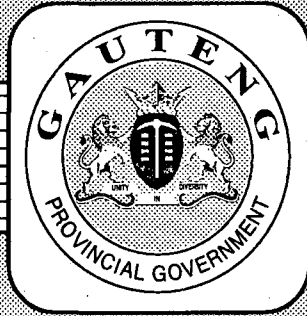


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**THE PROVINCE OF  
GAUTENG**



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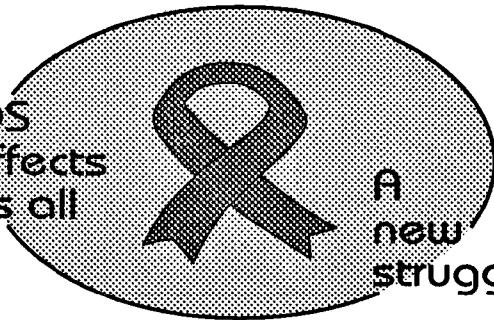
Vol. 8

PRETORIA, 28 NOVEMBER 2002

**No. 411**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH



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## PREMIER'S NOTICES

### OFFICE OF THE PREMIER

No. 17

28 November 2002

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:

No. 6 of 2002: Gauteng Ambulance Services Act, 2002.

# ACT

To provide for the regulation of the delivery of ambulance services in the Province; to establish the Gauteng Ambulance Services Board; to provide for the accreditation, registration and licensing of ambulance services; and to provide for matters connected therewith.

*(English text signed by the Premier)*  
*(Assented to on 24 November 2002)*

#### Preamble

WHEREAS everyone has the constitutional right not to be refused emergency medical treatment.

AND WHEREAS the Gauteng Provincial Government is committed to ensure a healthy GAUTENG community by regulating the provision of high quality, cost effective, professional, integrated and affordable emergency medical care;

**B**E IT THEREFORE ENACTED by the Provincial Legislature, as follows:—

#### Definitions

1. (1) In this Act, unless the context otherwise indicates—

“Accreditation” means compliance with criteria and standards prescribed by the MEC; 5

“ambulance” means an appropriately equipped vehicle, waterborne, airborne or land-based, designed or adapted for the purpose of providing emergency medical care and the transportation of patients. For the purposes of this Act vehicles operated by the South African National Defence Force are not considered ambulances; 10

“ambulance personnel” means personnel appropriately registered with the Health Professions Council of South Africa;

“ambulance service” means any person, organization or body that is dedicated, staffed and equipped to offer:

- (a) emergency medical care; 15
- (b) inter-hospital medical treatment;
- (c) transport of the ill and/or injured; and
- (d) the medical rescue of patients from a medical rescue situation;

“Board” means the Gauteng Ambulance Services Board;

“Department” means the Gauteng Department of Health; 20

“disaster” means a progressive or sudden, widespread or localized occurrence, due to natural or human causes resulting in a catastrophic situation whereby the day to day patterns of life are, or are threatened to be, disrupted and people are, or are threatened to be, plunged into helplessness and suffering;

“**emergency medical care**” means the rescue, evaluation, treatment and care of an ill or injured person in an emergency care situation and the continuation of treatment and care during the transportation of such patients to or between medical facilities in order to prevent loss of life, aggravation of illness or injury;

“**emergency medical service**” means a complex and extensive organization of 5 people, equipment and facilities specifically to respond to the emergency medical care needs of a community. Ambulance services are a major and integral part of an emergency medical service;

“**HOD**” means the Head of the Department of Health;

“**inspecting officer**” means a registered medical practitioner or registered Paramedic 10 appointed by MEC for the purpose of inspecting ambulance services;

“**MEC**” means the Member of the Executive Council for Health;

“**prescribe**” means prescribe by the regulations and prescribed has a corresponding meaning;

“**Province**” means the Gauteng Province as contemplated in Section 103 of the Con- 15 stitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“**this Act**” includes the regulations.

(2) The provisions of this Act apply throughout the Province.

#### Interpretation of the Act

2. This Act must be interpreted— 20
- (a) to give effect to its purpose; and
  - (b) in compliance with the Constitution, provincial and national health policies.

#### Purpose of the Act

3. The purpose of this Act is— 25
- (a) to regulate the delivery of ambulance services;
  - (b) to establish the Board; and
  - (c) to provide for the accreditation, registration and licensing of ambulance services.

#### Objectives of ambulance services

4. The objectives of an ambulance service are— 30
- (a) to respond rapidly to requests for assistance in an emergency situation;
  - (b) to provide specialized medical skills to maintain life and to reduce injuries in emergency situations and while transporting patients;
  - (c) to provide specialized transport facilities to transport patients requiring emergency medical care; and 35
  - (d) to foster public education in emergency medical care.

#### Establishment of the Gauteng Ambulance Services Board

5. (1) There is hereby established the Gauteng Ambulance Services Board.

(2) The composition, appointment, remuneration, tenure of office and termination of membership of the Board shall be prescribed. 40

#### Powers and functions of the Board

6. (1) The functions of the Board are: 45
- (a) to advise the HOD on matters related to ambulance services including but not limited to accreditation, registration, licensing, adherence to prescribed norms and standards, and cancellation of licences;
  - (b) to advise the MEC on all matters related to ambulance services referred to the Board by the MEC;
  - (c) to advise the MEC on inspections of ambulance services and appeals;

- (d) to convene public forums at the request of the MEC in order to foster public awareness and public participation on matters related to ambulance services; and
- (e) to advise the MEC on all matters raised at public forums for consideration by the MEC.

5

(2) The Board shall report quarterly on its activities to the MEC.

**Accreditation, Registration and licensing**

7. (1) No person or organization shall establish, extend, conduct, maintain, manage, control or render an ambulance service or permit or arrange for such a service to be provided unless such an ambulance service has been accredited, registered and licensed in accordance with the provisions of this Act.

10

(2) The procedure and requirements for accreditation, registration and licensing shall be prescribed by the MEC.

(3) The HOD shall issue the prescribed licence which shall be valid for three (3) years from the date of issue and such licence shall not be transferable.

15

(4) An application for renewal of licence shall be made in a manner and within time limits prescribed by regulation.

(5) An ambulance service must operate on a 24-hour basis, seven (7) days a week, and its infrastructure shall be capable of supporting it over the period of operation.

(6) Notwithstanding the provisions of subsection (5), an ambulance service may be accredited where it does not operate on a 24-hour basis, seven (7) days a week, provided that such accreditation shall only be valid for the period or event stipulated in the licence.

20

**Norms, standards and quality assurance**

8. (1) The MEC shall prescribe minimum norms and standards for the delivery of ambulance services which will include—

25

- (a) equitable access;
- (b) the use of volunteers;
- (c) personnel, vehicle and equipment requirements;
- (d) communication and co-ordination procedures; and
- (e) systems to receive, investigate and remedy complaints.

30

(2) The MEC may appoint so many inspecting officers on prescribed terms and conditions of service and with prescribed powers and duties, as deemed necessary for inspection of ambulance services.

**Fees**

35

9. (1) The MEC may prescribe fees payable to the department for accreditation, registration, licensing, renewal of licence and for appeal; and

(2) the MEC may adjust the prescribed fees by notice in the *Provincial Gazette*.

**Cancellation of licence**

10. The HOD may at any time cancel a licence should the ambulance service—

40

- (a) fail to comply with any conditions and requirements imposed in terms of this Act; and
- (b) fail to furnish returns, particulars or information that it is required to furnish as prescribed.

**Appeal**

45

11. (1) Any person or organization whose application for accreditation, registration or licensing has been refused, or licence cancelled in terms of this Act, may within thirty (30) days of the decision, appeal in writing to the MEC in terms of the provisions of this Act:

- (a) stating clearly the decision against which such appeal is lodged, and
- (b) the grounds upon which such appeal is made.

50

(2) After receipt of the appeal the MEC must request the HOD to forthwith furnish the MEC with reasons for the decision.

(3) The MEC must consider the appeal and notify the appellant of the outcome of the appeal within sixty (60) days after receipt of the appeal.

(4) The MEC may confirm the decision appealed against or substitute a new decision for it.

(5) The power to determine an appeal in terms of this section is not restricted to the merits of the decision appealed against, but includes the power to review any irregularity alleged regarding the decision. 5

#### **Powers of ambulance personnel**

12. (1) Ambulance personnel may whenever they reasonably regard it as necessary or expedient in order to perform any act, and may also— 10

- (a) temporarily close any road or street;
- (b) enter any premises by any reasonable means;
- (c) damage, destroy, pull down or utilise any property: Provided that the owner of such property so damaged, destroyed, pulled down or utilised shall be compensated therefor by the ambulance service concerned to an amount 15 agreed upon by the ambulance service and the owner, or in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965); and
- (d) cause to be removed from the scene any person who is dangerous, or in danger, or who obstructs that practitioner in the performance of his/her duties. 20

#### **Powers of the MEC during a disaster**

13. (1) During a disaster the MEC shall assume responsibility for the co-ordination of the medical rescue, treatment and distribution to appropriate medical facilities of all patients.

(2) In situations contemplated in subsection (1), or where urgent action is necessary 25 in the public interest, the MEC may require any person, including a controlling authority, to make available his/her service, or equipment or material under his/her control, to a particular service or to employ it in a particular way.

#### **Offences and Penalties**

14. Any person or organization who— 30

- (a) establishes, extends, conducts, maintains, manages, controls or renders an ambulance service which is not registered in terms of the provisions of this Act; or
- (b) extends or makes alterations to the vehicles of an ambulance service after accreditation without the prior written approval of the HOD; or 35
- (c) obstructs or hinders the Inspecting Officer or any person acting on his behalf in the performance of his duties in terms of this Act; or
- (d) obstructs or prevents access of ambulance personnel to a patient in an emergency medical care situation; or
- (e) wilfully summons an ambulance service without a valid reason to do so, 40
- (f) fits a vehicle with a siren, red flashing beacon and displays:
  - (i) the red Star of Life; and/or
  - (ii) the term "paramedic" or any other derivative thereof; and/or
  - (iii) the term "medical" or any other derivative; and/or
  - (iv) the phrases "advanced life support", "intermediate life support" and 45 "basic life support" without the vehicle being under control of an accredited ambulance service or
  - (v) impersonates any ambulance personnel,

shall be guilty of an offence and, on conviction, liable to a fine not exceeding R30 000,00 or to imprisonment for a period not exceeding three (3) years or 50 to both such fine and or imprisonment.

#### **Delegation**

15. (1) The HOD may, for the effective execution of the provisions of this Act delegate a power conferred on him/her under this Act, to any officer of the Department.

(2) A person to whom a power has been delegated, must exercise a power or perform the duty subject to conditions that the HOD considers necessary.

(3) A delegation—

- (a) must be in writing;
- (b) does not prevent the HOD from exercising the power; and
- (c) may at any time be withdrawn.

5

**Regulations**

16. The MEC may after consultation with the Portfolio Committee on Health, by notice in the *Provincial Gazette* prescribe regulations not inconsistent with this Act, regarding—

10

- (a) any matters referred to in this Act, and
- (b) any matters which the MEC deems necessary and appropriate to prescribe in order to achieve the objects of this Act.

**Short title**

17. This Act is called the Gauteng Ambulance Services Act, 2002.

15

## OFFICE OF THE PREMIER

No. 18

28 November 2002

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:

## No. 7 of 2002: Gauteng Land Administration Amendment Act, 2002

## GENERAL EXPLANATORY NOTE:

- [                            ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

## ACT

To amend the Gauteng Land Administration Act, 1996 so as to provide for the disestablishment of the Gauteng Land Fund; to substitute certain expressions; and to provide for matters incidental thereto.

*(English text signed by the Premier)*  
*(Assented to on 24 November 2002)*

**B**E IT ENACTED by the Gauteng Provincial Legislature as follows:—

## Amendment of section 1 of Act No. 11 of 1996

1. Section 1 of the Gauteng Land Administration Act, 1996 (hereinafter referred to as the "Principal Act"), is hereby amended:— 5
- (a) by substitution for the definition of "Beneficiary" of the following definition: 5
- "beneficiary" means any person, body corporate, institution, or body of persons corporate or unincorporated, who acquires Provincial Land or any right thereto; 10
- (b) by the deletion of the definition of "Fund";
- (c) by the substitution for the definition of "Gauteng Provincial Government" of the following definition: 10
- "Gauteng Provincial Government" means the government of the province of Gauteng which is recognized as a province of the Republic of South Africa in terms of [section 124 (1) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)] section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); 15
- (d) by the substitution for the definition of "Premier" of the following definition: 20
- "Premier" means the Premier-in-Executive Council of the Province as provided for under [section 144 (1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993)] section 125 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (e) by the substitution for the definition of "Provincial land" of the following definition: 25
- "Provincial land" means any immovable property which vests in the Gauteng Provincial Government in accordance with the provisions of Section 239 (1) (b) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), read with item 28 (1) of Schedule 6 of the Constitution of the Republic of South Africa 1996, (Act No.108 of 1996) together with any immovable property acquired by the Gauteng Provincial Government pursuant to this Act;" and 30



(f) by the substitution for the definition of "Treasury" of the following definition:

"Treasury" means the Treasury of the Gauteng Provincial Government as [as provided under the Gauteng Exchequers Act] defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);"

5

**Amendment of section 2E of Act No. 11 of 1996**

2. Section 2E of the Principal Act is hereby amended:—

(a) by the substitution for paragraph (b) of the following paragraph:—

"(b) containing the grounds on which the compensation has been rejected [.] ; and"

10

(b) by the insertion after paragraph (b) of the following paragraph (c) furnishing an acceptable compensation."

**Amendment of section 2F of Act No. 11 of 1996**

3. Section 2F of the Principal Act is hereby amended by the substitution for section 2F of the following section:

15

**"2F Disputes in regard to compensation**

(1) The Premier and an owner, including a lessee who is not an owner, may, by agreement, submit any dispute concerning the amount of compensation to be paid in terms of this Act in respect of expropriation of property or the taking of any right to arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965): Provided that the decision of the Arbitrator shall be final and binding on all the parties."

20

(2) In the absence of an agreement contemplated in subsection (1), the compensation to be paid for any property expropriated by the Premier or for any right to use such property shall, on the application of any party concerned, be determined by a Local or Provincial Division of the High Court in whose area of jurisdiction the property in question is situated."

25

**Amendment of section 4 of Act No. 11 of 1996**

4. Section 4 of the Principal Act is hereby amended by the substitution for section 4 of the following section:

30

**"4. Execution of documents**

The Premier shall sign on behalf of Gauteng Province, the appropriate documents required to give effect to the acquisition of any immovable property or disposal of Provincial Land in terms of section 2."

35

**Amendment of section 5 of Act No. 11 of 1996**

5. Section 5 of the Principal Act is hereby amended:

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Premier may either generally or in regard to specific immovable property or Provincial land or in a specified case assign to any Member of the Executive Council any power or duty conferred or imposed upon him or her by [section 2, 2A, 3 or 4] this Act."

40

(b) by the insertion after subsection (3) of the following subsection:

"(4) An assignment referred to in subsection (1) must:

(a) not divest the Premier of the power or function assigned, and he or she may at any time amend or set aside any decision made there-under;

45

(b) not prevent the exercise of the power or performance of the function concerned by the Premier."

**Amendment of section 6 of Act No. 11 of 1996**

6. Section 6 of the Principal Act is hereby amended by substitution for section 6 of the following section:

**“6. Financial Provisions**

All monies paid and/or payable to the Gauteng Provincial Government upon disposal of any Provincial Land, and any other monies appropriated from time to time for the acquisition of immovable property shall be administered by Treasury in terms of the provisions of the Public Finance Management Act, 1999 (Act No.1 of 1999).”

5  
10

**Amendment of section 8 of Act No. 11 of 1996**

7. Section 8 of the Principal Act is hereby amended by the substitution for section 8 of the following section: “If the provisions of this Act are [not reconcilable] inconsistent with the provisions of other Acts relating to the acquisition of immovable property and disposal of Provincial land, then the provisions of this Act shall prevail [unless legislation or regulations to the contrary are promulgated].”

15

**Short title**

8. This Act is called the Gauteng Land Administration Amendment Act, 2002 and comes into operation on the date fixed by the Premier by proclamation in the Provincial Gazette.

20

**OFFICE OF THE PREMIER**

**No. 19**

**28 November 2002**

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:

**No. 8 of 2002: Gauteng Transport Framework Revision Act, 2002**

**ACT**

To provide a framework for integrated planning and provision of a transport system in the Province; to provide for founding agreements for transport authorities and the establishment thereof; to provide for the governance of transport authorities including the finances of such authorities; to provide for the preparation of various transport plans; to establish the Gauteng Transport Consultative Forum and the Gauteng Transport Co-ordination Committee; and to provide for matters connected therewith.

*(English text signed by the Premier)  
(Assented to on 24 November 2002)*

**B**E IT ENACTED by the Provincial Legislature of Gauteng as follows:—

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**Chapter 1  
INTRODUCTORY PROVISIONS**

**Definitions**

1. In this Act, unless the context indicates otherwise—

“board” means the Operating Licensing Board as defined in the National Land Transport Transition Act; 5

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

“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; 10

“current tendered contract” means a current tendered contract as defined under the National Land Transport Transition Act;

“demonstration project” means a transport project related to the purposes of this Act, which demonstrates or tests a novel idea and which may be given a higher level of funding by a transport authority or the Department; 15

“Department” means the department responsible for transport affairs in the Province;

“framework” means an outline for the structure within and the form according to which a plan, policy or strategy is determined and developed;

“infrastructure” means the stock of fixed capital equipment and facilities in the transport system; 20

“integrated transport plan” means a plan produced by a transport or planning authority through a prescribed process and relating to the regulation, provision, use and management of transport infrastructure, operations and services;

“interim contract” means an interim contract as defined by the National Land Transport Transition Act; 25

“joint transport executives” means the institution established in terms of section 21;

“long distance service” means a scheduled or unscheduled public transport service operated by road, 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; 30

“metropolitan transport area” means a metropolitan transport area as established in terms of section 3 of the Urban Transport Act, 1977 (Act No. 78 of 1977);

“MEC” means the Member of the Executive Council responsible for transport in the Province; 35

“Minister” means the Minister of Transport in the national Government;

“municipality” means any form of local government contemplated in Chapter 7 of the Constitution;

“National Land Transport Transition Act” means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000); 40

“planning authority” means any body, which, in terms of section 26, has to prepare transport plans;

“prescribed” means prescribed by the MEC by regulation in the Provincial Gazette;

“Province” means the Province of Gauteng; 45

“Provincial Gazette” means the Gauteng Provincial Gazette;

“provincial land transport framework” means a provincial land transport framework contemplated in section 27;

“public transport operator” means a person or legal entity carrying on the business of operating a public transport service as defined in the National Land Transport Transition Act 2000; 50

“public transport service” means a service for the carriage of passengers by road or rail, 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 scheduled service; 55

(b) an unscheduled service, which includes a minibus taxi-type service;

(c) a charter service;

(d) a long-distance service;

(e) a metered taxi service;

(f) a rail service; 60

(g) a tourist service;

(h) a staff service,

except if clearly inappropriate, the term "public transport" must be interpreted accordingly;

"subsidised service contract" means a contract, other than an interim contract or a current tendered contract, concluded between a transport authority and a public transport operator to operate a schedule service provided for in a public transport plan and in terms of which the public transport operator, in addition to the passenger fares paid, receives financial support in terms of a tendered contract;

"this Act" includes regulations made thereunde;

"transport authority" means an authority as contemplated in section 8; 10

"transport executive" means the institution established in terms of section 21;

"travel demand management" means a system of actions to maximize the capacity of a transport system for the movement of people and goods through increasing vehicle occupancy, developing priority measures for public transport, encouraging travel during off-peak periods, shifting demand between modes, restricting the space available for parking, adjusting the price of parking, and other appropriate measures; and 15

"unscheduled service" means a public transport service operated by road on a particular route or, where applicable, within a particular area, without a timetable, where passengers are charged fares individually.

**Relationship of this Act with the National Land Transport Transition Act, 2000** 20

2. This Act must be read in conjunction with the National Land Transport Transition Act.

## Chapter 2

### POWERS AND DUTIES OF THE MEC

**Powers of the MEC** 25

3. The MEC may:

- (a) finance and undertake transport research and demonstration projects;
- (b) investigate and take any action on matters which have or may have an effect on the transport system in the Province, including but not limited to— 30
  - (i) the movement of persons and goods in a particular area;
  - (ii) the existing and the planned transport infrastructure in a particular area;
  - (iii) integrated transport planning;
- (c) after consultation with the relevant MEC and, where necessary, the National Minister responsible, investigate and take any action on matters which have or may have an effect on the transport system in the Province, including but not limited to— 35
  - (i) transport development that may have an impact on the natural environment;
  - (ii) transport planning matters that are related to economic and land use planning; 40
  - (iii) the basis on which transport should be funded in an area;
- (d) 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;
- (e) after obtaining the consent of the MEC responsible for transport in a neighbouring Province, investigate the transport characteristics of a neighbouring area that have or may have an effect on the transport system of the Province; 45
- (f) after consultation with transport authorities, prescribe measures for transport demand management purposes; 50
- (g) collect, distribute and disseminate information in connection with transport matters in the Province, including data required for the annual assessment of criteria to measure performance, reflecting the progress in implementing national and provincial policies;
- (h) develop and maintain an information and reporting system for public transport; 55
- (i) set maximum or minimum fares for subsidised public transport by rail, if the Minister has assigned the rail function to the Province;

- (j) by notice in the Provincial Gazette, set norms and standards in respect of matters relating to the operation of subsidised public transport services by road, and related infrastructure, to the extent that this function has been assigned to the Province;
- (k) assist planning authorities that do not have the necessary staff or capacity in the execution of the functions assigned to them under this Act; 5
- (l) conclude agreements with other provinces regarding the inter provincial movement of vehicles used for public passenger road transport services and related matters;
- (m) take preliminary steps before intervention occurs in terms of section 139 of the Constitution in order to ensure fulfilment of any function of a core city or transport authority, which may include requiring the core city or transport authority to report on the progress it has made in performing such functions and stipulating the proposed actions it will undertake to remedy any shortcomings which have occurred in fulfilling its functions; 10 15
- (n) where at the commencement of this Act, the Province has been undertaking planning of public transport other than of services contemplated in section 26(4) the MEC and the planning authorities concerned may make arrangements for the transfer of the planning functions to the planning authorities concerned as mutually agreed; and 20
- (o) perform any other task or enquire into any matter that falls within the objects of this Act;

Provided that any transport planning investigations and actions in terms of this Act are compatible with provincial development planning in the Province.

**Duties of the MEC** 25

**4. The MEC must:**

- (a) give effect to the approved provincial transport policies as amended from time to time.
- (b) where appropriate, promote the implementation of provincial transport policies within the spheres of other government bodies. 30
- (c) monitor the implementation of transport policy, conduct investigations into issues arising from the implementation of the policy and make necessary policy adjustments;
- (d) establish communication and liaison structures and mechanisms to ensure a co-ordinated approach to the provision of transport infrastructure and services; 35
- (e) promote public transport so that—
  - (i) it is effective in meeting user needs;
  - (ii) it operates efficiently as regards the use of resources;
  - (iii) the services provided, are of an acceptable quality to and are readily accessible by general users and are operated in conjunction with effective infrastructure provided at reasonable cost; 40
  - (iv) in the operation of public transport services, high priority is given to safety;
- (f) promote the development of public transport in a way that— 45
  - (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; 50
  - (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;
- (g) encourage the efficient use of energy resources, and limit adverse environmental impacts where such matters are related to transport; and 55
- (h) strive to ensure that funding provided by the Province and transport authorities for public transport is applied in an efficient, cost effective, equitable and transparent way.

**Delegation by MEC**

5. The MEC may delegate or assign any power or duty conferred or imposed upon him or her to any core city, transport authority or the Head of the Department, except the power to make regulations.

**Regulations**

5

## 6. (1) The MEC may:

- (a) make regulations with respect to the matters contemplated in this Act including, but not limited to—
- (i) the manner in which core cities or transport authorities may carry out their powers and duties; 10
  - (ii) the form and manner in which integrated transport plans and annual reports are to be prepared and the programme for the submission of such to the MEC;
  - (iii) the implementation and monitoring of integrated transport plans;
  - (iv) the collection of data and information regarding transport; 15
  - (v) the establishment and maintenance of an integrated information system;
  - (vi) factors of provincial concern to be taken into consideration in the preparation of an integrated transport plan;
  - (vii) the co-ordination of rail, bus and taxi transport planning and road and rail networks throughout the Province; 20
  - (viii) the integration of public transport modes and services;
  - (ix) providing for the collaboration between core cities, transport authorities or municipalities in producing integrated transport plans or undertaking joint projects, and the joint funding of these plans and projects;
  - (x) providing for the publication of integrated transport plans and public participation procedures to be undertaken in preparing, revising or updating these plans; 25
  - (xi) the application of measures to prevent damage to roads from over-loaded vehicles;
  - (xii) the regulation and control of public transport; 30
  - (xiii) road safety standards;
  - (xiv) the design, provision, maintenance and operation of transport infrastructure and the regulation of its use;
  - (xv) the establishment of communication and liaison structures and mechanisms; 35
  - (xvi) the co-ordination of and collaboration between law enforcement agencies in the local and provincial spheres of government;
  - (xvii) the fees and travelling allowances, if any, to be charged or paid in respect of any act required or authorised to be done under this Act;
  - (xviii) the oversight and management of public transport subsidies and other financial support systems for public transport; and 40
  - (xiv) the integration of transport matters with land use planning of municipalities including the development and promotion of particular transport corridors and nodes;
- (b) make different regulations for different transport areas or parts thereof in the Province; 45
- (c) make regulations pertaining to norms and standards for transport in the Province; and
- (d) make regulations on provincial requirements regarding any other matter that in the opinion of the MEC is necessary or expedient for carrying out the provisions and objects of this Act. 50

(2) Any regulation made in terms of any previous law and in force immediately before the commencement of this Act relating to matters contemplated in subsection (1) is regarded for the purposes of this Act, as regulations made in terms of that subsection until such time as the MEC makes a superseding regulation under this section. 55



**Chapter 3  
RELEVANCE OF THE URBAN TRANSPORT ACT**

**Continuing Operation of the Urban Transport Act**

7. Until a municipality has formed a transport authority in terms of the National Land Transport Transition Act and such municipality falls within the boundaries of a Metropolitan Transport Area, then the Urban Transport Act, 1977 (Act No. 78 of 1977) will remain in force for that particular area and the status of an established Metropolitan Transport Area and core city will remain unaffected. 5

**Chapter 4  
FORMATION OF TRANSPORT AUTHORITIES 10**

**Agreements for Formation of Transport Areas and Transport Authorities**

8. (1) Transport authorities may be established for transport areas, only as provided for in this Act and in Part 5 of the National Land Transport Transition Act.  
(2) The parties to a founding agreement may agree to amend the boundaries of the transport area concerned, provided that should such amendment involve the area of an additional municipality, the transport authority, if already established, must be dissolved in terms of section 20 and reconstituted. 15

**Declaration of Transport Areas and Establishment of Transport Authorities**

9. (1) Not later than 30 days after the conclusion of an agreement referred to in section 8, the MEC must, by notice in the Provincial Gazette: 20  
(a) publish the founding agreement, which must comply with the requirements of section 10;  
(b) declare the area concerned to be a transport area, and assign to it the name agreed to in the agreement; 25  
(c) where applicable, withdraw, in the manner provided for in section 3(1)(c) of the Urban Transport Act, 1977 (Act No. 74 of 1977), the notice by which the areas of the municipalities concerned had been included in the relevant Metropolitan Transport Area under paragraph (a) or (b) of section 3(1) of that Act; and  
(d) in accordance with and subject to the founding agreement, establish for that transport area a transport authority with effect from the date specified for that purpose in the founding agreement. 30  
(2) A founding agreement, upon having been so published, has the force of law, and no amendment thereof has any legal force or effect until the amendment is published by notice in the Provincial Gazette by the MEC. 35

**Requirements for Founding Agreements**

10. The founding agreement must provide for the following: 40  
(a) a declaration by the contracting parties affirming their agreement on the establishment of a transport authority for the transport area concerned;  
(b) the name to be assigned to the transport area; 45  
(c) the date with effect from which that transport authority is to be established;  
(d) the establishment and structure of a governing body for that transport authority, including—  
(i) the number of its members and the manner in which they are to be designated and appointed, but, only councillors of contracting parties (hereafter called a participating municipality), may be designated and appointed as members of the governing body; 50  
(ii) the designation and appointment of a chairperson and deputy chairperson for the governing body;  
(iii) voting procedures and members' voting rights at meetings of the governing body and any committee thereof and mechanisms and procedures for breaking deadlocks in decision-making; 55  
(iv) the appointment or designation of a chief executive officer for that transport authority, and the responsibilities, functions and powers attached to that office;

- (v) the powers of the governing body that may be delegated to any of its members, committees or to the chief executive officer of that transport authority; and
- (vi) the seat of that transport authority and for meetings of its governing body; 5
- (e) the physical address for delivering, sending or serving all correspondence, documents, notices and court process directed to the transport authority;
- (f) in the case where the transport area consists of the jurisdictional areas of two or more participating municipalities-
  - (i) the contribution of each participating municipality to the funding of that transport authority; and 10
  - (ii) the performance of the professional, technical, administrative, and other work relating to the performance of the powers and functions of the transport authority in terms of this Act;
  - (iii) subject to this Act, the requirements to be observed and procedures to be followed by any participating municipality that wants to withdraw from the transport authority, having regard to the outstanding commitments and liabilities of that authority at the time of such withdrawal; and 15
  - (iv) the procedures to be followed for the voluntary dissolution of that transport authority, subject to section 10(13) of the National Land Transport Transition Act; 20
- (g) the arrangements made for the performance of the professional, technical, administrative, clerical and other work of the transport authority in terms of sections 21 and 20.

## Chapter 5

25

**POWERS AND FUNCTIONS OF TRANSPORT AUTHORITIES****Powers of Transport Authorities**

11. (1) A transport authority may, subject to legislation applicable to municipalities, perform the following functions:

- (a) negotiate fare structures, fare levels, and concessionary fares for special categories of public transport passengers and the periodic adjustment of fares with operators of subsidised services; 30
- (b) in the case of subsidised services, determine fare structures and fare levels, and concessionary fares for special categories of passengers, and periodically adjust fares in consultation with stakeholders, provided that the MEC has delegated or assigned the subsidy function to the transport authority; 35
- (c) in the case of unsubsidised public transport services, set fares;
- (d) build and maintain transport infrastructure;
- (e) undertake travel demand management;
- (f) promote security in public transport; 40
- (g) prepare tender specifications and call for, evaluate and award tenders for contracted public transport services, provided that the award of tenders shall be subject to the appropriate tender procedures;
- (h) promote and facilitate the establishment of integrated ticketing systems and determine or prescribe measures for the regulation and control of revenue-sharing among the operators involved in that system; 45
  - (i) undertake the overall management of the transport system;
- (j) the co-ordination of regulation and collaboration between enforcement agencies in respect of traffic and transport matters;
- (k) the application of traffic management techniques aimed at improved traffic movement; 50
- (l) the development, maintenance and operation of a transport information system in collaboration with the MEC;
- (m) apply measures to prevent damage to roads from overloaded vehicles;
- (n) undertake the publicity associated with the provision of transport services; 55
- (o) provide public transport information for existing and potential passengers;
- (p) facilitate public participation through hearings, workshops and other media to ensure communication with communities and operators;
- (q) exercise control over service delivery through—

- (i) the setting of operational and technical standards, and monitoring compliance therewith; and
  - (ii) the monitoring of contracts and concessions;
  - (r) develop, implement and monitor a strategy to prevent or minimise any adverse impacts of the land transport system on the environment; and 5
  - (s) in agreement with relevant participating municipalities—
    - (i) take over functions relating to municipal roads; and
    - (ii) apply measures to limit damage to the road system in that part of the transport area.
  - (2) A transport authority may, with the consent of the MEC, delegate any power conferred on it by this Act to any member or officer of the authority, or of participating municipalities. 10
  - (3) A transport authority may investigate any matter falling within the scope of this Act and in its transport area and, with the consent of the authority concerned, in any area outside of its transport area. 15
  - (4) A transport authority may let to any person the unoccupied part of land or any building that it has acquired and shall pay the net proceeds thereof into its account or reserve fund.
  - (5) Where public transport facilities are situated on private property, the transport authority may control the use of the facilities after consultation with the property owner. 20
  - (6) A transport authority may perform any act necessary to enable it to fulfil its functions in terms of this Act, as well as any act incidental or ancillary to, or consequential upon, this Act.
  - (7) The MEC and a transport authority may agree:
    - (a) that different functions be undertaken in rural areas as opposed to urban areas in the transport area concerned; or 25
    - (b) in the case of a category C municipality, as contemplated in section 155(1)(c) of the Constitution, being a participating municipality, that different functions may be undertaken within the areas of jurisdiction of the Category B municipalities in the area concerned, as opposed to outside of such areas. 30
  - (8) The transport authority must, with a view to ensuring co-ordinated transport law enforcement within its area, liaise regularly with the South African Police Service, the relevant provincial and municipal law enforcement authorities or agencies, and the inspectors appointed under the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998);
  - (9) A transport authority may, with the agreement of a participating municipality, assume co-responsibility for or assist the participating municipality in the application of traffic management techniques aimed at improving road traffic movement. 35
  - (10) Subject to legislation applicable to municipalities, a transport authority must perform the functions assigned to it by this Act and may, with the agreement of the MEC: 40
    - (a) promote the optimal use of the available travel modes to enhance the effectiveness of the transport system and reduce travelling time and costs; and
    - (b) make payments to public transport operators operating public transport services in terms of subsidised service contracts and concessionary fare agreements to which it is a party, if the MEC has delegated or assigned this function to the authority; 45
  - (11) (a) If a transport authority—
    - (i) fails to perform its functions in terms of subsection (1);
    - (ii) having undertaken a function contemplated in subsection (7), fails to perform it; or 50
    - (iii) fails to perform any function properly and effectively in accordance with this Act and applicable provincial laws,
- the MEC may by written notice addressed to the chief executive officer or the governing body of the transport authority order that authority to remedy its default and perform the function concerned or to perform it properly and effectively, as the case may be, not later than the date stated in the notice. 55
- (b) Thereupon the governing body and the chief executive officer are responsible to ensure the speedy compliance with that direction.
  - (c) If the transport authority fails to remedy its default within the period allowed therefore in the notice, the MEC may— 60
    - (i) take preliminary steps before intervention occurs in terms of section 139 of the Constitution in order to ensure fulfilment of any function of a core city or

transport authority, which may include requiring the core city or transport authority to report on the progress it has made in performing such functions and stipulating the proposed actions it will undertake to remedy any shortcomings which have occurred in fulfilling its functions; and

- (ii) use moneys from the provincial revenue fund that are earmarked for allocation to the transport authority, to pay the costs arising from taking those steps, or recover those costs from the transport authority. 5

(12) Every transport authority must prepare an annual report for the MEC as prescribed, who must table it in the Provincial Legislature.

#### Ancillary Powers of Transport Authorities 10

12. (1) A transport authority may enter into an agreement with a municipality, person or institution, whether inside or outside its transport area, in terms of which:

- (a) the transport authority undertakes on behalf of that municipality, person or institution to exercise a power or perform a duty which that municipality, person or institution may exercise or is obliged to perform; and 15
- (b) that municipality, person or institution undertakes to exercise or perform on behalf of that transport authority any function or duty of a transport authority or part thereof under this Act.

(2) The transport authority may only enter into an agreement contemplated in subsection (1) if it is competent in terms of this Act and applicable transport legislation to exercise or perform the same or a similar power or function with regard to its transport area. 20

(3) An agreement in terms of subsection (1) may involve the utilisation of funds of a transport authority outside of its transport area, if the MEC and the Member of the Executive Council responsible for finance both agree. 25

(4) In addition to the powers conferred on it in terms of this Act and any provincial laws, a transport authority may perform any legal act or do anything which a juristic person is competent in law to perform or do, except in so far as may be inconsistent with this Act.

#### Governance of Transport Authorities 30

13. The governing body represents the transport authority, and all acts performed by the governing body or anyone duly authorised by that body to act in its place, are the acts of that authority.

### Chapter 6

#### FINANCES OF CORE CITIES AND TRANSPORT AUTHORITIES 35

##### Finances of Core Cities

14. The finances of core cities in relation to this Act shall be conducted in terms of the provisions of the Urban Transport Act, 1977 (Act No. 78 of 1977).

##### Finances of Transport Authorities

15. (1) (a) A transport authority must— 40
- (i) not later than three months before the end of each financial year prepare a budget containing a statement of estimated income and expenditure for the next financial year; and
- (ii) submit such budget to the participating municipalities for approval by the date to be determined by the MEC; but that authority may at any time during the course of a current financial year submit a supplementary budget for that financial year to the municipalities for approval. 45
- (b) The transport authority may not incur any expenditure in excess of the total amount, including a supplementary amount of the budget as approved by the municipalities in terms of paragraph (a). 50
- (c) A transport authority may establish a reserve fund for any purpose connected with its functions in terms of this Act, which has been approved by the MEC, and allocate to the reserve fund the moneys made available for that purpose in

the budget, including any supplementary budget approved under paragraph (a).

(2) The chief executive officer of a transport authority must:

- (a) keep proper accounting records in accordance with generally accepted accounting practice and procedures; and
- (b) ensure that the accounting records include a revenue account of all moneys that accrue to the transport authority and the expenses incurred by that authority.

**Loans by Transport Authorities**

16. A transport authority may take a loan to assist it in the implementation of the approved integrated transport plan and such a loan must:

- (a) have the prior approval of the MEC; and
- (b) be reflected in the budget.

**By-Laws**

17. (1) A core city or the relevant municipality may, on the recommendation of a transport authority and subject to subsection (2), in accordance with any applicable approved integrated transport plan make by-laws to:

- (a) regulate the size, class, mass or number of motor vehicles that may enter any specified portion of its transport area and determine the time or times when any class of vehicle may enter any portion;
- (b) regulate or prohibit the entry of any class of motor vehicle in any portion during any specified period;
- (c) prohibit the loading or off-loading of goods motor vehicles in any portion during any specified period or periods, and determine the time or times when loading or off-loading may take place;
- (d) regulate or prohibit the provision of parking places for vehicles in any building or premises in any portion during any specified period;
- (e) regulate the conduct of drivers of public transport vehicles;
- (f) regulate the provision and use of public transport facilities; and
- (g) regulate any other matter to further the objects of this Act.

(2) By-laws made under this section may prescribe penalties not exceeding those specified under section 39 for the contravention or failure to comply therewith.

**Appropriations by Provincial Government**

18. The MEC may, subject to the Public Finance Management Act, 1999 (Act No. 29 of 1999), make:

- (a) payments or grants as he or she considers necessary to further provincial transport goals and objectives and to supplement the funds of core cities or transport authorities, and may allocate the money so paid or granted to the relevant authorities;
- (b) payments in terms of interim, tendered or subsidised service contracts and concessions or any other subsidy agreement;
- (c) grants for assisting special categories of passengers to defray the cost of public transport;
- (d) the payment of a contribution towards the costs of the provision and maintenance of transport infrastructure;
- (e) payments or grants for defraying the costs of road safety programmes;
- (f) payments or grants for defraying the costs of the introduction of new technology or systems;
- (g) payments or grants for defraying the cost of demonstration or pilot projects;
- (h) payments or grants for defraying the cost of establishing and maintaining training and information centres;
- (i) payments or grants for defraying the cost of developing and maintaining databases and information systems;
- (j) payments or grants for defraying the cost of transport-related projects, studies and research necessary for the Province to fulfil its functions; and
- (k) payments or grants for any other purpose to achieve the objects of this Act.

## Chapter 7

## DISSOLUTION OF TRANSPORT AUTHORITIES

## Dissolution of Transport Authorities

19. (1) (a) Subject to paragraph (b) of this subsection, a transport authority may be dissolved only as provided for in this section; and 5
- (b) Paragraph (a) of this subsection does not affect the capacity of the MEC for local government, when acting in terms of section 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- (2) A transport authority is dissolved in terms of subsection (1)(a) if the following requirements have been met: 10
- (a) where there is only one municipality party to the transport authority, it has decided to terminate its participation in the transport authority and has notified the MEC in writing of the decision;
- (b) where there are two or more municipalities party to a transport authority— 15
- (i) the municipalities concerned have agreed that the transport authority be dissolved, and have notified the MEC; and
- (ii) any of those municipalities have decided to terminate participation in that transport authority and every municipality that has so decided has notified the MEC and the other parties of the decision;
- (c) the MEC, within 30 days after having been so notified, must publish a notice 20 in the Provincial Gazette and a newspaper generally circulated in the particular transport area containing—
- (i) the particulars of the proposed dissolution;
- (ii) an invitation to interested parties to comment and make representations with regard thereto; and 25
- (iii) requesting interested parties to furnish comments and representations, in writing, to the MEC by the date specified in that notice, but a period of at least 30 days must be allowed for receipt of comments and representations;
- (d) all the parties to the transport authority must enter into an agreement in terms 30 of which arrangements are made, with due regard to the comments and representations, if any, furnished in response to the MEC's notice in terms of subsection 19(2)(c), with regard to the matters listed in subsection 10(13) of the National Land Transport Transition Act but the date of dissolution must be so determined as to allow opportunity for sufficient notice being given in 35 accordance with subsection (4); and
- (e) the MEC for local government shall be consulted in the decision to dissolve a transport authority.
- (3) If the MEC and the relevant municipalities that are members to that transport authority fail to reach agreement on any of the matters mentioned in subsection 19(2): 40
- (a) the matter must be determined by arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965), and the arbitrator's determination is final and binding; and
- (b) the arbitrator's determination is regarded for the purposes of subsection (2) as being part of the agreement contemplated in paragraph (d) of that subsection 45 or, where applicable, as constituting that agreement.
- (4) The MEC must, within 30 days of the date of an agreement contemplated in subsection (2) or (3), by notice in the Provincial Gazette and a newspaper generally circulated in the transport area concerned, make known the 50 dissolution of the transport authority and publish the terms of that agreement, but the date of dissolution must be so determined not less than 90 days from the date of the notice.

## Chapter 8

## TRANSPORT EXECUTIVES

## Transport Executives

55

20. (1) The parties to a founding agreement may provide therein:
- (a) that the professional, technical, administrative and other work relating to the exercise of powers and performance of duties of a transport authority in terms

- of this Act, is to be performed for the transport authority by the municipal administration of one or more of the participating municipalities, or
- (b) for the establishment by the transport authority of a body under its auspices and subject to its control (hereafter called a transport executive), to perform all work of that nature or any specified type or category of that work for the transport authority. 5
- (2) Where the founding agreement provides for the establishment of a transport executive:
- (a) provision may also be made in that agreement that the transport authority, if requested thereto by another transport authority, may make its transport executive available to perform work of that nature for that other authority— 10
- (i) in terms of a written agreement entered into between the transport authorities concerned;
- (ii) for a fee or against payment of an amount specified in that agreement; and 15
- (iii) in accordance with and subject to the terms and conditions stipulated in the founding agreement; and the terms and conditions specially stipulated in that agreement; and
- (b) provision must be made at least for the following— 20
- (i) where not all the professional, technical, administrative and other work of the transport authority is to be performed by the transport executive, specification of the type or category of work for the performance of which the transport executive is to be responsible;
- (ii) the place where the offices of the transport executive will be situated;
- (iii) the procedure for determining the staff establishment of a transport authority; and 25
- (iv) the repository of the power to appoint and dismiss its staff.

**Joint Transport Executives**

21. (1) The MEC and any two or more transport authorities authorised thereto by their respective participating municipalities may enter into an agreement providing for the formation of a transport executive under the auspices of those transport authorities jointly, to perform, for each of them, the professional, technical, administrative and other work relating to its functioning as a transport authority in terms of this Act (hereafter called a joint transport executive). 30
- (2) In such an agreement provision must further be made for at least: 35
- (a) the matters mentioned in subsection 20(2)(b), which, with the changes required by the context, apply in relation to a joint transport executive;
- (b) the powers of the participating transport authorities with regard to the exercise of supervision and control over their joint transport executive; and
- (c) the contribution of each participating transport authority to the funding of their joint transport executive. 40

**Chapter 9  
DELEGATION**

**Delegation of Governing Bodies**

22. The governing body of a transport authority may delegate any of its powers or functions in terms of this Act, except the power of governance contemplated in section 13 and the power conferred by this section, to any member of that governing body. 45

**Provisions Applicable to Delegations**

23. (1) A delegation by the governing body under section 22:
- (a) may be made subject to any conditions determined by the governing body; 50
- (b) may be given together with the power to sub delegate, subject to any conditions so determined; and
- (c) must be in writing and must contain full particulars of the matters being delegated and of any conditions attached to the delegation, and, where the power of sub-delegation is conferred, must state that fact as well as any conditions attached. 55

- (2) The governing body may at any time:
- (a) amend or revoke a delegation made under section 22; or
  - (b) withdraw any decision made by the delegatee with regard to a delegated matter, and decide the matter itself but a decision made by a delegatee may not be withdrawn where it confers a right or entitlement on any third party. 5
- (3) If the MEC is satisfied that the interests of land transport in the Province or the transport area so require, the MEC may by notice in the Provincial Gazette:
- (a) prohibit the delegation of any particular power or function, whether generally or in the circumstances specified in the notice;
  - (b) limit the circumstances in which any particular power or function may be delegated; 10
  - (c) prescribe conditions for the delegation of any particular power or function; and
  - (d) in relation to any power or function specified in the notice, prohibit sub-delegation in the event of the governing body delegating that power or function. 15

#### Chapter 10 TRANSPORT PLANNING

#### General principles for transport planning, and its relationship with land development 20

24. (1) Land transport planning must be integrated with the land development process, and the transport plans required for that purpose by this Act are designed to give structure to the function of municipal planning mentioned in Part B of Schedule 4 of the Constitution, and must be accommodated in and form an essential part of integrated development plans, with due regard to section 84(1)(a), 84(2) and 84(3) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and for this purpose: 25

- (a) where the relevant planning authority is a municipality contemplated in section 26(1)(c), the plans mentioned in paragraphs (b) to (f) of subsection (1) of section 25 must form the transport component of the integrated development plan of the municipality; and 30
  - (b) where the jurisdictional area of a municipality falls wholly or partly in a transport area or Metropolitan Transport Area, the plans mentioned in paragraphs (b) to (f) of subsection (1) of section 25 constitute the transport component of the integrated development plans of such municipality in respect of that part of its jurisdictional areas that falls within the transport area or metropolitan transport area. 35
- (2) Subject to this section, land transport planning must be carried out so as to cover both public and private transport and all the modes of land transport relevant in the area concerned, and must focus on the most effective and economic way of moving from one point to another in the system. 40
- (3) Transport plans must be developed so as to:
- (a) enhance the effective functioning of cities, towns and rural areas through integrated planning of transport infrastructure and facilities, transport operations including freight movement, bulk services and public transport services within the context of those integrated development plans in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); 45
  - (b) direct employment opportunities and activities, mixed land uses and high density residential development into high utilisation public transport corridors interconnected through development nodes within the corridors, and discourage urban sprawl where public transport services are inadequate; 50
  - (c) give priority to infilling and densification along public transport corridors;
  - (d) give higher priority to public transport than private transport by ensuring the provision of adequate public transport services and applying travel demand management measures to discourage private transport; 55
  - (e) enhance accessibility to public transport services and facilities, and transport functionality in the case of persons with disabilities; and
  - (f) minimise adverse impacts on the environment.



(4) Transport planning must be viewed as a continuous process by which core cities and transport authorities professionally develop and implement integrated public transport services for their areas.

(5) A core city and transport authority must, unless clearly inappropriate or not reasonably practical in the circumstances, in preparing any transport plan, ensure co-ordination and integration within and between land transport modes so as to optimise the accessibility and utilisation of public transport services, facilities and infrastructure. 5

(6) The MEC must ensure the co-ordination of the planning processes of all core cities and transport authorities under the jurisdiction of the province and, in so doing, must ensure that all plans address: 10

- (a) public transport services operating across the boundaries of core cities, transport authorities or any particular municipal authority;
- (b) road and rail networks;
- (c) freight movements;
- (d) the needs of special categories of passengers; 15
- (e) rivalry between neighbouring core cities or transport authorities that may result in the duplication or over-supply of transport facilities and infrastructure in the region; and
- (f) the integration of transport and land use planning within the context of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other similar provincial law. 20

**Types of Plans Required by this Act**

25. (1) The following plans are required for the purposes of this Act:
- (a) provincial land transport frameworks provided for in section 27;
  - (b) current public transport records provided for in section 28; 25
  - (c) operating licence strategies provided for in section 29;
  - (d) rationalisation plans provided for in section 30;
  - (e) public transport plans provided for in section 31; and
  - (f) integrated transport plans provided for in section 32.

- (2) The relationship and sequence of transport plans are as follows: 30
- (a) the Department must prepare its initial provincial land transport framework as an overall guide to transport planning within the Province which must be integrated with provincial development planning;
  - (b) every transport authority and core city, and every municipality required to do so by the MEC, must prepare a public transport plan which must include— 35
    - (i) a current public transport record; and
    - (ii) an operating licence strategy; and
    - (iii) if it has subsidised public transport services, a rationalisation plan;
  - (c) transport authorities and core cities, and other municipalities requested thereto by the MEC, must prepare an integrated transport plan of which the public transport plan forms a component; and 40
  - (d) the Department must prepare subsequent provincial land transport frameworks that, in addition to the provision of subparagraph (a), must summarise the local plans in the Province.

(3) The provincial land transport framework must include the planning of both intra-provincial and inter-provincial long-distance services, which must be linked where applicable with other public transport services, and may provide for charter services, staff services and tourist services, and in the case of inter-provincial transport, this must be done in consultation with the MEC of the other province concerned. 45

(4) The planning authority contemplated in section 26 must, by the prescribed date, publish a notice: 50

- (a) in English and at least one other official language in a newspaper circulating in the area of the planning authority; and
- (b) stating that the plan in question has been completed and is available for public inspection at a place stated in the notice 55

(5) The MEC may prescribe procedures to be followed in promoting public participation in the transport planning process.

(6) The content of plans mentioned in subsection 25(1)(a) to (f) must comply with the requirements of this Act, but the MEC may modify the requirements for those plans, in the prescribed manner, in relation to rural areas in the Province. 60

### Planning Authorities

26. (1) Plans contemplated in section 25(1)(b) and (c) and, where appropriate, section 25(1)(d), (e) and (f), must be prepared by the following authorities, to be known as planning authorities, subject to subsections (4) and (5), and these plans may be different in respect of rural planning authorities except for those that have subsidised public transport services: 5

- (a) transport authorities, in respect of their transport areas;
- (b) core cities, in respect of their metropolitan transport areas; and
- (c) other municipalities, not included in the area of jurisdiction of a core city or transport authority and if so requested by the MEC. 10

(2) (a) A planning authority may enter into an agreement with any other planning authority or the Department to assist it in performing its functions in terms of this section; and

(b) Such an agreement does not detract from the responsibility of the planning authority for the functions entrusted to it by this section. 15

(3) Every planning authority must supply relevant transport plans to the board and make recommendations to that board about the conversion of permits to operating licences, and about applications for new operating licences, as required by Part 9 of the National Land Transport Transition Act.

(4) Where there are substantial public transport services between adjacent transport areas, the MEC is responsible for the effective planning of such services, and must ensure that such services are planned jointly with the respective transport authorities and integrated with their transport plans. 20

(5) A transport authority may apply to the MEC for it to take over the planning of the services contemplated in subsection (4), and in deciding whether to do so, the MEC must consider: 25

- (a) the extent to which the services are being operated within the transport area concerned; and
- (b) the ability of the transport authority to carry out the responsibilities relating to this function. 30

(6) In the case of a district municipality as defined in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), such a municipality and its relevant local municipalities must agree as to which of them must prepare the plans contemplated in section 25(1)(b) to (f).

### Provincial Land Transport Framework 35

27. (1) The MEC must annually prepare a provincial land transport framework that must be:

- (a) for a five-year period;
- (b) in accordance with any national requirements or, in the absence of such national requirements, in accordance with the format and contents of a provincial land transport framework developed jointly with the relevant core cities and transport authorities in the Province; and 40
- (c) integrated with provincial development planning.

(2) The initial provincial land transport framework must serve to guide land transport in the Province, including intra-provincial, inter-provincial and cross-border transport and any subsequent provincial land transport frameworks must also include summaries of the local plans within the Province. 45

(3) The provincial land transport framework must be submitted to the Minister and must be accompanied by copies of all agreements regarding inter-provincial transport concluded between the Province and other provinces. 50

### Current Public Transport Records

28. (1) Every planning authority must as soon as reasonably possible after the commencement of this Act, but by a date to be determined by the MEC, prepare for its area a current public transport record, which must become part of its public transport plan and constitutes the basis for the development of operating licences strategies, rationalisation plans, public transport plans and integrated transport plans. 55

(2) The current public transport record must be prepared in accordance with the requirements laid down by the MEC, or by the Minister in terms of his powers under the

National Land Transport Transition Act after consultation with the applicable core cities, transport authorities or municipalities.

(3) That public transport record must include:

- (a) all the scheduled and unscheduled services that are operated in the area of the planning authority, and taking into account such services to and from the areas of neighbouring planning authorities; 5
- (b) all the facilities and infrastructure in place and utilised in the area concerned for the purposes of or in connection with the public transport services mentioned in paragraph (a), as well as the facilities and infrastructure being developed for those purposes within the area concerned. 10

(4) The current public transport records must be submitted to the MEC by the planning authorities not later than the date determined in subsection (1).

(5) The current public transport records must be updated annually, and in updating it, planning authorities must record changes in the supply of public transport services with regard to their respective areas, including the granting and issuing of operating licences and the amendment, transfer, suspension, lapsing, withdrawal and cancellation of operating licenses or permits by the board. 15

### Operating Licence Strategies

29. (1) A planning authority must prepare a plan known as an operating licences strategy, which must eventually form part of its public transport plan, to assist the board when disposing of applications regarding operating licences to achieve a balance between public transport supply and utilisation that is both effective and efficient. 20

(2) An operating licences strategy must set out the policy and strategies of the planning authority in relation to:

- (a) the role of each public transport mode and identification of the preferred road-based modes with regard to its area, including transport into or from the areas of other planning authorities, and inter-provincial transport; 25
- (b) the circumstances in which operating licences or permits authorising the operation of public transport within any part of its area, should be allowed;
- (c) the use of public transport facilities within its area; 30
- (d) the avoidance of wasteful competition between transport operators;
- (e) the conclusion of commercial service contracts for unsubsidised public transport services; and
- (f) the conditions that should be imposed by the board in respect of operating licences. 35

(3) Operating licences strategies must be in accordance with the prescribed requirements.

(4) (a) The operating license strategy must, subject to paragraph (b), be submitted to the MEC for approval; and

(b) in granting such approval the MEC must consider procedures, financial issues that affect the Province, provincial policy and principles, transport across the boundaries of the areas of planning authorities, inter-provincial transport and other matters provided for in provincial laws. 40

(5) In the absence of a public transport plan, a planning authority must ensure that its operating licences strategy is updated on a continuous basis and consolidated at least once a year within two months of completing its current public transport record, or by a date determined by the MEC by notice in the Provincial Gazette. 45

### Rationalisation plans

30. (1) If in terms of a subsidised service contract or concession it is proposed that a public transport service be continued after expiry of its current terms, a planning authority in whose area the service is operated must prepare a rationalisation plan, which must: 50

- (a) become part of its public transport plan;
- (b) be done before the service to be operated in terms of the subsidised service contract is put out to public tender; and 55
- (c) consider the following—
  - (i) rationalising subsidised services within and between modes;
  - (ii) determining where and to what extent subsidies should be paid;

- (iii) rationalising subsidised services across the borders of planning authorities and in relation to inter-provincial transport;
  - (iv) minimising the level of subsidy;
  - (v) minimising competition between subsidised services;
  - (vi) structuring subsidised service contracts or concessions in such a way as to attract sufficient competitive bidding by qualifying tenderers; 5
  - (vii) ensuring that routes and route networks are utilised optimally so as to meet passenger needs effectively and efficiently; and
  - (viii) facilitating the future development of an integrated public transport system. 10
- (2) The rationalisation plan must contain the following:
- (a) The proposed changes to the existing route or network;
  - (b) the proposed changes to the passenger-carrying capacity of the services operated on the route or network;
  - (c) the policy proposed for the structuring of contracts or concessions for competitive tendering; 15
  - (d) a statement setting out the potential impact of the rationalisation on the various transport modes;
  - (e) an indication of the improvements to be effected for the benefit of passengers; and
  - (f) an indication of the obstacles foreseen with regard to the implementation of the plan, and the strategies proposed to overcome them. 20
- (3) Rationalisation plans must be in accordance with the requirements the MEC, or by the Minister in terms of his powers under the National Land Transport Transition Act, may prescribe. 25
- (4) Rationalisation plans must be submitted to the MEC for approval, which approval must relate only to the matters mentioned in section 29(4)(b).
- (5) In the absence of a public transport plan, a planning authority that has subsidised public transport services must ensure that its rationalisation plan is prepared or updated and submitted to the MEC at least once a year and within four months of completing its current public transport record, or by a date determined by the MEC by notice in the Provincial Gazette. 30

#### Public transport plans

31. (1) A planning authority must, by the date determined by the MEC, prepare a public transport plan with a view to determine and specify the public transport services that it requires to have provided in terms of the matters mentioned in section 28(3)(a) and (b). 35
- (2) The public transport plan must be prepared with a view to develop and implement the integration of public transport services and must contain the following:
- (a) The planning authority's vision, goals and objectives for public transport in its area; 40
  - (b) the planning authority's strategies for—
    - (i) the needs of learners and persons with disabilities; and
    - (ii) modal integration and fare systems for public transport, the latter comprising fare structure, level and technology; and 45
  - (c) an operational component, including—
    - (i) the provisions of the rationalisation plan for contracted services and concessions; and
    - (ii) the operating licences strategy for all public transport services not covered under subparagraph (i). 50
- (3) Public transport plans must be in accordance with the requirements, and in the manner and form prescribed by the MEC, or by the Minister in terms of his powers under the National Land Transport Transition Act.
- (4) The public transport plan must be submitted to the MEC for approval, which approval must relate only to the matters mentioned in section 29(4)(b). 55
- (5) Every planning authority must ensure that its public transport plan is updated at least once a year by a date determined by the MEC by notice in the Provincial Gazette.

**Integrated transport plans**

32. (1) A planning authority must prepare and submit to the MEC annually by the date determined by the MEC, an integrated transport plan which complies with subsection (2) for its respective area for a five-year period commencing on the first day of that financial year.

(2) The integrated transport plan must formulate the planning authority's official vision, policy and objectives, consistent with national and provincial policies, and be aligned with any relevant integrated development planning, and must at least:

- (a) specify the changes to the planning authority's land transport policies and strategies since the previous year's five-year plan;
- (b) include a list that must —
  - (i) show, in order of precedence, the projects and project segments to be carried out in that five-year period, and the cost of each project; and
  - (ii) be prepared with due regard to relevant integrated development plans, where applicable, required in terms of a law of the province;
- (c) include all modes and infrastructure, including new or amended roads and commercial developments having an impact on the land transport system, and land transport aspects of airports and harbours;
- (d) include the planning authority's detailed budget, including funding sources, with regard to land transport for the relevant financial year in the format prescribed by the MEC;
- (e) include the planning authority's public transport plan;
- (f) set out a general strategy for travel demand management;
- (g) set out a road and transport infrastructure provision, improvement and maintenance strategy; and
- (h) set out a general strategy or plan for the movement of hazardous substances contemplated in section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), by road along designated routes, in accordance with the strategy or plan in the provincial transport framework contemplated in section 27.

(3) An integrated transport plan must be in accordance with requirements and in the manner and form the MEC, or the Minister in terms of his powers under the National Land Transport Transition Act, may prescribe.

(4) The plan must be submitted to the MEC for approval, which approval must relate only to the matters mentioned in section 29(4)(b).

(5) A person may not transport hazardous substances contemplated in section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), in the area of a planning authority, except on a route determined under paragraph (h) of subsection (2), where such a route has been determined and published under section 34(1).

(6) Any person who contravenes subsection (5) is guilty of an offence.

**Approval of commuter rail components of transport plans**

33. Until the function of commuter rail is devolved from the national to another sphere of government, the transport plans contemplated in section 25(1)(a) to (f) must be submitted to the Minister for approval of the commuter rail component of such plans, within the prescribed manner and time.

**Publication of Transport Plans and substantial changes in Land Use and Public Transport Infrastructure and Services.**

34. (1) On approval of the provincial land transport framework, a public transport plan or an integrated transport plan, the MEC or planning authority, as the case may be, must publish, in the Provincial Gazette, the prescribed particulars of such plans, which must include particulars of routes determined under section 32(2)(h).

(2) All persons, including the State and parastatal institutions, agencies and utilities are bound by the provisions of plans published under subsection (1), and:

- (a) no substantial change or intensification of land use on any property may be undertaken without the written consent of the relevant planning authority;
- (b) developments on property within a transport area are subject to traffic impact assessments and public transport assessments as prescribed by the MEC;

- (c) where new or upgraded transport infrastructure or services are suggested in such a traffic impact assessment or public transport assessment, the costs thereof must be paid as decided by the relevant planning authority; and
- (d) no action may be taken that would have the result of substantially decreasing the quantity or availability of land transport infrastructure or services, unless the owner of the land on which the infrastructure is situated, or the holder of the relevant operating license, as the case may be, has notified the relevant planning authority in writing not less than 30 days before the action is taken. 5
- (3) Despite any law to the contrary, any authority with responsibility for approving substantial changes or intensification in land use or development proposals which receives an application for such change or intensification, must: 10
- (a) within 14 days of receipt of such application and prior to considering or ruling on such application, submit such application to the relevant planning authority for its assessment and determination of the impact of the application on transport plans and public transport services; and 15
- (b) ensure that such application is accompanied by the required traffic impact assessment and public transport assessment, and has sufficient information for such authority to assess and determine the impact of the application on transport plans and services.
- (4) The planning authority must, within 28 days: 20
- (a) approve or refuse an application for a change or intensification in land use or development proposal submitted in terms of subsection (3); and
- (b) submit its written decision and any objections with respect to such application, including directions or conditions for compliance with the transport plans, to such authority vested under law with responsibility for considering the application. 25
- (5) The authority vested with responsibility for consideration of applications for change or intensification in land use or its development may not approve such application:
- (a) prior to the expiry of the 28 day period referred to in subsection (4); or 30
- (b) which is in conflict with the directions of or conditions required by the planning authority as contemplated in subsection (4)(b), except to the extent that the planning authority's directions or conditions are altered by the development tribunal in terms of subsection (6).
- (6) Where any person is aggrieved by any decision of a planning authority in terms of this section, such person may appeal against the decision to the relevant appeal body whether it be the development tribunal established for the Province under the Local Government: Municipal Systems Act 2000 (Act No 32 of 2000), or replacing provincial legislation, or any other appeal body established in terms of other relevant legislation, in the manner and within the time prescribed. 40
- (7) Despite any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law, conditions imposed in terms of subsection (4)(b) must be registered or endorsed against the relevant title deed.
- (8) Despite any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law, the registrar of deeds may, with the written approval of the planning authority, cancel any condition which has in terms of subsection (7) been inserted in a deed of transfer or endorsed upon a title deed. 45
- (9) Any person who undertakes a development involving a change or intensification in land use or development proposal without the approval of the planning authority under this section, or contrary to a condition imposed by such an authority, is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding six months. 50
- (10) Where a building or structure has been erected without the approval of a planning authority in circumstances where such approval should have been obtained under this section, or in conflict with a condition imposed under this section, the relevant planning authority may apply to the High Court having jurisdiction for an order compelling the owner of the property to demolish or remove the building or structure at the owner's cost, or authorising the authority to do so and claim the costs involved from the owner, or making such other order as the Court may consider to be just. 55

**Chapter 11  
CO-OPERATIVE GOVERNANCE**

**Gauteng Transport Consultative Forum**

35. (1) The MEC may by notice in the Provincial Gazette establish the Gauteng Transport Consultative Forum for the Province of which the MEC shall be chairperson. 5
- (2) The MEC may appoint the members of such Forum in the prescribed manner, consisting of representatives of provincial and local government, and other members, as prescribed.
- (3) The goal of the Forum is to jointly discuss transport policy and needs in the Province by: 10
- (a) establishing and maintaining an effective forum for consultation with local and provincial representatives; and
  - (b) facilitating the identification of needs and giving policy direction on the planning and provision of transport infrastructure and services in the Province. 15
- (4) Despite subsection (3), regulations may prescribe additional goals or objects of such Forum, or elaborate on or modify such goals.
- (5) The functioning of such Forum and procedures at its meetings shall be as prescribed.
- (6) The Head of the Department must, subject to the laws governing the public service, provide the staff necessary to assist such Forum in the performance of its functions. 20

**Transport Co-ordination Committee**

36. (1) The MEC may by notice in the Provincial Gazette establish a Transport Co-ordination Committee for the Province of which the Head of the Department shall be the chairperson. 25
- (2) The MEC may appoint the members of the Committee in the prescribed manner, consisting of officials of the Department, transport authorities, core cities, municipalities, the National Department of Transport, other departments of the Gauteng Provincial Government and other role players as prescribed. 30
- (3) The goals of such Committee are to:
- (a) establish and maintain an effective forum for the members contemplated in subsection (2);
  - (b) promote liaison and co-ordination;
  - (c) advise departments on technical transport matters; 35
  - (d) ensure consultation with technical role players;
  - (e) disseminate information on matters relating to the strategic development of the Province in relation to transport.
- (4) Despite subsection (3), regulations may prescribe additional goals or objects of the Committee, or elaborate on or modify such goals. 40
- (5) The functioning of the Committee and procedures at its meetings shall be as prescribed, but it must meet at least four times a year.
- (6) The Committee may establish working groups or sub-committees, either on a permanent basis or on an *ad hoc* basis for particular tasks and periods, and the constitution, functioning and membership of such working groups and sub-committees shall be as prescribed. 45
- (7) The Head of the Department must, subject to the laws governing the public service, provide the staff necessary to assist the Committee in the performance of its functions.

**Joint Planning Structure**

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37. The MEC may, in collaboration with core cities, transport authorities and municipalities responsible for transport planning in respect of this Act, set up a joint planning structure to deal with common transport planning matters on a provincial wide basis.

**Chapter 12**  
**GENERAL PROVISIONS**

**Repeal**

38. (1) This Act repeals the Gauteng Transport Framework Act, 1998 (Act No. 8 of 1998). 5
- (2) This Act replaces sections 63 to 76 of Chapter 3: Matters of Provincial Concern of the National Land Transport Transition Act.
- (3) Sections 24 to 34 of this Act shall lapse on the date of commencement of Part 7 of the National Land Transport Transition Act.

**Offences and Penalties** 10

39. (1) The contravention of any of the provisions of this Act and the Regulations constitute an offence.
- (2) Any person convicted of an offence under this Act shall be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding two years or to both a fine and imprisonment, unless a specific section of this Act specifies differently or the MEC prescribes a different penalty or categories of penalties in respect of different sections of this Act. 15

**State Bound**

40. Save as expressly or by implication provided by this Act, the provisions of this Act and the regulations, rules and requirements made thereunder shall bind the State. 20

**Short Title and Commencement**

41. (1) This Act is called the Gauteng Transport Framework Revision Act, 2002 and comes into operation on a date determined by the Premier by proclamation in the Provincial Gazette.
- (2) Different Chapters or sections of this Act may come into operation on different dates, or in respect of different areas. 25