- P go swanetše go ba le dinolofatši tša go renka tša maswanedi
- Q mekgatlo ya maswanedi e swanetše go fa tumelelo

KA GA MAIKEMIŠETŠO A MOLAOKAKANYWA WA GAUTENG WA DINAMELWA TŠA BATHO BOHLE TŠA GO SEPELA FSE

1. Motheo

Molaokakanywa wa Gauteng wa Dinamelwa tša batho bohle tša Tseleng, 2001 (Molaokakanywa o ikemišetša go kgontšha lenaneo-peakanyo, kgodišo le magora-taolo a dinamelwa tša batho bohle tša tseleng mono Gauteng ka mokgwa wo o tseneletšego.

2. Maikemišetšo a Molaokakanywa

Maikemišetšo a Molaokakanywa ke go kgontšha ka go tsenelela ditirelo tša dinamelwa tša batho bohle tša tseleng mono Gauteng, le go fana ka dinamelwa tša batho bohle go ya ka ditšhišinyo tša Sehlopha sa Gauteng sa Maanopeakanyo a Taolo, Motheo wa Dithekisi tša Gauteng, Sehlopha sa Bosetšhaba sa Mošomo sa Bosetšhaba le molaotshepetšo wa ga bjale wa porofensi, bjalo ka ge go beilwe ka go (Gauteng Pampiri ye Tšhweu) ka ga Molaotshepetšo wa Dinamelwa, 1997 le ditokomane tše dingwe.

Molaokakanywa o dirilwe ka mokgwa wa go ema legatong la "molao wa porofensi" wa Gauteng bjalo ka ge go hlalošwa go karolo ya3(b)(1)ya molao wa Bosetšhaba wa Lebaka la Magareng wa Dinamelwa wa bo 22 wa 2000 (Molao wa Bosetšhaba) mabapi le merero ka moka yeo e hlalošitšwego ka go Molaokakanywa, mme o tla ba legatong la Kgaolo ya 3 ya Molao wa Bosetšhaba mabapi le merero yeo, Molao wa Bosetšhaba o hlamilwe kudu ka go Kgaolo ya 2, yeo e hlalošago merero ya kamego ya bosetšhaba, le Kgaolo ya 3 ka ga merero ya kamego ya porofensi. Kgaolo ya 2 ya Molao wa Bosetšhaba o itebantše le merero yeo e hlalošwago ka go karolo ya146(2) sa Molaotheo, mme e tla etišwa pele ga molaotlhakwa wa porofensi. Legatong la Kgaolo ya 3 ya yona go ka bewa melao ya porofensi, mme molaokakanywa o tla ema legatong la yona mabapi le merero ya dinamelwa tša batho bohle tša tseleng, kudu ka lebaka leo le latelago, go tee le mabaka a mangwe ao a lego ka tlase:

Ke tshwanelo, Kgaolo ya 3 ya Molao wa Bosetšhaba e ka mokgwa wo o akaretšago, ka ge e swanetše go akaretša dinyakwa tša diporofensi ka moka tše seswai. E naganetšwe goba legato la sethibakgala sa diporofensi tšeo di se nago molaotlhakwa wa tšona ka ga merero ya dinamelwa tša tseleng, le go hlaloša merero ya kamego ya porofensi yeo diporofensi di ka e fetolago ge di kganyoga go dira seo. Ka wona mokgwa wo, Molaokakanywa o na le o na le dintlha tše dintši kudu mme o betlilwe ka mokgwa wa go beakanya merero yeo e ikgethago ya sebopego sa Gauteng, mohlala e le taba ya gore ke porofensi ya setoropo kudu yeo e akareditšwego ke mebasepala ya mtropolitene, goba mebasepala ya dilete yeo e lego ka sebopego sa toropokgolwane.

Molaotlhakwa wo ga bjale wo o dirišwago mono Gauteng mabapi le dinamelwa tša tseleng ke:

- Molao wa Gauteng wa Lebaka la Magareng wa Ditirelo tša Dithekisi tša Mokgwa wa Diminipase, 1997 (Molao wa Nomoro 11 wa 1997);
- Molao Gauteng wa Lebaka la Magareng wa Dinamelwa tša Tseleng, 1998 (Molao wa Nomoro 2 wa 1998).

Molao wa Dinamelwa tša tseleng, 1977 le Molao wa go Fetolwa wa Gauteng wa Dinamelwa tša tseleng, 1997, e tlošitšwe go šoma mo Gauteng, goba e phumutšwe, go ya ka mo seemo se lego ka gona, ka diripana tša molaotlhakwa tšeo di boletšwego ka godimo. Di tla re le tšona tša emelwa legatong ke Molaokakanywa. Molaotlhakwa wo o lego gona ga bjale, bjalo ka ge o bontšhwa mo maineng a Molao, ke wa lebaka la magareng.

Motheo wa tsela yeo e tšerwego ge go kwanwa ka go hlama molaokakanywa ke go lebelela leswa seo se nyakegago. Tsela ya go hlama molaotlhakwa wa dinamelwa tša batho bohle ya nakong yeo e fetilego e be e le godimo ga motheo wa seo se ngwetšwego pele. Molao ya pele yeo e bego e le mabapi le sehogo seo e be e fetolwa fela ka kakaretšo go swanela seemo se seswa bjalo ka ge se hlaga. Molaokakanywa nneteng o be o laolwa ke diteng tša molaotlhakwa wo mongwe, fela o be o lebantšhwa "ab initio". O beilwe godimo ga lenaneo le leswa la go itebanya le mokgatlo wa dinamelwa tša batho bohle.

Lenaneo le leswa le lemoga bobedi tlhokego ya tshepetšo-taolo le khunologo mo dikgahlegong tša go hlola seemo sa ekonomi le dihangwa tšeo di kgontšhago bašoma ka dinamelwa go fana ka ditirelo, mola ka lehlakoreng le lengwe ba šireleditše ditokelo le polokego ya banamedi. Lenaneo le lemoga gore go na le ditirelo tše ntši tša dinamelwa tša batho bohle tšeo a fapanego, gore dinamelwa tšeo di fapanego di šomišetšwa ditirelo tšeo di fapanego le gore gantši nakong ye nngwe dinamelwa tšeo di fapanego di šomišetšwa tirelo ya go swana. Tše dingwe tša dinamelwa tšeo di ka ba maleba mo la tše dingwe di sa nepagala, mme tše dingwe di le ka tlase ga seemo sa le magora a ditaelo. Ka fao lenaneo le dumelela tšhomišo ya dinamelwa tšeo di fapanego mabakeng ao a fapanego, ka khunologo yeo e kgotsofatšago go amogela diphetogopphetogo tša mmara go ya ka dikgahlego tša bao ba šomago ka dinamelwa. Mo senamelwa se tlogago se sa lokelwa tirelo, lenaneo le ka se se dumelele go šomišetšwa tirelo.

Molaokakanywa o beilwe godimo ga ditshepetšo tše dingwe tšeo di akaretšago tšeo di latelago:

- Mediro ka moka ya dinamelwa tšeo di sepelago fase tša batho bohle e swanetše go sepetšwa go ya ka laesense yeo e lebanego yeo e lego molaong;
- Mediro ka moka ya dinamelwa tšeo di sepelago fase tša batho bohle e swanetše go ngwadišwa le Mongwadiši wa Dinamelwa wa Gauteng;
- Tšhireletšo ya banamedi;
- Tshepetšo ya seporofešenale ya mediro;

- Mafelo a thekgo le dihangwa tša maleba;
- Tiragatšo ya maleba yeo e šomago ya molao;
- Tswalanyo ya mekgwa le tšhomišo ya naga le lenaneo-peakanyo , go kaonafatša mosepelo wa batho le tšhomišego ya lenaneo;
- Tlhokego ya go thuša dinamelwa tša batho bohle ka tšhelete fela go fihla mo thušo e fihlelelago dinyakwa tšeo di kaonafadišwego tša go ka kgona go fihlelela tirelo, mosepelo, tšhomišo ya naga
le
- phokoletšo ya dintlha ya bao ba šomago ka dinamelwa.

Ka gona, Molaokakanywa o akaretša dihlohleletšo tše dintši le diphetogo go molaotlhakwa wo o lego gona ga bjale, go fa mohlala, ge re golaganya tirelo le mehuta wa dinamelwa, bjalo ka ge go bontšhwa ka godimo. Molaokakanywa o ela hloko dikgonišego tša molaotlhakwa le molaotlhakwa wo šišintšwego wa Mmušo wo moswa wa Selegae.

3. Ditung tša Molaokakanywa

Molaokakanywa o arogantšwe ka go diripa tše 14, ka mokgwa wo o latelago:

Karolo ya1: Dikgonišego tša matseno

Karolo ya2: Ditirelo tša dinamelwa tša batho bohle tša tseleng.

Karolo ya3: Matla le mešomo ya MOLEKGOTLAPHETHIŠI le mebasepala

Karolo ya4: Lenaneo-peakanyo la dinamelwatša tselengtša batho bohle

Karolo ya5: Lekgotla la Gauteng la Dilaesense tša go šoma ka Dinamelwa

Karolo ya6: Laesense ya tshepetšo

Karolo ya7: Lekgotla la Gauteng la Tshemaleswa la Banamedi

Karolo ya8: Mongwadiši wa Dinamelwa wa Gauteng le ngwadišo ya mekgatlo le bašoma ka dinamelwa

Karolo ya9: Ngwadišo ya mekgatlo ya dithekisi le bao ba šomago ka dinamelwa

Karolo ya10: Ngwadišo ya mekgatlo ya dithekisi tša dimitara le bao ba šomago ka tšona.

Karolo ya11: Ngwadišo mekgatlo ya mohuta wa dipase le mohuta wa dikhoutšu le bao ba šomago ka tšona.

Karolo ya12: Difotamo tša Dinamelwa

Karolo ya13: Tirišo ya molao

Karolo ya14: Kakaretšo

Karolo ya1: Dikgonišego tša matseno

Lefoko la 1 le hlaloša maikemišetšo a Molaokakanywa. Le ala molaotshepetšo wa porofensi ka ga dinamelwatša tselengtša batho bohle, le tshepetšo yeo e swanetšego go šomišwa ge go hlalošwa le go diragatša Molaokakanywa. Lefoko le tla thuša go kgora tsela ya Molaokakanywa le go thuša bao ba tla bego ba bego ba šoma ka Molaokakanywa. Molao wa Bosetšhaba ga o na karolo yago swana le seo.

Lefoko la 2 la Molaokakanywa le fa dikgonišego

Karolo ya2: Ditirelo tša dinamelwa tša batho bohle tša tseleng.

Lefoko la 3 le hlaloša gore bolaodi bja dinamelwa, ditoropokgolo le mebasepala, tšeo e tla bago dikhansale tša toropokgolwane tše tharo, le mebasepala ya selete ye meraro yeo e akanywago go tsela ye mpsha ya mellwane, ba swanetše go bea le go bontšha ditirelo tša dinamelwa tša batho bohletša tselengmo mananeo-peakanyong a bona. Ga go motho yo a swanetšego go šoma ka dinamelwa tša batho bohle a se na laesense yeo e swanetšego ya tšhomo goba tumelelo le gore le laesense e tee fela ya tšhomo ya senamelwa se tee e tlogo fiwa.

Lefoko la 4 le hlaloša go efošwa go dikgonišego tša "dinamelwa tša batho bohle", bjalo ka balwetši bao ba sepetšwa ka diampulanse le batho bao ba rwalwago ka sehlopha sa go tšewa kgopu (lift clubs). Molao wa Bosetšhaba o tlogela ntlha ye gore e bonwe ke Molao wa Dinamelwa tšeo di sepelago fase wa 1997 goba go phumula molaotlhakwa wa porofensi.

Lefoko la 5 le hlaloša merero ya taolo-tshepetšo ya baotledi le dinamelwa.

MOLEKGOTLAPHETHIŠI a ka bea molao wa maitshwaro wa baotledi ba dinamelwa tša batho bohle le gore ba tsenele dithuto tša tihahlo. Se se ka akaretša melawana ya go hlaloša gore baotledi ba dithekisi tša dimitara ba tsenele diteko tša thopokerafi. Lefoko gape le hlaloša tšhomišo ya dinamelwa tša batho bohle, go netefatša gore di hlwekile, bjalo bjalo.

Lefoko la 6 le hlaloša magoro a ditirelo. Lefoko le hlaloša ditirelo tša go feta ka mo go akantšwego ka go Molao wa Bosetšhaba, go fa mohlala ditirelo tša tuku-tuku, ditirelo tša mokgwa wa khoutšu le ditirelo tša phelegetšo(shuttle). Magoro a ditirelo a ngwetšwe ka go lefoko la 6 mme a hlalošwa ka go lefoko la 2. Molao wa Bosetšhaba o akaretša ditirelo tše ka mokgwa wo o akaretšago, mohlala, ditirelo tša mabaka ao a beakantšwego le tšeo di sa beakanywago. Molaokakanywa o tšwela pele go golaganya mehuta yeo e fapanego ya ditirelo le mehuta ya dinamelwa ka mokgwa wo o tihamilwego ka kgokagano ye kaone go feta ka mo Molao wa Bosetšhaba o dirago ka gona (lebelela Peakanyo A,B le C ya Molaokakanywa mabapi le seo). Se se sepelelana le maikemišetšo a molaotlhakwa wa porofensi go fa tihalošo ya dintlha go dikgonišego tša Kgaolo ya 2 ya Molao wa Bosetšhaba.

Lefoko la 7 le hlaloša magora a ditirelo tša tuku-tuku

Lefoko la 8 le hlaloša magora a ditirelo tša dithekisi tša dimitara

Lefoko la 9 le hlaloša magora a ditirelo tša dithekisi tša mokgwa wa diminipase

Lefoko la 10 le hlaloša magora a ditirelo tša mokgwa wa dipase

Lefoko la 11 le hlaloša magora a ditirelo tša thuto

Lefoko la 12 le hlaloša magora a ditirelo tša boeti

Lefoko la 13 le hlaloša magora a ditirelo tša kadimo ya dinamelwa

Lefoko la 14 le hlaloša magora a ditirelo tša bašomi

Lefoko la 15 le hlaloša magora a ditirelo tša bohlomphegi

Lefoko la 16 le hlaloša magora a ditirelo tša mokgwa wa dikhoutšu

Lefoko la 17 le hlaloša magora a ditirelo tša phelegetšo (shuttle)

Lefoko la 18 le hlaloša mehuta ya dinamelwa tša mebotoro tšeo di ka šomišetšwago ditirelo tša dinamelwa tšeo di sepelago fase tša batho bohle. Molaokakanywa o dumela mehuta ye mengwe ya dinamelwa go feta Molao wa Bosetšhaba, tšona ke dinamelwa tšeo di hlametšwego morwalo wa boima bjo bo nnyane, dikhoutšu, ditimela tša dipase, dipase tša go rwala ka tlase le ka godimo, dilimosini, dipase tša go rwala ka tlase le ka godimo tšeo di bulegilego, dipase tšeo di tlwaelegilego le dituku-tuku. Se se bohlokwa go sepetša go sepetša dinamelwa tšeo di swanetšego le mehuta ya ditirelo. Dinamelwa tše di ngwetšwe go lefoko la 18 mme di hlalošitšwe go lefoko la 2.

Karolo ya 3: Matla le mešomo ya Molekgotlaphethiši le mebasepala

Lefoko la 19 le hlaloša matla a Molekgotlaphethiši ka tlase ga Molaokakanywa.

Lefoko la 20 le laela mešomo ya Molekgotlaphethiši ka tlase ga Molaokakanywa

Lefoko la 21 le hlaloša melawana yeo Molekgotlaphethiši a ka e hlakago ka tlase ga tlase ga Molaokakanywa.

Lefoko la 22 le hlaloša melawana ya ka thoko yeo bolaodi bja toropokgolwane le mebasepala ba ka e dirago ka tlase ga Molokakanywa. Le hlaloša gape dikwano magareng ga mebasepala le batho ba poraebete goba dihangwa mabapi le kabelanyo goba tšhomišo ya ditlabelo tša ditirelo tša dinamelwatša tselengtša batho bohle mo thotong ya poraebete.. Molao wa Bosetšhaba ga o na matla ao, ao a hwetšwago a le bohlokwa go diragatšeng Molaokakanywa.

Lefoko la 23 le hlaloša gore MOLEKGOTLAPHETHIŠI o swanetše go hlama le go hlapetša tshedimošo le lenaneo la pego la dinamelwatša tselengtša batho bohle. Seo se tla dirwa ka tšhomišanommogo le mebasepala le bolaodi bja dinamelwa.

Lefoko la 24 le hlaloša tiro-taelo (delegation) ya tšhomišo ya MOLEKGOTLAPHETHIŠI.

Karolo ya4: Lenaneo-peakanyo la dinamelwatša tselengtša batho bohle

Lefoko la 25 le laela mekgwa-tshepetšo ya lenaneo-peakanyo la dinamelwatša tselengtša batho bohle. Seo se akaretša nyakego ya lenaneo-peakanyo leo le tselanelanago mme le hlophilwe la dinamelwatša tselengtša batho bohle le gore go fa ditlankana tšeo di ntšhwago go swanetše go dirišwa go fokotša nako ya leeto le gona go kaonafaletša banamedi.

Lefoko la 26 le hlaloša dinyakwa tše dingwe mo mananeo-peakanyo a dinamelwa tša batho bohle a beakanywago ke bolaodi bja dinamelwa, ditoropokgolo le mebasepala go ya ka Molao wa Bosetšhaba. Mananeo-peakanyo ao a tla sepelelana le mananeo-peakanyo a dinamelwa tša batho bohle ao a nyakwago ke Molao wa Bosetšhaba mme a tla akaretša dintlha ka ga ditsela, mananeo-nako, bogolo bjo bo lego gona bja ditsela, bjalo bjalo.

Lefoko la 27 le laela mešomo ya bolaodi yeo e amanago le lenaneo-peakanyo. Ba tla swanelwa ke go netefatša, magareng ga tše dingwe, gore banamedi ba fiwa ditirelo, go ya ka go ba gona ga ditšhelete, le gore ga go fiwe ditirelo tšeo di feteletšego.

Lefoko la 28 le hlaloša merero ya nako ya magareng mabapi le lenaneo-peakanyo.

Karolo ya5: Lekgotla la Gauteng la Dilaesense tša go šoma ka Dinamelwa

Lefoko la 29 le hlaloša tihamo le boleloko bja Lekgotla la Gauteng la Dilaesense tša go šoma ka Dinamelwa. Lekgotla ga botse botse ke Lekgotla la ga bjale la Gauteng la ditumelelo tša Dinamelwa. Maloko a Lekgotla a swanetše go se tšee lehlakore mme ba ka se dumelelwe go ba le kgahlego ya tša ditšhelete mo go tša dinamelwatša tselengtša batho bohle.

Lefoko la 30 le hlaloša botho ya modiro, tlogelo le go tlošwa kantorong ga maloko a Lekgotla la Gauteng la Dilaesense tša go šoma ka Dinamelwa.

Lefoko la 31 le hlaloša matla a Lekgotla la Gauteng la Dilaesense tša go šoma ka Dinamelwa.

Lefoko la 32 le hlaloša ditsela-tshepetšo (procedures) tša dikopano le diphetho tša Lekgotla la Gauteng la Dilaesense tša go šoma ka Dinamelwa.

Lefoko la 33 le hlaloša go hlangwa ga sehlopha sa boeletši sa Lekgotla la Gauteng la Dilaesense tša go šoma ka Dinamelwa. Sehlopha se se tla ba le boemedi bjo bo ikadilego go tšwa go mafapha ao a fapanego a intaseteri ya dinamelwa tša batho bohle, bjalo ka ge go hlalošitšwe ka dintlha ka moka ka go lefoko.

Lefoko la 34 le hlaloša go hlangwa ga Ditho tša Taolo Dilaesense tša go šoma ka Dinamelwa. Ditho tše di tla šoma bjalo ka "dikantoro tša lekala" tša taolo tša Lekgotla. Di tla rwala maikarabelo a go amogela le go sepetša dikgopelo tšeo di lego mabapi le dilaesense tša tšhomo, mme di ka se be le matla a go tšea sephetho ka ga dikgopelo.

Karolo ya6: Laesense ya tshepetšo

Lefoko la 35 le hlaloša go fetolela ditumelelo (permits) ka go dilaesense tša tšhomo. Seo se swanetše go phethwa letšatšing leo le tla bewago ke MOLEKGOTLAPHETHIŠI ka tsebišo ya Kasete ya Porofensi. Mong-tumelelo yo mongwe le yo mongwe o swanetše go ba a dirile kgopelo ya phetolelo yeo ka go laesense ya tshepetšo, ka letšatši leo. Dilaesense tša tšhomo di tla fana ka matla ao a swanago le ao a lego ka go tumelelo ya ga bjale.

Lefoko la 36 le hlaloša magora a dikontraka tša ditirelo.

Lefoko la 37 le hlaloša gore ge tirelo yeo e lego kontrakeng e fela, dilaesense tša tšhomo ka moka goba ditumelelo tšeo di dumeletšego tirelo di swanetše go išwa go Lekgotla gore di phumulwe. Le hlaloša gape gore bao ba šomago ka dinamelwa ba ka se thentare dikontraka tša ditirelo tšeo di hwetšago thušo ya ditšhelete ntle le ge ba tliša dilaesense ka moka tša bona goba ditumelelo tša ditsela tšeo di akaretšwago ke ditirelo mabapi le kontraka.

Lefoko la 38 le hlaloša kgopelo ya laesense ya tshepetšo. Lefoko le hlaloša tsela-tshepetšo ya dikgopelo tšeo le gore di swanetše go dirwa e le dikopelo tšeo di aroganego tša dinamelwa tšeo di aroganego.

Lefoko la 39 le hlaloša tumelelo ya dikgopelo tša dilaesense tša tšhomo.

Lefoko la 40 le hlaloša dikgopelo tša dinamelwa tša go kgabaganya diporofensi le tumelelo ya tšona.

Lefoko la 41 le hlaloša dikgopelo tša dinamelwa tša go kgabaganya mellwane ya naga. Se se ra dinamelwa tša boditšhabatšhaba, tšeo di laolwago ke Molao wa Dinamelwatša tseleng tša go kgabaganya mellwane, 1998.

Lefoko la 42 le hlaloša kwalakwatšo ya dikgopelo tša dilaesense tša tšhomo. Ga gona bjale dikgopelo tše di kwalakwatšwa ka go Kasete ya Porofensi., fela bjalo ka ge go kwanwe ka go MINCOM mme go hlalošitšwe ka go karolo ya37ya molao wa Bosetšhaba, kwalakwatšo bjalo e tla ba ka go Kasete ya Mmušo wa bosetšhaba.

Lefoko la 43 le bea lebaka la laesense ya tshepetšo le mpshafatšo ya tšona.

Lefoko la 44 le hlaloša go fana ka laesense ya tshepetšo le merero ye mennyane yeo e swanetšego go bontšhwa mo dilaesenseng tša tšhomo.

Lefoko la 45 le hlaloša dikgatišo tše pedi mathomo (originals) le direkoto tšeo di amegago tša dilaesense tša tšhomo.

Lefoko la 46 le hlaloša go bea legatong la senamelwa se sengwe ga lebakanyana seo se lego mabapi le laesense. Seo se ka dirwa matšatšing a 21 fela mo e lego gore senamelwa seo laesense ya tshepetšo e lego ya sona se senyegile.

Lefoko la 47 le hlaloša mešomo ya mong-laesense ya tshepetšo.

Lefoko la 48 le hlaloša magora a matla ao a nago le laesense ya tshepetšo.

Lefoko la 49 le hlaloša go gogelwa morago, phego goba phetogo ya laesense ya tshepetšo lebakeng la maitshwaromabe goba mo mong-laesense a paletšwego ke go latela magora ao. Mong-laesense o swanetše go fiwa tsebišo ya maikemišetšo a go gogela morago laesense ya tshepetšo, mme mong-laesense o fiwa sebaka sa go iponatša pele ga Lekgotla mme a fa mabaka a gore ke ka lebaka la eng e sa swanela go gogelwa morago.

Lefoko la 50 le hlaloša gore ge laesense ya tshepetšo e sa šomišwa matšatšing a 180 morago ga phetolelo ye, Lekgotla le ka phumula laesense yeo ge le gore mong-laesense ga a kgone go fa mabaka ao a kwagalago gore ke ka lebaka la eng a palelwa ke go e šomiša.

Lefoko la 51 le hlaloša go gogelwa morago ga dilaesense tša tšhomo goba ditumelelo mo go nago le ditirelo tše di ntši tseleng ye tee. Mong-laesense o swanetše go fiwa ditirelo tše dingwe, mme ge seo se sa kgonagale, o swanetše go hlatswa diatla go ya ka ditšhupatsela (guidelines) tše di tla kwalakwatšwago ke Letona.

Lefoko la 52 le hlaloša ditumelelo ya nako ye nngwe tše di tla fiwa go maeto ao a ikgethago ao a diregago ga tee. Tumelelo e tla tlatšwa ke mošoma ka senamelwa mme a e iša go Lekgotla ka nako yeo e beilwego.

Lefoko la 53 le hlaloša dilaesense tša tšhomo tša mabaka ao a ikgethileng mo ditsela di tswaletšwego ke Molekgotlaphethiši mabakeng a dikhuduego le dintwa.

Lefoko la 54 le hlaloša gore beng-ditumelelo goba dilaesense tša tšhomo tše di hwetšago ditefelo tše di dumeletšwego ke Lekgotla, di ka oketša ditefelo ge boleng bja makhura bo hlatloga, ge e le gore ba dira dikgopelo go Lekgotla go dira diphetogo tša ditumelelo le dilaesense tša tšmo tše di amegago matšatšing a 10.

Karolo ya 7: Lekgotla la Gauteng la Tshekoleswa la Banamedi

Lefoko la 55 le hlaloša tlhamo, boleloko le mešomo ya Lekgotla la Gauteng la Tshekoleswa la Banamedi. Mošomo wa Lekgotla la Tshekoleswa e tla ba go theeletša tshekoleswa mabapi le dikgopelo tša dilaesense tša tšhomo tša ditirelo tša go kgabaganya diporofensi.

Lefoko la 56 le hlaloša botho ya mošomo, go tlogela mošomo le go tlošwa kantorong ga maloko a Lekgotla la Tshekoleswa.

Lefoko la 57 le hlaloša matla a Lekgotla la Tshekoleswa.

Lefoko la 58 le hlaloša dikopano le dipetho tša Lekgotla la Tshekoleswa.

Lefoko la 59 le hlaloša dikgopelo ya tshekoleswa go Lekgotla la Tshekoleswa kgahlanong le dipetho tša Lekgotla la Gauteng la Dilaesense tša Tšhomo ya Dinamelwa goba Mongwadiši.

Karolo ya8: Mongwadiši wa Dinamelwa wa Gauteng le ngwadišo ya mekgatlo le bašoma ka dinamelwa

Lefoko la 60 le hlaloša go bewa ga Mongwadiši wa Dinamelwa wa Gauteng le sehlopha sa balekodi go eletša le go thuša Mongwadiši. Mongwadiši o swanetše go se tšee lehlakore mme a se be le kgahlego ya tša ditšhelete mo intasetering ya dinamelwa tša batho bohle.

Lefoko la 61 le hlaloša botho ya mošomo, go tlogela mošomo le go tlošwa kantorong ga Mongwadiši le balekodi.

Lefoko la 62 le hlaloša mešomo ya Mongwadiši. Mešomo yeo segolo ke go ngwadiša mekgatlo ya dinamelwa tša batho bohle, maloko a yona le bao e sego maloko.

Lefoko la 63 le hlaloša matla a Mongwadiši.

Lefoko la 64 le hlaloša dikopano le diphetho tša Mongwadiši.

Lefoko la 65 le hlaloša dikgopelo tša go ngwadišwa.

Lefoko la 66 le hlaloša go fana ka ditifikeiti tša ngwadišo le ditšhupo tšeo di bontšhago..

Lefoko la 67 le hlaloša dinyakwa tša dingwe gape mabapi le ngwadišo ya dinamelwa tša go kgabaganya porofensi.

Lefoko la 68 le hlaloša go beela ka thoko ditumelelo tše dingwe tša mekgatlo yeo e ngwadišitšwego le bašoma ka dinamelwa.

Karolo ya9: Ngwadišo ya mekgatlo ya dithekisi le bao ba šomago ka tšona.

Lefoko la 69 le hlaloša ngwadišo ya kgapeletšo ya mekgatlo ya dithekisi, maloko le bao e sego maloko mabapi le ditirelo tša dithekisi tša mehuta ya diminipase. Ka morago ga letšatši leo le bewago ke Mmolekgotlaphethiši, e sego pele ga matšatši a 180 ka morago ga tirišo ya seripa, ga go motho yo a swanetšego go šoma ka ditirelo tša dithekisi tša mohuta wa diminipase mme ga go mokgatlo wa dithekisi wo o swanetšego go dira kgwebo ntle le ge o ngwadišitšwe.

Lefoko la 70 le hlaloša ngwadišo yeo e dulago e le gona ya mekgatlo yeo e ngwadišitšwego le bašoma ka dinamelwa bao ngwadišitšwego ka tlase ga Molao wa 11 wa 1997.

Lefoko la 71 le hlaloša gore Molekgotlaphethiši a ka laela mokgatlo gore o sware dikgetho tša maloko a khuduthamaga ya khansele ya wona, goba referentamo, ka nako yeo ba e fiwago. Go retelelwa ke go dira seo go ka dira gore mokgatlo o fegwe goba o phumulwe.

Lefoko la 72 le hlaloša ngwadišo ya mekgatlo ya dithekisi.

Lefoko la 73 le hlaloša ngwadišo ya maloko a mekgatlo yeo e ngwadišitšwego ya dithekisi.

Lefoko la 74 le hlaloša ngwadišo ya maloko a maswa a mekgatlo yeo e ngwadišitšwego ya dithekisi.

Lefoko la 75 le hlaloša ngwadišo ya bao e sego maloko a mekgatlo yeo e ngwadišitšwego ya dithekisi.

Lefoko la 76 le hlaloša magato a kgalemo kgahlanong le mekgatlo, maloko le bao e sego maloko.

Karolo ya10: Ngwadišo ya mekgatlo ya dithekisi tša dimitara le bao ba šomago ka tšona.

Lefoko la 77 le hlaloša tirišo ya mafoko 69, 73,74 le 76 ao dirišwago go ngwadišo ya ditirelo tša dithekisi tša dimitara.

Lefoko la 78 le hlaloša ngwadišo ya mekgatlo ya dithekisi tša dimitara.

Lefoko la 79 le hlaloša ngwadišo ya bao e sego maloko a mekgatlo ya dithekisi tša dimitara.

Lefoko la 80 le hlaloša dinyakwa tša go ikgetha tša batho bao ba otlelago dinamelwa tšeo di šomišetšwago ditirelo tša dithekisi tša dimitara.

Karolo ya11: Ngwadišo mekgatlo ya mohuta wa dipase le mohuta wa dikhoutšu le bao ba šomago ka tšona.

Lefoko la 81 le hlaloša tirišo ya mafoko 69, 73,74 le 76 ao dirišwago go ngwadišo ya ditirelo tša dithekisi tša mohuta wa diminipase go ya go ditirelo tša mohuta wa dikhoutšu.

Lefoko la 82 le hlaloša ngwadišo ya ditirelo tša mekgatlo ya dithekisi tša mohuta wa dipase le mohuta wa dikhoutšu.

Lefoko la 83 le hlaloša ngwadišo ya bao e sego maloko mao ba šomago ka ditirelo tša dipase goba mehuta ya dikhoutšu.

Karolo ya12: Difotamo tša Dinamelwa

Lefoko la 84 le hlaloša go hlangwa ga diforamo, dikomiti le ditho tšeo di nago le boemedi bja bašomiši, bao ba šomago ka dimalwa le baotledi ba dinamelwa tša ditirelo tša batho bohle.

Lefoko la 85 le hlaloša go hlangwa ga Foramo ya Porofensi ya Dinamelwa tša batho bohle.

Lefoko la 86 le hlaloša mešomo ya Foramo ya Porofensi ya Dinamelwa tša batho bohle.

Lefoko la 87 le hlaloša go hlangwa ga Foramo ya Toropokgolwane ya Dinamelwa tša batho bohle.

Lefoko la 88 le hlaloša mešomo ya Foramo ya Toropokgolwane ya Dinamelwa tša batho bohle.

Lefoko la 89 le hlaloša go hlangwa ga Foramo ya Dithekisi tša Toropokgolwane.

Lefoko la 90 le hlaloša mešomo ya Foramo ya Dithekisi tša Toropokgolwane.

Lefoko la 91 le hlaloša go hlangwa ga dikomiti tša dikgokaganyo tša dithekisi tša selegae.

Lefoko la 92 le hlaloša go hlangwa le mešomo ya diforamo tše dingwe tša toropokgolwane le tša selegae.

Karolo ya13: Tirišo ya molao

Lefoko la 93 le hlaloša magato ao a ikgethileng a tšhoganetšo ka Molekgotlaphethiši. Molekgotlaphethiši o matlafaditšwe go kwalakwatša mafelo a shoganetšo mabakeng a dikhuduego, le go tswalela ditsela le maemathekisi mo lefelong leo nakong yeo e beilwego..

Lefoko la 94 le hlaloša melato yeo e objago go ya ka Molaokakanywa.

Lefoko la 95 le hlaloša dikotlo tša ka godimo tša batho bao ba swaretšwego melato ya ka tlase ga Molaokakanywa.

Lefoko la 96 le hlaloša go leboga modiro ga bahlankedi goba bašomi ba Kgoro bjalo ka bahlahlobi ba dinamelwa.

Lefoko la 97 le hlaloša go thopšwa le go lobišwa ga dinamelwa tšeo di se nago tumelelo mme di šomišetšwago ditirelo tša dinamelwa tšeo di sepelago fase tša batho bohle.

Lefoko la 98 le hlaloša go magato ao a šomago ge go ahlolwa ka tlase ga Molaokakanywa.

Lefoko la 99 le hlaloša matla a tlaleletšo a bahlankedi bao ba filwego matla.

Lefoko la 100 le hlaloša lenaneo la phokoletšo ya dintlha tša yo a šomago ka dinamelwa. Lenaneo le tla ba la melato yeo e lego ka tlase ga Molaokakanywa , e sego yeo e dirwago tseleng yeo e hlalošwago go Molao wa Tshepetšo ya Theeletšo ya Melato ya Tsela, 1998 (Molao wa AARTO).

Karolo ya14: Kakaretšo

Lefoko la 101 le hlaloša inšorense yeo e gapeletšegago ya bao ba šomago ka dinamelwa tšeo di sepelago fase tša batho bohle ge Molekgotlaphethiši a dira molawana mabapi le seo.

Lefoko la 102 le hlaloša magato a mangwe go thekga dinamelwa tšeo di sepelago fase tša batho bohle.

Lefoko la 103 le hlaloša merero ya nako ya phetogelo.

Lefoko la 104 le phumula e bile le phaela thoko melao ya lebaka leo le fetilego.

Lefoko la 105 le hlaloša gore Molaokakanywa o tla bofa Mmušo.

Lefoko la 106 le hlaloša hlogo ye kopana le go tsenya tirišing ga Molaokakanywa mme le hlaloša gore dikgonišego tšeo di fapanego tša Molaokakanywa di ka tsenywa tirišong ka dinako tšeo di fapanego.

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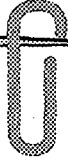
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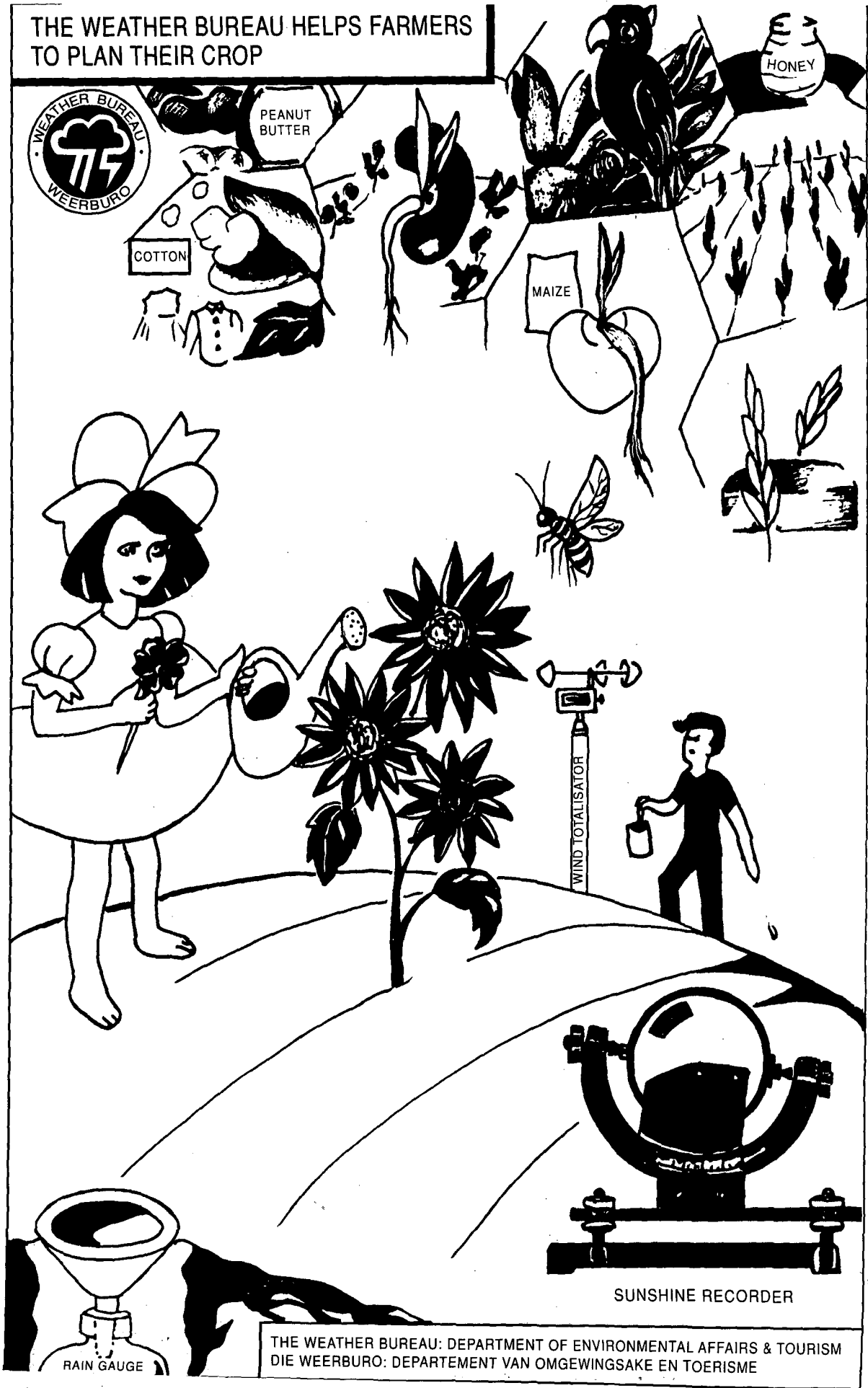
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