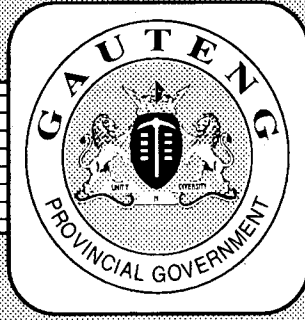


Bill

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

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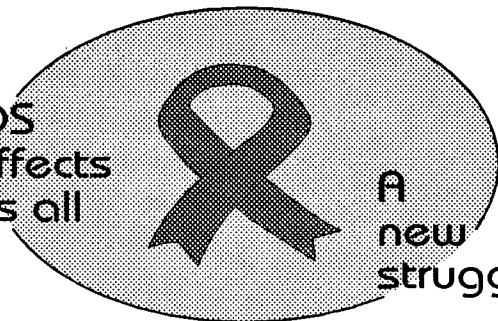
Vol. 9

PRETORIA, 13 JUNE 2003  
JUNIE

No. 230

**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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## GENERAL NOTICE

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NOTICE 1880 OF 2003

### GAUTENG PROVINCIAL LEGISLATURE

#### **PUBLICATION OF THE GAUTENG TOLL ROADS BILL, 2003**

Notice is hereby given that the Member of Executive Council for Transport, Roads and Works, Mr. K Mosunkutu, intends to introduce the **Gauteng Toll Roads Bill 2003** in the Legislature as published in this Extraordinary Gazette.

Any person or organization wishing to comment on this proposed Legislation may lodge written comments on or before **July 4, 2003** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature  
Gauteng Provincial Legislature  
C/o Committee Co-coordinator (Ms. Patience Mokoena)  
Private Bag X52  
Johannesburg  
2000

Physical Address  
Gauteng Provincial Legislature  
Corner President and Loveday Street  
Johannesburg  
Tel No: (011) 498-5790  
Fax No: (011) 498-5719

## **GAUTENG TOLL ROADS BILL, 2003**

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

### **1. REASONS FOR THE BILL**

The Gauteng Toll Roads Bill (GTRB) sets out the required legal provisions for the introduction of user charging on Provincial toll roads. It is necessary for Gauteng to have its own toll roads legislation in terms of which the MEC may declare some portions of the Provincial Road Network as toll roads. This development is necessary in order to cooperate with South African National Roads Agency Limited in the further development of the road network which lies inside this Province. The Bill also allows the Province to enter into an agreement with SANRAL regarding the implementation of the toll road network. The Bill also ensures that proper consultation is undertaken with local municipalities regarding the declaration of toll roads. The Provincial Road Network will be developed in such a way through the introduction of such toll legislation that it will be able to meet the growing economy of the Province and the transportation needs of its people.

### **2. ENVIRONMENTAL IMPACT**

This Bill has no environmental impact.

### **3. FINANCIAL IMPLICATIONS OF THE BILL**

It is envisaged that the private sector will be utilised as the concessionaire in the implementation of the toll roads strategy. Further, tolls are a type of user charge and therefore there is no specific financial implication that needs to be highlighted in terms of this Bill.

### **4. COMMENTS RECEIVED AND SOLICITED**

Over the last three years or so, consultation has occurred with the various local authorities in the Province concerning the GTRB and the principles of tolling major provincial roads has been accepted by the relevant authorities.

### **5. CLAUSE-BY-CLAUSE EXPLANATION**

Clause 1: This clause contains the Definitions relevant to the Act.

- Clause 2: This clause states that the MEC may declare any new provincial road to be a toll road. However, in the case of an existing provincial road the MEC may only declare such a toll road in consultation with the Premier of the Province.
- Clause 3: This clause states how the charging and collection of toll is to be carried out, allowing the MEC to grant rebates or full or partial exemptions in respect of categories of vehicles or for vehicles used on the toll roads during a specified time. The amounts of toll shall be determined by the MEC on the recommendation of the Department after consultation with relevant municipalities in whose area of jurisdiction the toll road is situated.
- Clause 4: This clause describes how authorised persons can operate toll roads and charge tolls. A toll concessionaire would be appointed in terms of this clause.
- Clause 5: The powers of the MEC in respect of toll roads are explained in this clause. The MEC is responsible for all strategic planning with regard to the Province's toll roads system as well as the declaration, planning, design, financing, construction, operation, management, control, maintenance and rehabilitation of the toll roads.
- Clause 6: Consultation must occur with municipalities concerning the declaration of toll roads.
- Clause 7: The MEC may enter into an agreement with SANRAL regarding the implementation of the toll road strategy including the division of responsibility between the two authorities.
- Clause 8: This clause allows the MEC to make certain delegation of powers in terms of the Act.
- Clause 9: The MEC is allowed to institute legal proceedings to recover outstanding toll monies in terms of this clause.
- Clause 10: This clause limits the rights of other bodies to bring legal proceedings in regard to toll roads against the MEC, an employee of the Department, any person acting on behalf of the MEC or any person who operates or constructs a toll.
- Clause 11: This clause sets out the areas upon which the MEC may make regulations.
- Clause 12: The MEC may authorise provincial traffic law enforcement officers to perform certain functions on toll roads and agreements may be entered into with other enforcement agencies to perform this function.

- Clause 13: This allows for the impoundment of vehicles, which have been used in the committal of an offence on toll roads.
- Clause 15: This clause indicates the offences that may be imposed on persons who infringe the Act.
- Clause 16: The State is bound by the Act.
- Clause 17: This clause gives the short title of the Act and states that the Premier can determine the date for the coming into operation of this piece of legislation.

**GAUTENG TOLL ROADS BILL**

**To provide for the declaration, construction, operation, maintenance, and control of provincial toll roads in Gauteng; to define the powers and functions of the Member of the Executive Council responsible for provincial roads in Gauteng; to provide for the operation of toll roads and charging of toll by authorised persons; and to provide for matters connected thereto.**

**PREAMBLE**

Recognising that the Gauteng provincial road network is central to development in Gauteng and South Africa;

Recognising that it is essential to maintain and expand the road network in Gauteng to make provision for the growing demand and accessibility needs of road users;

Recognising that the severe congestion on many of the freeways and other major roads in Gauteng demands urgent attention;

Recognising that as part of a provincial land transport policy, a toll roads system for Gauteng provides a proper solution to the problems facing the Gauteng province in respect of its road network; and

Recognising that private sector involvement is essential in the financing, construction and operation of toll roads in Gauteng.

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

## ARRANGEMENT OF SECTIONS

### Section

1. Definitions
2. Declaration of toll roads
3. Charging and collection of toll
4. Operation of toll roads and charging of toll by authorised persons
5. Powers of the MEC
6. MEC may pay costs to municipalities
7. Agreement with SANRAL
8. Delegation and exercise of power
9. MEC may institute legal proceedings
10. Limitation of liability
11. Regulations
12. Law enforcement on toll roads
13. Impoundment of vehicles
14. Offences
15. State bound by this Act
16. Short title and commencement

### 1. Definitions

In this Act, unless the context otherwise indicates -

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

"construct" in relation to a road, includes reconstruct, widen, divert, alter, repair, upgrade and expand;

"Department" means the Department in the State responsible for provincial roads;

"Executive Council" means the Executive Council of the Provincial Government;

"existing provincial road" means any provincial road or portion thereof, the construction of which has been completed before the date of declaration of such road as a toll road;



"Infrastructure Act" means the Gauteng Transport Infrastructure Act, 2001 (Act No.8 of 2001);

"MEC" means the Member of the Executive Council responsible for provincial roads;

"municipal road" means a road as defined in the Infrastructure Act;

"municipality" means a municipality referred to in section 155(6) of the Constitution, and includes all categories of municipalities;

"new provincial road" means a provincial road other than an existing provincial road;

"prescribed" means prescribed by regulation in the *Provincial Gazette*;

"Province" means the province of Gauteng;

"provincial road" means a road as defined in the Infrastructure Act, including a freeway as defined in that Act;

"public road" means a road which the public has the right to use;

"regulation" means any regulation made under this Act;

"road" means -

- (a) the road reserve;
- (b) the roadway as defined in the Infrastructure Act;
- (c) land acquired for the construction of a connection between a toll road and another road;

"SANRAL" means the South African National Roads Agency Limited established under section 2 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);

"this Act" includes the regulations;

"toll plaza" means a structure on a toll road where toll is payable or any electronic or mechanical device on a toll road for recording the amount of toll to be paid or any combination of such structure and device and includes a toll gate;

"toll road" means a provincial road or a portion thereof which has been declared a toll road under section 2(1)(a) or 2(1)(b) and of which notice has been given in terms of subsection (3) of that section in the *Provincial Gazette*;

"transport authority" means a transport authority established in the Province as prescribed in the provisions of the National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

"vehicle" means a vehicle as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996).

## **2. Declaration of toll roads**

(1) Subject to the provisions of this section, the MEC in consultation with the Premier of the Province -

- (a) may declare any specified existing or new provincial road or any specified portion thereof, including any bridge, or tunnel on such existing provincial road, to be a toll road for the purposes of this Act; and
- (b) may amend or withdraw any declaration so made.

(2) A declaration, amendment or withdrawal under subsections (1), only becomes effective only 30 days after a notice to that effect by the MEC was published in the *Provincial Gazette*.

(3) The MEC may not declare a toll road under subsection (1)(a), or amend such declaration unless -

- (a) the MEC, in the prescribed manner, has given notice, generally, of the proposed declaration or amendment, and in the notice –
  - (i) has given an indication of the type of toll plaza and the approximate position of the toll plaza for the proposed toll road;
  - (ii) has invited any interested person to comment or make representations, in writing to the Department, by no later than a specified date being not earlier than 60 days from the date of the notice, on the proposed declaration of the toll road, any amendment to such declaration, the type of toll plaza or its physical location;

- (b) the MEC in writing has requested every municipality and transport authority, in whose area of jurisdiction proposed toll road is situated, to comment to the Department on the proposed declaration or amendment and any other matter with regard to the toll road and particularly, as to the type of toll plaza and the position of the toll plaza within a specified period which may not be shorter than 60 days;
- (c) the Department has forwarded its proposals and recommendations regarding the declaration or amendment of a toll road to the MEC together with a report on the comments and representations that have been received;
- (d) the Department has indicated the extent to which any of the matters raised in any comments and representations made in accordance with this subsection have been accommodated in those proposals and recommendations of the Department; and
- (e) the MEC is satisfied that all steps mentioned in this subsection have been complied with.

### 3. Charging and collection of toll

(1) Subject to the provisions of this section the MEC may, by notice in the *Provincial Gazette* -

- (a) for the driving or use of any vehicle on a toll road, charge and collect a toll the amount of which has been determined and made known in terms of subsection (3), which will be payable at a toll plaza by a person so driving or using the vehicle, or at any other place subject to the conditions that the MEC may determine and so make known;
- (b) grant a rebate or full or partial exemption from the payment of toll on a particular toll road -
  - (i) in respect of all vehicles of a category determined by the MEC or in respect of the vehicles of such category which are driven or used on the toll road at a specified time or;
  - (ii) to all users of the toll road of a category determined by the MEC irrespective of the vehicles driven or used on the toll road, or to users of the toll road of such a category when driving or using vehicles on the toll road at a specified time;
- (c) restrict the charging of toll on a particular toll road to the hours or other times determined by the MEC;

- (d) suspend the charging of toll on a particular toll road for any specified or unspecified period, whether in respect of all vehicles generally, or in respect of all vehicles of a category or users of a road of a category determined by the MEC and specified in such notice, and resume the charging of toll after the withdrawal of the suspension and;
  - (e) withdraw the following -
    - (i) any rebate or exemption under paragraph (b);
    - (ii) any restriction under paragraph (c);
    - (iii) any suspension under paragraph (d) or
- (2) A rebate, exemption, restriction or suspension or withdrawal under subsection (1) becomes effective 30 days after the date of publication of the notice contemplated in subsection (1).
- (3) The amount of toll that may be charged under subsection (1), any rebate or exemption thereon and any increase or reduction thereof -
- (a) shall be determined by the MEC on the recommendation of the Department after consultation with every municipality and transport authority, in whose area of jurisdiction the toll road is situated;
  - (b) may differ in respect of -
    - (i) different toll roads;
    - (ii) different vehicles or different categories of vehicles driven or used on a toll road;
    - (iii) different times at which any vehicle or any vehicle of a particular category is driven or used on a toll road; and
    - (iv) different categories of road users, irrespective of the vehicles driven or used by them;
  - (c) must be made known by the MEC by notice in the *Provincial Gazette*;
  - (d) will be payable from a date and time determined by the MEC on the recommendation of the Department, and must be specified in the notice contemplated in paragraph (c); and
  - (e) A determination in terms of this subsection comes into effect 30 days after the date of publication thereof.

#### **4. Operation of toll roads and charging of toll by authorised persons**

- (1) The MEC may, after consultation with the Member of the Executive Council responsible for financial matters in the Province, enter into an agreement with any person, institution, body or municipality, in this section called the authorised person, in terms of

which the authorised person is, for a specified period and in accordance with the terms and conditions of the agreement authorised -

- (a) to finance, plan, design, construct, maintain or rehabilitate a toll road or proposed toll road; or
- (b) to operate, manage and control a toll road, or toll plaza at any toll road or proposed toll road; or
- (c) to construct or erect a toll plaza and any facilities connected therewith on a toll road for the purpose of charging and collecting toll in accordance with subsection (3).

(2) Despite section 3 an agreement concluded under subsection (1) may provide that the authorised person will be entitled, subject to subsections (3) and (4), to charge and collect toll on behalf of the MEC or for own account -

- (a) on the toll road specified in the agreement;
- (b) during the period so specified; and
- (c) in accordance with the provisions of the agreement only; and

(3) Where the agreement provides for any of the matters mentioned in section 3(1)(a), (b), (c), (d) and (e), the MEC remains responsible for the duties imposed on the MEC by that section.

(4) The amount of the toll that may be charged by an authorised person as well as any rebate or exemption on that amount or any increase or reduction thereof, will be determined in the manner provided for in section 3(3).

## **5. Powers of the MEC**

(1) The MEC is responsible for all strategic planning with regard to the Province's toll roads system, as well as the declaration, planning, design, financing, construction, operation, management, control, maintenance and rehabilitation of toll roads for the Province and all matters connected therewith.

(2) In addition to the MEC's main powers and functions under subsection (1) or otherwise under this Act, the MEC may -

- (a) with the approval of the Member of the Executive Council responsible for financial matters in the Province participate in ventures, involving toll roads or other roads, jointly with road authorities, or any private persons, institutions or bodies, who have or will have ownership or control of or may otherwise be involved with toll roads and other roads;
- (b) for purposes of this Act exercise the powers in relation to provincial roads conferred on the MEC by virtue of the Infrastructure Act;

- (c) use any portion of a toll road that is not immediately required for traffic purposes, for any purposes which the MEC considers fit, subject to this Act; and
- (d) do anything that the MEC may deem necessary or expedient for the efficient administration of this Act.

#### **6. MEC may pay costs to municipalities**

The MEC, in his or her discretion and on any conditions he or she considers fit, may pay the costs or part of the costs incurred by a municipality in connection with a municipal road or other works which, by agreement between the MEC and the municipality, may have become necessary as a result of the construction, maintenance, operation or rehabilitation of a toll road.

#### **7. Agreement with SANRAL**

The MEC may enter into an agreement with the SANRAL which agreement may provide for -

- (a) the Department and the National Roads Agency to establish a joint authority to perform part of or all the strategic planning with regard to the Province's toll roads system including the planning, design, financing, construction, operation, management, control, maintenance and rehabilitation of toll roads in the Province;
- (b) the performance by the National Roads Agency of any task or function within its power under the South African National Roads Agency Limited and National Roads Act 1998 (Act No. 7 of 1998) on such terms and conditions as may be mutually agreed upon; and
- (c) the MEC to act as an authorised person contemplated in section 8 of South African National Roads Agency Limited and National Roads, 1998 (Act No. 7 of 1998), with regard to any national toll road situated within the Province.

## **8. Delegation and exercise of power**

(1) The MEC may in writing delegate any power or function except those powers imposed on the MEC in this section and sections 2, 3 and 11, conferred on the MEC by this Act to -

- (a) any official of the Department;
- (b) a municipality;
- (c) a transport authority; or
- (d) a person, institution or body contemplated in section 4;

(2) The terms and conditions of any delegation under subsection (1) shall be determined by agreement between the MEC and such person or authority as envisaged under subsection (1) and shall be in writing.

(3) The MEC will not be divested of any power nor be relieved of any function or duty he or she may have delegated.

(4) The delegation may be given together with the power to subdelegate, on and subject to any conditions so determined.

(5) The MEC, may at any time -

- (a) amend or revoke a delegation made under this section;
- (b) withdraw any decision made by the delegatee with regard to a delegated matter and decide the matter himself or herself.

## **9. MEC may institute legal proceedings**

The MEC may institute legal proceedings to recover toll moneys owed by any person liable for toll in terms of this Act.

## **10. Limitation of liability.**

The MEC, an employee of the Department, any person acting on behalf the MEC or any person who operates or constructs a toll road, will not be liable for any damage or loss suffered by any person through the use of a toll road other than the roadway or as a result of the closure or deviation of a toll road under this Act.

## **11. Regulations**

(1) The MEC, may make regulations that are not inconsistent with this Act -

- (a) about traffic on a toll road or the use or protection of a toll road;

- (b) about the implementation and use of electronic toll collection on toll roads and any matter ancillary thereto;
  - (c) prescribing a fee to be paid for any application, authorisation, approval, permission or exemption provided for in this Act;
  - (d) in relation to anything which in terms of any provision of this Act may be prescribed or determined by regulation; and
  - (e) generally to prescribe such matters as he or she may deem necessary or expedient for the efficient administration of this Act.
- (2) Different regulations may be made under subsection (1) for different toll roads, and the regulations may provide that a person who contravenes or fails to comply with any particular regulation will be guilty of an offence and liable on conviction to a term of imprisonment or a fine not exceeding that prescribed in the regulations: Provided that the maximum period of imprisonment may not exceed six months: further provided that any fine will be calculable in accordance with section 1(1)(a) of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991).

## **12. Law enforcement on toll roads**

- (1) The MEC may authorise any traffic officer registered as such under the applicable road traffic legislation to enforce the provisions of this Act and perform such law enforcement functions associated therewith.
- (2) The MEC may enter into an agreement with -
- (a) any municipality, in terms of which the municipality is authorised, and undertakes, to perform the law enforcement functions mentioned in subsection (1), on a toll road within the municipal area, of that municipality through employees of the municipality designated or appointed by it for that purpose; and
  - (b) any other law enforcement agency, in terms of which such agency is authorised and undertakes to perform the law enforcement functions mentioned in subsection (1) on the toll roads in the Province, or any of those toll roads as specified in the agreement, through employees of the agency designated or appointed by the agency for that purpose, subject to the conditions determined in the agreement.



**13. Impoundment of vehicles**

(1) A person contemplated in section 12 may under prescribed conditions and in the prescribed manner on the authority of a warrant issued in terms of subsection (3), impound a vehicle which is used in or is on reasonable grounds believed to be used in the commission or suspected commission of an offence in terms of this Act.

(2) A person contemplated in section 12 has the same powers and functions conferred on a police official in the Criminal Procedure Act, 1977 (Act No. 51 of 1977) relating to the impoundment, release and forfeiture of such a vehicle.

(3) A magistrate or judge may on the request of a person contemplated in clause 12, issue a warrant for purposes of subsection (1).

**14. Offences**

Any person liable for toll in terms of this Act, and who refuses or fails to pay the amount of toll that is due -

- (a) is guilty of an offence and punishable on conviction with imprisonment for a period not exceeding six months or a fine, or with both such imprisonment and the fine;
- (b) is liable, in addition, to pay to the MEC a civil penalty as prescribed; and
- (c) is liable to pay such toll that is due upon conviction of an offence under this Act.

**15. State bound by this Act**

This Act binds the State.

**16. Short title and commencement**

This Act is called the Gauteng Toll Roads Act, 2003, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

**KENNISGEWING 1880 VAN 2003****GAUTENGSE TOLPADWET, 2003**

Memorandum in terme van Reël 136 van die Staande Reëls van die Gautengse Provinsiale Wetgewer.

**1. REDES VIR DIE WET**

Die Gautengse Tolpadwet (GTW) omskryf die vereiste regsbepalings vir die instelling van kosteverhalings op gebruikers van Provinsiale tolpaaië. Dit is vir Gauteng nodig om sy eie tolpadwetgewing te hê waarvolgens die LUR sommige dele van die Provinsiale Padnetwerk as tolpaaië kan verklaar. Hierdie ontwikkeling is nodig om saam te kan werk met die Suid-Afrikaanse Nasionale Padagentskap Beperk vir die toekomstige uitbreiding van die padnetwerk in hierdie Provinsie. Die Wet maak ook daarvoor voorsiening dat die Provinsie 'n ooreenkoms kan aangaan met die SANPB insake die implementering van die tolpadnetwerk. Die Wet verseker ook dat behoorlike konsultasie met plaaslike owerhede plaasvind ten opsigte van die verklaring van tolpaaië. Die Provinsiale Padnetwerk sal op sodanige manier deur die instel van sodanige tolheffings ontwikkel word, dat dit in staat sal wees om te voldoen aan die groeiende ekonomie van die Provinsie en die vervoerbehoefte van sy mense.

**2. IMPAK OP DIE OMGEWING**

Hierdie Wet het geen impak op die omgewing nie.

**3. FINANSIËLE IMPLIKASIES VAN DIE WET**

Daar word in die vooruitsig gestel dat die privaat sektor as die konsessionaris in die implementering van die tolpadstrategie gebruik sal word. Hierbenewens is tolgelde 'n soort van gebruikerskoste en is daar geen spesifieke finansiële implikasie wat in terme van hierdie Wet uitgelig hoef te word nie.

**4. KOMMENTAAR ONTVANG EN AANGEVRA**

Oor die afgelope drie jaar of so, is daar met die verskillende plaaslike owerhede in die Provinsie oor die GTW gekonsulteer, en die grondbeginsels om tol op die hoof- provinsiale paaie te hef, is deur die betrokke owerhede aanvaar.

## 5. KLOUSULE-VIR-KLOUSULE-VERDUIDELIKING

- Klousule 1: Hierdie Klousule bevat Definisies met betrekking tot die Wet.
- Klousule 2: Hierdie Klousule bepaal dat die LUR enige nuwe Provinsiale pad 'n tolpad kan verklaar. As dit egter 'n bestaande Provinsiale pad is, mag die LUR net sodanige pad as tolpad verklaar na konsultasie met die Premier van die Provinsie.
- Klousule 3: Hierdie Klousule bepaal hoe die hef en insamel van tolgeld uitgevoer moet word, en die LUR toegelaat word om korting of volledige of gedeeltelike vrystellings ten opsigte van kategorieë van voertuie toe te staan, of vir voertuie wat gedurende 'n spesifieke tyd op die tolpaai gebruik word. Die tolgeldbedrag sal deur die LUR bepaal word op aanbeveling van die Departement na konsultasie met relevante munisipaliteite in wie se jurisdiksiearea die tolpad is.
- Klousule 4: Hierdie Klousule beskryf hoe gemagtigde persone tolpaai kan bedryf en tolgeld hef. 'n Tolkonsessionaris sal in terme van hierdie klousule aangestel word.
- Klousule 5: Die magte van die LUR ten opsigte van tolpaai word in hierdie Klousule verduidelik. Die LUR is verantwoordelik vir alle strategiese beplanning ten opsigte van die Provinsie se tolpadstelsel, asook die verklaring, beplanning, ontwerp, finansiering, konstruksie, bedryf, bestuur, beheer, instandhouding en herstel van die tolpaai.
- Klousule 6: Konsultasie met munisipaliteite moet plaasvind aangaande die verklaring van tolpaai.
- Klousule 7: Die LUR mag 'n ooreenkoms met die SANPAB aangaan rakende die implementering van die tolpadstrategie, insluitende die verdeling van verantwoordelikheid tussen die twee owerhede.
- Klousule 8: Hierdie Klousule magtig die LUR om sekere delegering van magte in terme van die Wet te doen.
- Klousule 9: Die LUR word toegelaat om geregtelike stappe in te stel om uitstaande tolgelde in terme van hierdie Klousule te verhaal.
- Klousule 10: Hierdie Klousule beperk die regte van ander liggame om geregtelike stappe ten opsigte van tolpaai in te stel teen die LUR, 'n werknemer van die Departement, enige persoon wat namens die LUR optree of enige persoon wat 'n tolpad bedryf of bou.
- Klousule 11: Hierdie Klousule beskryf die areas waarin die LUR regulasies mag uitvaardig.

- Klousule 12: Die LUR mag provinsiale verkeerwetstoepassingsbeamptes magtig om sekere funksies op tolpaaië te verrig en ooreenkomste mag aangegaan word met ander toepassingsagentskappe om hierdie funksie te verrig.
- Klousule 13: Hierdie Klousule maak voorsiening vir die beslaglegging van voertuie wat gebruik is in die begaan van 'n oortreding op tolpaaië.
- Klousule 14: Hierdie Klousule dui die strawwe aan wat opgelê mag word aan persone wat die Wet oortree.
- Klousule 15: Die Staat is verbind tot die Wet.
- Klousule 16: Hierdie Klousule gee die korttitel van die Wet aan en lui dat die Premier die datum van inwerkingtreding van hierdie stuk wetgewing kan bepaal.

## **GAUTENGSE TOLPADWET**

**Om te voorsien vir die verklaring, konstruksie, bedryf, instandhouding en beheer van Provinsiale tolpaaië in Gauteng; om die magte en funksies van die Lid van die Uitvoerende Raad wat verantwoordelik is vir Provinsiale paaië in Gauteng te definieer; om te voorsien vir die bedryf van tolpaaië en die hef van tolgeld deur gemagtigde persone; en om te voorsien vir aangeleenthede wat daarmee verband hou.**

### **AANHEF**

Met erkenning dat die Gautengse Provinsiale padnetwerk sentraal is tot die ontwikkeling in Gauteng en Suid-Afrika;

Met erkenning dat dit noodsaaklik is om die padnetwerk in Gauteng in stand te hou en uit te brei om voorsiening te maak vir die groeiende aanvraag en toegangsbehoefte van padgebruikers;

Met erkenning dat die ernstige verkeersopeenhoping op baie van die snelweë en ander hoofpaaië in Gauteng ernstig aandag nodig het;

Met erkenning dat as deel van 'n Provinsiale landvervoerbeleid, 'n tolpadstelsel vir Gauteng 'n behoorlike oplossing bied vir die probleme wat die Gautengse regering ten opsigte van sy padnetwerk in die gesig staar; en

Met erkenning dat die betrokkenheid van die privaat sektor noodsaaklik is vir die finansiering, konstruksie en bedryf van tolpaaië in Gauteng.

Word dit dus deur die Provinsiale Wetgewer van Gauteng as volg **VERORDEN**:

## **SAMESTELLING VAN AFDELINGS**

### **Afdeling**

1. Definisies
2. Verklaring van tolpaaie
3. Hef en insamel van tolgeld
4. Bedryf van tolpaaie en hef van tolgeld deur gemagtigde persone
5. Magte van die LUR
6. LUR mag koste aan munisipaliteite betaal
7. Ooreenkoms met SANPAB
8. Delegering en uitoefening van magte
9. LUR mag geregtelike stappe instel
10. Beperking van aanspreeklikheid
11. Regulasies
12. Wetstoepassing op tolpaaie
13. Beslaglegging van voertuie
14. Misdrywe
15. Staat gebind deur hierdie Wet
16. Korttitel en aanvang

### **1. Definisies**

In hierdie Wet, tensy die konteks anders aandui -

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

"konstruksie" ten opsigte van 'n pad, sluit in herkonstruksie, verbreding, verlegging, verandering, herstel, opgradeer en uitbrei;

"Departement" beteken die Departement in die Staat wat vir Provinsiale paaie verantwoordelik is;

"Uitvoerende Raad" beteken die Uitvoerende Raad van die Provinsiale Regering;

"Bestaande Provinsiale pad" beteken enige Provinsiale pad of gedeelte daarvan, die konstruksie waarvan afgehandel is voor die datum van verklaring van sodanige pad as 'n tolpad;

"Wet op Infrastruktuur" beteken die "Gauteng Transport Infrastructure Act", 2001 (Wet No. 8 van 2001);

"LUR" beteken die Lid van die Uitvoerende Raad belas met Provinsiale paaie;

"munisipale pad" beteken 'n pad soos in die Wet op Infrastruktuur gedefinieer word;

"munisipaliteit" beteken 'n munisipaliteit soos na verwys word in Afdeling 155(6) van die Konstitusie, en omsluit alle kategorieë munisipaliteite in;

"nuwe Provinsiale pad" beteken 'n Provinsiale pad anders as 'n bestaande Provinsiale pad;

"voorgeskryf" beteken voorgeskryf volgens regulasie in die Provinsiale Koerant"

"Provinsie" beteken die Provinsie van Gauteng;

"Provinsiale pad" beteken 'n pad soos in die Wet op Infrastruktuur gedefinieer, insluitende 'n snelweg soos omskryf in daardie Wet;

"openbare pad" beteken 'n pad wat regtens deur die publiek gebruik mag word;

"regulasie" beteken enige regulasie wat volgens hierdie Wet uitgevaardig word;

"pad" beteken -

- (a) die padreserwe;
- (b) die padvlak soos in die Wet op Infrastruktuur gedefinieer;
- (c) grond aangekoop vir die konstruksie van 'n aansluiting tussen 'n tolpad en 'n ander pad;

"SANPAB" beteken die Suid-Afrikaanse Nasionale Padagentskap Beperk, ingestel ingevolge Afdeling 2 van die "South African National Roads Agency Limited and National Roads Act" 1998 (Wet No. 7 van 1998);

"hierdie Wet" sluit die regulasies in;

"tolplaza" beteken 'n struktuur op 'n tolpad waar tolgeld betaal moet word, of enige elektroniese of meganiese toestel op 'n tolpad wat die bedrag tolgeld wat betaal moet word registreer, of enige kombinasie van sodanige struktuur en toestel insluitende 'n tolhek;

"tolpad" beteken 'n Provinsiale pad of gedeelte daarvan wat as tolpad verklaar is ingevolge Afdeling 2(1)(a) of (2)(b) en waarvan kennis gegee is in terme van Onderafdeling (3) van daardie Afdeling in die Provinsiale Koerant;

"vervoerowerheid" beteken 'n vervoerowerheid ingestel in die Provinsie, soos voorgeskryf in die bepalings van die "National Land Transport Transition Act", 2000 (Wet No. 22 van 2000);

"voertuig" beteken 'n voertuig soos omskryf in die "National Road Traffic Act", 1996 (Wet No. 93 van 1996).

## 2. Verklaring van tolpaai

(1) Behoudens die bepalings van hierdie Afdeling, mag die LUR in konsultasie met die Premier van die Provinsie -

- (a) enige gespesifiseerde bestaande of nuwe Provinsiale pad of enige gespesifiseerde gedeelte daarvan, insluitende enige brug, of tunnel oor of op sodanige bestaande Provinsiale pad, as 'n tolpad vir die doeleindes van hierdie Wet verklaar; en
- (b) enige verklaring hieroor wysig of terugtrek.

(2) 'n Verklaring, wysiging of terugtrekking ingevolge Onderafdelings (1), kom eers in werking 30 dae na sodanige publikasie deur die LUR in die Provinsiale Koerant.

(3) Die LUR mag nie 'n tolpad verklaar ingevolge Onderafdeling (1)(a) of sodanige verklaring wysig nie, tensy -

- (a) Die LUR op die voorgeskrewe manier kennis gegee het, in die algemeen, van die voorgenome verklaring of wysiging, en in die kennisgewing -
  - (i) 'n aanduiding gegee het van die tipe tolpaza en die geskatte posisie van die tolpaza vir die beoogde tolpad;
  - (ii) enige belanghebbende persoon genooi het om skriftelik kommentaar of verhoë aan die Departement te lewer nie later nie as 'n gespesifiseerde datum wat nie vroeër is as 60 dae vanaf die datum van kennisgewing, op die voorgestelde verklaring van die tolpad, enige wysiging aan sodanige verklaring, die tipe tolpaza of sy fisiese ligging;
- (b) Die LUR 'n skriftelike versoek gerig het aan elke munisipaliteit en vervoerowerheid in wie se area van jurisdiksie die voorgestelde tolpad geleë is, om kommentaar te lewer aan die Departement oor die voorgestelde verklaring of wysiging en enige ander aangeleentheid aangaande die tolpad, en in die besonder, oor die tipe tolpaza en die posisie van die tolpaza, binne 'n spesifieke tydperk wat nie korter as 60 dae mag wees nie;
- (c) Die Departement sy voorstelle en aanbevelings aangaande die verklaring of wysiging van 'n tolpad aangestuur het aan die LUR, tesame met 'n verslag oor die kommentaar en verhoë wat ontvang is;
- (d) Die Departement aangedui het in hoe-verre enige van die aangeleenthede genoem in enige kommentaar en verhoë volgens hierdie Onderafdeling, geakkommodeer is in daardie voorstelle en aanbevelings van die Departement; en



- (e) Die LUR tevrede is dat alle stappe wat in hierdie Afdeling genoem is, aan voldoen is.

### 3. Hef en insamel van tolgeld

(1) Behoudens die bepalings van hierdie Afdeling, mag die LUR, deur middel van kennisgewing in die Provinsiale Koerant -

- (a) vir die bestuur of gebruik van enige voertuig op 'n tolpad, tolgeld hef en insamel, waarvan die bedrag vasgestel en bekendgemaak is in terme van Onderafdeling (3), wat betaalbaar is by 'n tolplaza deur 'n persoon wat die voertuig bestuur of gebruik, of op enige ander plek behoudens die voorwaardes wat die LUR mag vasstel en sodanig bekendmaak;
- (b) 'n korting of volledige of gedeeltelike vrystelling van die betaling van tolgeld op 'n sekere pad toestaan -
  - (i) ten opsigte van alle voertuie van 'n kategorie soos vasgestel deur die LUR, of ten opsigte van die voertuie van sodanige kategorie wat bestuur of gebruik word op die tolpad op 'n spesifieke tyd, of;
  - (ii) aan alle gebruikers van die tolpad of 'n kategorie soos vasgestel deur die LUR ongeag die tipe van voertuig wat op die tolpad bestuur of gebruik word, of aan gebruikers van die tolpad van sodanige kategorie wanneer voertuie op die tolpad bestuur of gebruik word op 'n spesifieke tyd;
- (c) die hef van tolgeld op 'n sekere tolpad beperk tot die ure of ander tye soos vasgestel deur die LUR;
- (d) die hef van tolgeld op 'n sekere tolpad opskort vir enige gespesifiseerde of ongespesifiseerde tydperk, hetsy ten opsigte van alle voertuie in die algemeen, of ten opsigte van alle voertuie van 'n kategorie of gebruikers van 'n pad, of 'n kategorie soos vasgestel deur die LUR en gespesifiseer in sodanige kennisgewing, en hervat die hef van tolgeld na die terugtrekking van die opskorting, en;
- (e) die volgende terugtrek -
  - (i) enige korting of vrystelling volgens paragraaf (b);
  - (ii) enige beperking volgens paragraaf (c);
  - (iii) enige opskorting volgens paragraaf (d) of

(2) 'n Korting, vrystelling, beperking of opskorting of onttrekking volgens Onderafdeling (1), word van krag 30 dae na die publikasiedatum van die kennisgewing soos beoog in Onderafdeling (1).

(3) Die bedrag tolgeld wat volgens Onderafdeling (1) gehef mag word, enige korting of vrystelling daarop asook enige verhoging of vermindering daarvan -

- (a) sal vasgestel word deur die LUR op aanbeveling van die Departement na konsultering met elke munisipaliteit en vervoerouteiteit in wie se area van jurisdiksie die tolpad val;
- (b) mag verskil ten opsigte van -
  - (i) verskillende tolpaaië;
  - (ii) verskillende voertuie of verskillende kategorieë van voertuie bestuur of gebruik op 'n tolpad;
  - (iii) verskillende tye waarop enige voertuig, of enige voertuig uit 'n spesifieke kategorie op 'n tolpad bestuur of gebruik word; en
  - (iv) verskillende kategorieë van padgebruikers, ongeag van die voertuie wat deur hulle bestuur of gebruik word;
- (c) moet deur die LUR deur middel van kennisgewing in die Provinsiale Koerant bekendgemaak word;
- (d) sal betaalbaar word vanaf 'n datum en tyd soos deur die LUR vasgestel word op aanbeveling van die Departement, en moet gespesifiseer word in die kennisgewing wat in paragraaf (c) beoog word; en
- (e) 'n vasstelling in terme van hierdie Onderafdeling word van krag 30 dae na die publikasie daarvan.

#### **4. Bedryf van tolpaaië en hef van tolgeld deur gemagtigde persone**

(1) Die LUR mag, na konsultasie met die Lid van die Uitvoerende Raad belas met finansiële aangeleenthede in die Provinsie, 'n ooreenkoms aangaan met enige persoon, instelling, liggaam of munisipaliteit, in hierdie Afdeling die gemagtigde persoon genoem, in terme waarvan die gemagtigde persoon, vir 'n gespesifiseerde tydperk en volgens die bepalinge en voorwaardes van die ooreenkoms, gemagtig is om -

- (a) 'n tolpad of voorgenome tolpad te finansier, beplan, ontwerp, konstrueer, in stand hou of te herstel; of
- (b) 'n tolpad, of tolplaza op enige tolpad of voorgenome tolpad te bedryf, bestuur en beheer; of
- (c) 'n tolplaza te bou of op te rig en enige fasiliteite verbonde daaraan op 'n tolpad vir die doeleindes om tolgeld volgens Onderafdeling (3) te hef en in te samel.

(2) Ongeag Afdeling 3, mag 'n ooreenkoms wat ingevolge Onderafdeling (1) aangegaan is, voorsien dat die gemagtigde persoon daarop geregtig sal wees, behoudens Onderafdelings (3) en (4), om tolgeld te hef en in te samel namens die LUR of vir eie rekening -

- (a) op die toepad wat in die ooreenkoms gespesifiseer is;
- (b) gedurende die tydperk wat aldus gespesifiseer is; en
- (c) volgens die bepalings van net die ooreenkoms; en

(3) Waar die ooreenkoms voorsiening maak vir enige van die aangeleenthede genoem in Afdeling 3(1)(a), (b), (c), (d), en (e), bly die LUR verantwoordelik vir die pligte wat deur daardie Afdeling op die LUR opgelê word

(4) Die bedrag tolgeld wat deur 'n gemagtigde persoon gehef mag word, asook enige korting of vrystelling van daardie bedrag of enige verhoging of vermindering daarvan, sal op die manier bepaal word wat in Afdeling 3(3) voorsien word.

## 5. Magte van die LUR

(1) Die LUR is verantwoordelik vir alle strategiese beplanning ten opsigte van die Provinsie se toepadstelsel, asook die verklaring, beplanning, ontwerp, finansiering, konstruksie, bedryf, bestuur, beheer, instandhouding en herstelwerk van toepaaie vir die Provinsie en alle aangeleenthede wat daarmee verband hou.

(2) Benewens die LUR se vernaamste magte en funksies ingevolge Onderafdeling (1) of andersins ingevolge hierdie Wet, mag die LUR -

- (a) met die toestemming van die Lid van die Uitvoerende Raad belas met finansiële aangeleenthede in die Provinsie, deelneem aan ondernemings wat op toepaaie of ander paaie betrekking het, gesamentlik met padoutorowerhede, of enige privaat persone, instansies of liggame wat eienaarskap of beheer van toepaaie en ander paaie het of sal hê, of andersins daarby betrokke is;
- (b) vir die doeleindes van hierdie Wet die magte uitoefen ten opsigte van Provinsiale paaie wat aan die LUR verleen is ingevolge die Wet op Infrastruktuur;
- (c) enige gedeelte van 'n toepad gebruik wat nie onmiddellik nodig is vir verkeersdoeleindes nie, vir enige doeleindes na goeddunke van die LUR, behoudens hierdie Wet; en
- (d) enigiets doen wat die LUR nodig of wenslik ag vir die doeltreffende administrasie van hierdie Wet.

## 6. LUR mag koste aan munisipaliteite betaal

Die LUR, na sy of haar diskresie en op enige voorwaarde wat wenslik geag word, mag die koste of gedeelte van die koste betaal wat deur 'n munisipaliteit aangegaan is met betrekking tot 'n munisipale pad of ander werke wat, volgens ooreenkoms tussen die LUR en die munisipaliteit, nodig mag word as gevolg van die konstruksie, instandhouding, bedryf of herstel van 'n toepad.

## 7. Ooreenkoms met SANPAB

Die LUR mag 'n ooreenkoms met SANPAB aangaan, welke ooreenkoms voorsiening mag maak vir

- (a) die instelling van 'n gesamentlike outoriteit tussen die Departement en die Nasionale Padagentskap om 'n gedeelte of al die strategiese beplanning ten opsigte van die Provinsie se tolpaaië uit te voer, insluitende die beplanning, ontwerp, finansiering, konstruksie, bedryf, bestuur, beheer, instandhouding en herstel van tolpaaië in die Provinsie;
- (b) die uitvoering van die Nasionale Padagentskap van enige taak of funksie binne sy magte ingevolge die Suid-Afrikaanse Padagentskap Beperk en "National Roads Act", (Wet No. 7 van 1998) volgens sodanige bepalings en voorwaardes soos gesamentlik ooreengekom mag word; en
- (c) die LUR om op te tree as 'n gemagtigde persoon soos beoog in Afdeling 8 van die "South African National Roads Agency Limited and National Roads Act", 1998 (Wet No. 7 van 1998), ten opsigte van enige nasionale tolpad in die Provinsie.

## 8. Delegering en uitoefening van magte

(1) Die LUR mag skriftelik enige mag of funksie deleger, behalwe daardie magte wat in hierdie Afdeling en Afdelings 2,3 en 11 aan die LUR opgelê is, verleen aan die LUR deur hierdie Wet, aan -

- (a) enige amptenaar van die Departement;
- (b) 'n munisipaliteit;
- (c) 'n vervoeroutoriteit; of
- (d) 'n persoon, instelling of liggaam soos beoog in Afdeling 4;

(2) Die bepalings en voorwaardes van enige delegering ingevolge Onderafdeling (1), sal deur ooreenkoms tussen die LUR en sodanige persoon of outoriteit ingevolge Onderafdeling (1) vasgestel word, en moet skriftelik wees.

(3) Die LUR sal nie ontdoen word van enige mag of onthef word van enige funksie of plig wat die LUR gedelegeer het nie.

(4) Die delegering mag gedoen word tesame met die mag om te subdeleger op voorwaarde en behoudens enige bepalings wat sodanig vasgestel word.

(5) Die LUR mag te eniger tyd -

- (a) die delegering wat ingevolge hierdie Afdeling gedoen is, wysig of terugtrek;

- (b) enige besluit wat deur die gedelegeerde geneem is ten opsigte van 'n gedelegeerde aangeleentheid terugtrek en self oor die aangeleentheid besluit.

## 9. LUR mag geregtelike stappe instel

Die LUR mag geregtelike stappe instel om tolgelde in te samel wat deur enige persoon wat tolgeld moet betaal, verskuldig is in terme van hierdie Wet.

## 10. Beperking van aanspreeklikheid

Die LUR, 'n werknemer van die Departement, enige persoon wat namens die LUR optree of enige persoon wat 'n tolpad bedryf of konstrueer, sal nie aanspreeklik wees vir enige skade of verlies gely deur enige persoon weens die gebruik van 'n tolpad behalwe die ryvlak of as gevolg van die sluiting of verlegging van 'n tolpad ingevolge hierdie Wet.

## 11. Regulasies

- (1) Die LUR mag regulasies uitvaardig wat nie teenstrydig met hierdie Wet is nie -
  - (a) aangaande verkeer op 'n tolpad of die gebruik of beskerming van 'n tolpad
  - (b) aangaande die implementering en gebruik van elektroniese tolinsameling op tolpaaië en enige aangeleentheid daarmee gepaard gaande;
  - (c) aangaande voorgeskrewe gelde wat betaal moet word vir enige toepassing, magtiging, goedkeuring, toestemming of vrystelling waarvoor in hierdie Wet voorsiening gemaak is;
  - (d) aangaande enigiets wat in terme van enige bepaling van hierdie Wet deur regulasie voorgeskryf of vasgestel mag word; en
  - (e) oor die algemeen om sulke aangeleenthede voor te skryf as wat hy of sy nodig of voordelig mag ag vir die doeltreffende administrasie van hierdie Wet.
- (2) Verskillende regulasies mag volgens Onderafdeling (1) vir verskillende tolpaaië uitgevaardig word, en die regulasies mag daarvoor voorsiening maak dat 'n persoon wat enige bepaalde regulasie oortree of nie daaraan voldoen nie, sal skuldig wees aan 'n oortreding en by skuldigbevinding blootgestel wees aan 'n termyn van gevangenisstraf of 'n boete wat nie dit wat in die Regulasie voorgeskryf is, oorskry nie: Met dien verstande dat die maksimum termyn van gevangenisstraf nie ses maande mag oorskry nie: verder met dien verstande dat enige boete berekenbaar sal wees ingevolge Afdeling 1(1)(a) van die "Adjustment of Fines Act", 1991 (Wet No. 101 van 1991).

## 12. Wetstoepassing op Tolpaaie

- (1) Die LUR mag enige verkeersbeampte wat as sodanig ingevolge die toepaslike padverkeerswetgewing geregistreer is, magtig om die bepalings van hierdie Wet toe te pas en sodanige wetstoepassingsfunksies verbonde daaraan uit te voer.
- (2) Die LUR mag 'n ooreenkoms aangaan met -
  - (a) enige munisipaliteit, in terme waarvan die munisipaliteit gemagtig is, en onderneem om die wetstoepassingsfunksies uit te voer wat in Onderafdeling (1) genoem is, op 'n tolpad binne die munisipale gebied van daardie munisipaliteit deur werknemers van die munisipaliteit wat deur die munisipaliteit vir daardie doeleindes aangewys of aangestel is; en
  - (b) enige ander wetstoepassingsagentskap, in terme waarvan sodanige agentskap gemagtig is en onderneem om die wetstoepassingsfunksies uit te voer wat in Onderafdeling (1) gemeld is op die tolpaaie in die Provinsie, of enige van daardie tolpaaie soos in die ooreenkoms gespesifiseer, deur werknemers van die agentskap wat vir daardie doel deur die agentskap aangewys of aangestel is, behoudens die bepalings wat in die ooreenkoms vasgestel is.

## 13. Beslaglegging van voertuie

- (1) Enige persoon soos wat in Afdeling 12 bedoel word, mag ingevolge die voorgeskrewe voorwaardes en op die voorgeskrewe manier ingevolge die lasbrief uitgereik in terme van Onderafdeling (3), beslag lê op 'n voertuig wat gebruik word, of op redelike gronde geglo gebruik word vir die begaan of vermeende begaan van 'n oortreding in terme van hierdie Wet.
- (2) Enige persoon soos wat in Afdeling 12 bedoel word, beskik oor dieselfde magte en funksies verleen aan 'n polisiebeampte ingevolge die Strafproseswet, 1977 (Wet No. 51 van 1977) wat verband hou met die beslaglegging, vrystelling en verbeuring van sodanige voertuig.
- (3) 'n Magistraat of regter mag op versoek van 'n persoon soos wat in Klousule 12 bedoel word, 'n lasbrief vir die doeleindes van Onderafdeling (1) uitreik.

## 14. Misdrywe

Enige persoon wat vir tolgeld in terme van hierdie Wet aanspreeklik is, en weier of in gebreke bly om die tolgeld wat verskuldig is te betaal -

- (a) is skuldig aan 'n oortreding en strafbaar by skuldigbevinding met tronkstraf vir 'n tydperk wat nie ses maande oorskry nie, of 'n boete, of beide sodanige tronkstraf en die boete;
- (b) is hierbenewens aanspreeklik om 'n siviele boete soos voorgeskryf aan die LUR te betaal; en

- (c) is aanspreeklik om by skuldigbevinding van 'n ootreding ingevolge hierdie Wet, sodanige tolgeld wat verskuldig is te betaal.

**15. Staat gebind deur hierdie Wet**

Hierdie Wet bind die Staat.

**16. Korttitel en aanvang**

Hierdie Wet word die Gautengse Tolpadwet, 2003 genoem, en neem 'n aanvang op 'n datum wat deur die Premier by afkondiging in die Provinsiale Koerant vasgestel word.

**NOTICE 1880 OF 2003****UMTHETHO SIVIVINYWA WEMIGWAQO EKHOXHELWAYO EGAUTENG, 2003**

Incwadi ngezizqamile ngokwesimo sezimiso 136 ezimiyo zesishayamthetho sesifunda saseGauteng ukusetshenziswa okukhokhelwayo kumigwaqo ekhokhelwayo yesifunda.

**1. IZIZATHU ZOMTHETHO SIVIVINYWA**

Umthetho sivivinywa wemigwaqo ekhokhelwayo eGauteng. (GTRB) ubeka ngokugqamile umhlinzeko womthetho odingekayo wokusungula.

Kudingekile ukuthi isifunda saGauteng sibe nomthetho waso wemigwaqo ekhokhelwayo lapho uMEC wayo ongamemezela ezinye izingxenye zokuxhumana komgwaqo wesifunda njengemigwaqo ekhokhelwayo. Lentuthuko idingekile ukuze kubanjiswane kanye negatsha lemigwaqo kazwelonke laseMzantsi Afrika (South African National Roads Agency Limited) ukuqhubekisa ukuthuthuka kokuxhuma komgwaqo okhona maphakathi nalesi funda. UMthetho sivivinywa ubuye uvumele isifunda singene kusivumelwano kanye neSANRAL maqondana nokwenza ngokweziphakamiso zokuxhumana ngomgwaqo okhokhelwayo. UMthetho sivivinywa uqinisekise ukuthi ukubonisana kuyikho kuyaqhutshwa kanye no masipala basekhanya maqonda nokumenyezelwa kwemigwaqo ekhokhelwayo. Ukuxhumana komgwaqo wesifunda kuzothuthukiswa ngendlela yokuqalisa kwelemithetho yokuthelwa ukuthi izakuhlangabezana nokuthuthuka komnotho wesifunda kanye nezidingo zokuthuthwa kwabantu baso.

**2. IGALELO LESIMO SEZEMVELO**

Lomthetho sivivinyo kusimo sezemvelo.

**3. OKUTHINTEKAYO NGEZIMALI ZOMTHETHO SIVIVINYWA.**

Kucatshangelwa ukuthi imisebenzi yangasese izosetshenziswa njengevunyelwe ekusetshenzisweni kwamasu emigwaqo ethelelwayo. Ukuqhubeka, okuthelelwayo ngokusetshenziswa ngokukhokha ngokusebenzisa futhi kanjalo akukho okuqokiwe ngezimali okudinga kugqanyiswe ngokwesimo somthetho sivivinywa.

**4. IZIMVO NOKUNXUSWA**

Ngaphezu kweminyaka emithathu eyedlule noma emingaphi, ukubonisana kwenzeka kanye neziphathi mandla zasekhaya ezahlukahlukene kusifunda maqondana ne GTRB kanye nemigomo yokuthelisa imigwaqo emikhulu yesifunda kwamukelwa yiziphathimandla eziqondene.



**5. INCANZELO NGOHLAMVU NOHLAMVU**

- Uhlamvu 1: Lohlamvu luqukethe izincazelo eziqondene nomthetho.
- Uhlamvu 2: Lohlamvu lusho ukuthi u MEC angamemezela noma yimuphi umgwaqo wesifunda omusha ube ngumgwaqo othelelwayo. Kodwa-ke mayelana nomgwaqo okhona wesifunda uMEC angamemezela kuphela lowomgwaqo othelelwayo ngokubonisana noNdunankulu wesifunda.
- Uhlamvu 3: Lohlamvu lusho ukuthi kungaqhutshwa kanjani ukukhokhisa kanye nokuqoqwa kokuthelwayo, okuvumele uMEC anikezane ngokuhleshulwe emalini noma ukuxolelwa okuphelele noma okuyingxenye ngokwezinhlobo zezinqola noma ngokwezinqola ezizosetshenziswa kumigwaqo ethelelwayo phakathi kwesikhathi esiqokiwe. Amanani okuthelwayo azakunqunywa nguMEC ngokunconywa ngumnyango ngemva kokubonisana nomasipala abaqondene kuzindawo abakhonya kuzo okwakiwe umgwaqo othelelwayo.
- Uhlamvu 4: Lohlamvu luchaza ukuthi abantu abagunyaziwe bangaqhuba kanjani imigwaqo ethelelwayo futhi banqume nokukhokhela okuthelwayo. Ovunyelwe ukuphatha okuthelwayo uzakuqokwa ngokwa lohlamvu.
- Uhlamvu 5: Amandla ka MEC ngokwemigwaqo ethelelwayo achazwe kulohlamvu uMEC unesibopho sokuhlela amasu onke maqondana nohlelo lwemigwaqo ethelelwayo yesifundazwe kanye nesimemezelo; ukuhlela, umklamo, ukukhokhela, ukubheka, ukuphathwa kanye nokuhlenga imigwaqo ethelelwayo.
- Uhlamvu 6: Ukubonisana kufanela kwenzeke nomasipala maqondana nokumemezela imigwaqo ethelelwayo.
- Uhlamvu 7: uMEC angangena kusivumelwano ne SANRAL maqondana nokuqhuba isu lomgwaqo othelelwayo kanye nokuhlukanisa isibopho phakathi kweziphathimandla ezimbili.
- Uhlamvu 8: Lohlamvu luvumela uMEC ukuthi anikezele amanye amandla ngokomthetho.
- Uhlamvu 9: uMEC unelungelo lokususa izinqubo zomthetho ukuthola izimali ezithelwayo ezisalele ngokwalohlamvu.
- Uhlamvu 10: Lohlamvu lunciphisa amalungelo amanye amalunga ukuletha izinqubo zomthetho maqondana nemigwaqo ethelelwayo ephikisana noMEC, umsebenzi womnyango, noma muphi umuntu osebenza encike esikhundleni sikaMEC, noma yimuphi umuntu osebenza noma owakha okuthelwayo.
- Uhlamvu 11: Lohlamvu luveza izindawo lapho uMEC angenza imitheshwana.

- Uhlamvu 12:** uMEC angagunyaza iziphathimandla eziphoqelela umthetho wezindlela kusifunda ukwenza eminye imisebeni kumigwaqo ethelelwayo futhi izivumelwano kungangenwa kuzo kanye nabaphathelene nokuphoqelela ukwenza lomsebenzi.
- Uhlamvu 13:** Lokhu kuvumela ukuthumba izonqola, ezisetshenziswe ukuphula umthetho wezindlela ezithelelwayo.
- Uhlamvu 14:** Lohlamvu luveza amacala angathweswa umuntu ophula umthetho.
- Uhlamvu 15:** uMbuso uboshwa ngumthetho.
- Uhlamvu 16:** Lohlamvu lunikeza isihloko esifushane somthetho futhi luchaza ukuthi uNdunankulu anganquma usuku lokuqalisa ukusebenza kwalolucezu lwesimiselelo somthetho.

**UMTHETHO SIVIVINYWA WEMIGWAQO ETHELELWAYO EGAUTENG**

**Ukunikeza isimemezelo, ukwakhiwa, umsebenzi, ukugcinwa, kanye nokuphathwa kwezindlela ezithelelwayo zesifunda saseGauteng. Ukuchaza amandla kanye nemesebenzi yelunga eliphezulu elibhekene nemigwaqo ethelelwayo kanye nokukhokhisa ukuthela ngabantu abagunyaziwe, kanye nokunikeza ngokunye okuxhumene nalokho.**

**ISINGENISO**

Ngokubona ukuthi ukuxhumana ngomgwaqo kusifunda saseGauteng kusemqoka ekuthuthukiseni isifunda saseGauteng kanye noMzantsi Afrika wonkana.

Ukobona ukuthi kusemqoka ukugcina kanye nokukhulisa ukuxhumana ngomgwaqo eGauteng ukunikeza ukukhula kwezidingo kanye nokufinyelela kwezidingo zabasebenzisa umgwaqo.

Ukubona ukuthi ukuxinana okweqile kumigwaqo eminingi enguthelawayeka kanye eminye imigwaqo emikhulu eGauteng kudinga ukunakekelwa okuphuthumayo.

Ukubona ukuthi njengenxenye yomgomo wezokuthutha kusifunda, uhlelo lwemigwaqo ethelelwayo lwesifunda saseGauteng lunikeza isixazululo ngokuxhumana ngemigwaqo futhi, ukubona ukuthi ukuzibandakanya kwezinkampani zangasese kusemqoka ekuxhaseni, ukwakhiwa kanye nokusebenza kwemigwaqo ethelelwayo e Gauteng .

**MANJE KANJALO KUZAKUMISWA yisishayaMthetho sesifunda saseGauteng, njengokulandelwayo:**

## UKUHLELWA KWEZIGABA

### Isigaba

1. Izincanzelo
2. Ukumenyenzelwa kwemigwaqo ethelelwayo
3. Ukukhokhisa kanye nokuqoqa intela
4. Ukusetshenziswa kwemigwaqo ethelelwayo kanye nokukhokhiswa kwentela ngabantu abagunyaziwe.
5. Amandla ka MEC.
6. uMEC angakhokha izindleko kumasipala.
7. Isivumelwano se SANRAL .
8. Ukunikezwa kanye nokusebenza kwamandla .
9. uMEC angacalisa ngezinyathelo zomthetho .
10. Ukukhawuliswa kokuyisikweletu.
11. Izimiselo
12. Ukuphoqelwa komthetho kumigwaqo ethelelwayo.
13. Ukuthunjwa kwezinqola
14. Amacala
15. Uhulumeni uyaboshwa wulomthetho.
16. Isihloko esifushane kanye nokuqaliswa.

### 1. Izincanzelo

Kulomthetho, ngaphandle kokuthi ingqikithi ikhomba okunye

“Umthethosisekelo” usho umthetho sisekelo we Riphubliki yase Ningizimu Afrika, 1996 (uMthetho namba 108 ka 1996);

“Ukakhiswa” maqondana nomgwaqo ,kufaka nokuvuselelwa ,ukuvulwa, ukuphambuka, ukuguqula, ukulungiswa, ukuthuthukiswa kanye nokukhuliswa.

“Umnyango” usho umnyango kuhulumeni obhekene nemigwaqo yesifunda.

“Isigungu esiphezulu” kusho isigungu esiphezulu sikahulumeni wesifunda,

“Umgwaqo wesifunda osukhona” kusho noma ngumuphi umgwaqo wesifunda noma ingxenye yawo, ukwakhiwa kwawo okuqediwe ngaphambi kosuku lokumenyezelwa kwalomgwaqo njengomgwaqo o thelelwayo,

“uMthetho” wengqalasizinda usho umthetho wengqalasizinda wokuthutha eGauteng ,2001 (umthetho namba 8 ka 2001)

“MEC” kusho ilunga lesigungu esiphezulu esibhekene nemigwaqo yesifunda,

“Umgwaqo kamasipala” kusho umgwaqo oboniswe kusigaba 155 (6) somthethosisekelo, futhi ufaka izinhlobo zonke zomasipala.

“umgwaqo omusha wesifunda” usho umgwaqo wesifunda ngaphandle komgwaqo wesifunda osukhona ,

“Ukunquma” kusho ukunquma njengomthetho ku Gazethi lesifunda ,

“Isifunda ‘ kusho isifunda saseGauteng,

‘Umgwaqo wesifunda’ kusho umgwaqo njengoba kuchazwe kumthetho wengqalasizinda, kufaka nezindlela ezivulekile njengoba kuchazwe kulowo mthetho,

‘Umgwaqo womphakathi’ kusho umgwaqo umphakathi onelungelo lokuwusebenzisa,

‘Isimiselo’ kusho nomasiphi isimiselo esenziwe ngaphansi kwalomthetho,

“Umgwaqo” kusho

- (a) umgwaqo ongasetshenziswa
- (b) indlela mgwaqo njengokuchaziwe kumthetho wengqalasizinda,
- (c) umhlaba otholelwe ukwakhiwe ukuxhumana phakathi komgwaqo othelelwayo kanye nomunye umgwaqo

“SANRAL” kusho igatsha lemigwaqo likazwelonke lase mzansi Afrika elasungulwa ngaphansi kwesigaba 2 somthetho wegatsha lemigwaqo kazwelonke eningizimu Afrika kanye nemigwaqo kazwe lonke ,1998 (umthetho namba 7 ka 1998)

“Lomthetho” ufaka nezimiselo,

“iplaza yokuthela” kusho indawo kumgwaqo othelelwayo lapho intela ikhokhwa khona noma yiphi into eyenziwe yelocroniki noma umushini kumgwaqo othelelwayo wokubhala isamba somthetho okumele sikhokhwe kanye nokusamshini futhi kufake nesango lapho kuthelwa khona,

“umgwaqo othelelwayo” kusho umgwaqo wesifunda noma ingxenye yawo omenyezelwe umgwaqo othelelwayo ngaphansi kwesigaba 2(1)(a) noma 2 (1)(6) futhi okunikezwe isaziso ngokwengxenye yesigaba (3) saleso sigaba kuGazethi lesifunda.

“Isikhulu sokuthutha” kusho isikhulu sokuthutha esisungulwe kusifunda njengoba kunqunyiwe kuzinhleko zomthetho wesikhashana wokuthutha kazwelonke, 2000 (umthetho namba 22 ka 2000).

“Inqola” kusho inqola njengoba kuchazwe kumthetho wezukuphambisa emgwaqweni ka zwelonke 1996 (umthetho namba 93 ka 1996)

## 2. Ukumenyezelwa kwemigwaqo Ethelelwayo

(1) Ngokuya ngokunikezwe yilesigaba, uMEC ngokubonisana noNdunankulu wesifunda;

(a) angamemezela noma muphi umgwaqo okhona ochachisiwe noma wesifunda omusha noma yiphi ingxenye echachisiwe yawo, kufake noma liphi ibhuloho, noma intunja kulowo mgwaqo wesifunda okhona ukuze ube ngumgwaqo othelelwayo ngokwezinjongo zalomthetho, futhi

(b) angaguqula noma ahoxise nomayisiphi isimemezelo esenziwe.

(2) Isimemezelo, inguquko noma isihoxiso ngaphansi kwezingxenye zesigaba (1), siba ngesisebenzayo kuphela emuva kwezinsuku ezingamashumi amathathu (30 days) ngemuva kwesaziso ngalokho kuGazethi lesifunda ngu MEC

(3) uMEC akafanele ukumemezela umgwaqo o thelelwayo ngaphansi kwengxenge yesigaba (1) (a), noma aguqule lesisimenzelo ngaphandle-

(a) uMEC, ngendlela enqunyiwe anikeze isaziso, ngokujwayelekile, ngesimemezelo esihlongozwayo noma inguquko, futhi kusaziso

(i) unikeze inkomba yohlobo lweplaza yokuthela kanye nesifanekiso sendawo yeplaza yokuthela yomgwaqo othelelwayo ohlongozwayo.

(ii) Umeme noma yimuphi umuntu onesihe ukuba abeke umqondo noma ahambise isikhalo, ngokubhaliwe ku mnyango lungakadluli usuku oluchachisiwe olungekho ngaphambi kwezinsuku ezingama 60 ukusuka kusuku lwesaziso, ngesimemezelo esihlongozwayo somgwaqo othelelwayo, nezinye izinguquko kulesimemezelo, uhlobo lweplaza yokuthela, noma indawo lapho iyakuba khona,

(b) uMEC ngokubhaliwe usenxuse wonke omasipala kanye nezikhulu zokuthutha, lapho indawo yazo yokuphatha umgwaqo othelelwayo ohlongozwayo ukhona, abeke umqondo kumnyango ngesimemezelo esihlongozwayo noma izinguquko kanye nezinye izinto eziphathelele nomgwaqo othelelwayo futhi ikakhulukazi,

ngohlobo lweplaza yokuthela kanye nendawo yeplaza yokuthela phakathi kwesikhathi esichachisiwe esingezwe saba ngaphansi kwezinsuku ezingama 60,

- (c) umnyango usuthumele izincomo zawo kanye neziphakamiso maqondana nesimemezelo noma inguquko yomgwaqo othelelwayo ku MEC kanye nombiko ngemibono kanye nezikhalo esezitholakele,
- (d) umnyango usobonisile ubungakho bazozonke izinto eziphakanyisiwe kunoma yiwuphi umbono kanye nezikhalo ngokuya ngalengxenywe yesigaba esifakiwe kulezoziphakamiso kanye nezincomo zomnyango, futhi
- (e) uMEC ugculisekile ukuthi zonke izinyathelo ezivezwe kulengxenywe yesigaba kuhanjiswa ngazo.

### 3. Ukukhokhisa kanye nokuqoqa okuthelwayo

- (1) Ngokuya ngezinhlelo zalesigaba u MEC ngesaziso kuGazethi lesifunda ,anga
  - (a) ngokuqhuba noma ukusebenzisa noma yiphi inqola kumgwaqo othelwayo, akhokhise futhi aqoqe okuthelwayo inani lakho eselinqunywe futhi laziswa ngokwengxenywe yesigaba (3), ezokukhokhwa kuplaza yokuthela ngumuntu oshayelayo noma osebenzisa inqola ,noma kuyiphi enye indawo ngokuya ngezimo uMEC angazinquma futhi zaziwe
  - (b) nikeza okuhleshuliwe emalini noma okuphelele noma ingxenywe kungakhokhwa ekukhokheni okuthelwayo kumgwaqo othelelwayo othile.
    - (i) ngokuya ngezinqola zonke zohlobo olunqunywe ngu MEC noma ngokuya ngezinqola zalohlobo ezishayelwa noma ezisetshenziswa kumgwaqo othelelwayo ngesikhathi esichachisiwe noma,
    - (ii) kubobonke abasebenzisi bomgwaqo othelelwayo wohlobo olunqunywe ngu MEC kungakhethwe zinqola ezishayelwayo ,noma kwabasenziswa kumgwaqo othelelwayo walohlobo lapho kushayelwa noma usebenzisa izinqola kumgwaqo othelelwayo ngesikhathi esinqunywe.
  - (c) thintela ukukhokhiwa kokuthelwayo kumgwaqo othile kumahora noma ezinye izikhathi ezingqunywe ngu MEC.
  - (d) angamisa ukukhokhiwa kokuthelwayo kumgwaqo othelelwayo othile noma ngasiphi isikhathi esichaziwe noma esingachaziwe, noma ngokuya ngezinqola zonke jikelele, noma ngokuya ngezinqola zonke zohlobo noma abasebenzisi mgwaqo bohlobo olunqunywe nguMEC futhi zachachiswa kuleso saziso, futhi kuqalise ukukhokha kokuthelwayo ngemuva kokuhoxiswa kwesimo futhi
  - (e) Hoxisa okulandelayo-
    - (i) nomakuphi okuhleshuliwe noma ukuxolelwa ngaphansi kwesiqephu (b);

- (ii) noma kuphi ukukhawulisa ngaphansi kwesiqephu ©
  - (iii) konke okumiswe ngaphansi kwesiqephu (d) noma
- (2) Okuhleshulwe emalini, ukuxolelwa, ukukhawulisa noma ukumiswa noma ukuhoxiswa ngaphansi kwengxenywe yesigaba(i) Siba ngesisebenzayo izinsuku ezingama 30 ngemuva kosuku lokukhishwa kwesaziso olubekwe kungxenywe yesigaba (1).
- (3) Imali yokuthelwayo engakhokhiswa ngaphansi kwengxenywe yesigaba (1), nomakuphi okuhleshuliwe emalini noma ukuxolelwa lapho futhi nomakuphi ukukhuphuka noma ukwehliswa lapho -
- (a) kuzakunqunywa ngu MEC ngeziphakamiso zomnyango ngemuva kokubonisana kanye nabo bonke omasipala kanye nesikhulu sokuthutha, indawo yasoyokusebenza kukhona umgwaqo othelwayo.
  - (b) bangahlukana ngokuya nge;
    - (i) izindlela ezikhokhelwayo ezihlekene;
    - (ii) izinqola ezihlukene noma izinqola zezinhlobo ezihlukene ezishayelwa noma ezisetsheziswa kumgwaqo othelwayo;
    - (iii) Izikhathi ezihlukene lapho nomayiphi inqola noma yohlobo oluthile ishayelwa noma isetshenziswa kumgwaqo othelwayo, futhi
    - (iv) izinhlobo ezihlukene zabasebenzisa umgwaqo , kungakethwe zinqola ezishayelwayo noma ezisetshenziswa yibo.
  - © kufanele zaziswe ngu MEC ngesaziso ku Gazethi lesifunda
  - (d) zizokhokhwa kusuka kusuku kanye nesikhathi esinqunywe ngu MEC ngesiphakamiso somnyango, futhi kufanele luchachiswe kusaziso kusiqephu (c) futhi
  - (e) isinqumo ngokwalengxenywe yesigaba siqalisa izinsuku ezingama 30 ngemuva kosuku lokukhishwa kanjalo.

**4. Ukusetshenziswa kwemigwaqo ethelelwayo kanye nokukhokhiswa kokuthelwayo ngabantu abagunyaziwe.**

- (1) uMEC, ngemuva kokubonisana nelunga lesigungu esiphezulu elibhekene nezindaba zezimali kusifunda, angangena kusivumelwano nanoma muphi umuntu, inhlango, umgwamanda noma umasipala, kulesisigaba obizwa umuntu ogunyaziwe, ngokuya ngomuntu ogunyaziwe futhi ngokuya ngesikhathi futhi ngamibandela yesivumelwano esigunyaziwe-
- (a) ukuxhasa, ukuhlela, ukufanelisa ukwakha, ukugcina noma ukulungisa umgwaqo othelwayo ohlongozwayo, noma



- (b) ukuqhuba, ukuphatha kanye nokubheka umgwaqo othelelwayo, noma iplaza yokuthela kunoma yimuphi umgwaqo othelelwayo ohlongozwayo, noma
- (c) ukwakha noma ukumisa iplaza yokuthela kanye naManye amalungiselelo axhumane nalokho kumgwaqo othelelwayo ngenhloso yokukhokhisa nokuqoqa okuthelwayo ngokwengxenywe yesigaba (3).

(2) Ngaphadle kwesigaba 3 sesivumelwano esaphothulwa ngaphansi kwengxenywe yesigaba (1) singanikeza ukuthi umuntu ogunyaziwe angaba nelungelo, ngokuya ngokwengxenywe yezigaba (3) noma (4), ukukhokhisa kanye nokuqoqa okuthelwayo esikhundleni sika MEC noma yena ngokwakhe

- (a) kumgwaqo othelelwayo ochachisiwe kusivumelwano
- (b) phakathi kwelesikhathi esichachisiwe kanjalo, futhi
- © ngokuya ngezinhlizeko zesivumelwano kuphela, futhi

(3) Lapho isivumelwano sinikezana nganoma yikuphi kusigaba 3 (1) (a), (b), (c), (d) kanye no(e) uMEC uhlala abhekene nemisebenzi ethweswe ku MEC yilesosigaba.

(4) Imali ethelwayo engakhokhiswa ngumuntu ogunyaziwe kanye nanye nokunye okuhleshulwe emalini noma okukhishwe kuleyo mali noma okunye nokukhushulwe noma okuncishisiwe lapho kuza kunqunwa ngendlela enikwezwe kusigaba 3 (3).

## 5. Amandla ka MEC

(1) uMEC ubophezelekile ekuhleleni kwamasu maqondana nohlelo lwemigwaqo ethelelwayo kusifunda, kanye nokumemezela, ukuhlela, ukufanekisa, ukuxhasa, ukwakhiwa, ukuqhuba, ukuphathwa, ukubhekwa, ukugcina kanye nokuhlengwa kwemigwaqo yesifunda kanye nazozonke izindaba kanye nezinto ezixhumeke lapho.

(2) Ekungezeni kumandla asemqoka kanye nemisebenzi ngaphasi kwengxenywe yesigaba (1) noma ngokunjani ngaphansi kwalomthetho, uMEC

- (a) ngokuvunyelwa yilunga lesigungu eliphezulu elibhekene nezindaba zezimali kusifunda ukubamba iqhaza kumisebenzi, emaphathelana nemigwaqo ethelelwayo noma abantu bangasese, izikhungo noma imigwamanda abane, nomabazakuba nokuphatha noma ukubheka noma ngokunjalo bazimbandakanye nemigwaqo ethelelwayo
- (b) ngokwezinjongo zalomthetho ukusebenzisa amandla maqondana nemigwaqo yesifunda okunikezwe kuMEC ngokwegunya lomthetho wengqalasizinda;
- © sebenzisa noma ziphi ingxenywe yomgwaqo othelelwayo ongeke odingeke masishane ngokwezinjongo zokuhamba emgwaqeni, noma ziphi izinjongo ezingabonwa nguMEC ukuthi zilungile ngokwalomthetho, futhi,

- (d) ngenza noma yini u MEC angabona kudingeka noma kufanele ngokuphatha kwalomthetho okusebenzayo

## 6. uMEC angakhokha izindleko komasipala

uMEC, ngokwentando yakhe kanye neminye imibandela angayibona ifanele, angakhokha izindleko noma ingxenye yezindleko ezitholwe ngumasipala ezixhumane nomgwaqo kumasipala noma eminye imisebenzi, ngokwesivumelwano phakathi kuka MEC no masipala ezivele ngokudingeka ngenxa yokwakhiwa, ukugcinwa, ukuqhuba noma ukuhlengwa komgwaqo othelelwayo.

## 7. Isivumelwano neSANREL

uMEC angangena kusivumelwano neSANRAL lesosivumelwano esinganikeza

- (a) uMnyango kanye neGatsha lemigwaqo kuzwelonke ukusungula ukubambisana kwamandla ukwenza ingxenye noma onke amasu okuhlela, ukufanekisa, ukuxhasa, ukwakhiwa, ukuqhuba, ukuphatha, ukubheka, ukugcina kanye nokuhlengwa kwemigwaqo othelelwayo kusifunda.
- (b) ukwenza kweGatsha lemigwaqo kazwelonke umsebenzi enqungiwe noma umsebenzi ophakathi namadla alo ngaphansi komfela ndawanye wegatsha lemigwaqo ka zwelonke (South African National Roads Agency Limited) kanye nomthetho wemigwaqo kazwelonke; 1998 (umthetho namba 7 ka 1998) ngokuvumelana kanye nemibandela njengoba kuzakuba kuvunyelwene; futhi
- (c) uMEC enze njengomuntu ogunyaziwe njengoba kubekiwe kusigaba 8 somfelandawonye wegatsha lemigwaqo kazwelonke laseNingizimu Afrika kanye nemi gwaqo ka zwelonke, 1998 (umthetho namba 7 ka 1998),maqondana nanoma muphi umgwaqo othelelwayo kazwelonke otholakala phakathi nesifunda.

## 8. Ukunikeza kanye nokusebenza kwa mandla .

(1) uMEC ngokubhaliwe anganikeza noma maphi amandla noma umsebenzi ngaphandle kwalawo mandla anikezelwe kuMEC kulesigaba kanye nesigaba 2, 3, kanye no11, ezinikezwe kuMEC yilomthetho -

- (a) noma yisiphi isikhulu soMnyango
- (b) umasipala
- (c) isikhulu sokuthutha ,noma
- (d) umuntu, isikhungo noma umgwamanda obikwe kusigaba 4,

(2) Izivumelwano kanye nemibandela yanomakuphi ukunikezelwa ngaphansi kwengxenywe yesigaba (1) kuzakunqunywa ngokwesivumelwano phakathi, kuka MEC kanye nalowo muntu noma isikhulu njengoba kucatshangelwa ngaphansi kwengxenywe yesigaba (1) futhi kufanele kube ngokubhaliwe.

(3) uMEC angeke aphucwe noma maphi amandla noma aphunyuzwe kunoma wumuphi umsebenzi anikezele ngayo.

(4) Ukunikezwa kunganikezelwa negunya lokudlulisa ukunikezwa ,ngokuya ngemibandela enqunyiwe kanjalo.

(5) uMEC, noma ngasiphi isikhathi anga -

(a) guqula noma angabuyisa ukunikezwa okwenziwe ngaphansi kwalesigaba

(b) hoxisa futhi athathe isinqumo ngodaba yena mathupha

## 9. uMEC angaqalisa ngezinyathelo zomthetho

uMEC angaqalisa ngezinyathelo zomthetho ukuthola izimali ezithelwayo ezikolodwa yinoma yimuphi umuntu ofanele ukuthela ngokwalomthetho.

## 10. Ukukhawulisa kokuyisikweletu

uMEC, umsebenzi womnyango, noma ngumuphi umuntu osebenza esikhundleni sikaMEC noma wumuphi umuntu oqhuba noma owakha umgwaqo othelelwayo, angeke anele ukukhokha izindleko noma ukulahlekelwa okwenzeke kunoma ngumuphi umuntu ngokusebenzisa umgwaqo othelelwayo ngaphandle kwendlela yomgwaqo noma ngesizathu sokuvalwa noma ukuphambuka komgwaqo othelelwayo ngaphansi kwalomthetho.

## 11. Izimiselo

(1) uMEC, angenza izimiselo ezingeke zinqubuzane nalomthetho -

(a) ngokuhamba emgwaqeni kumgwaqo othelelwayo noma ukusetshenziswa noma ukuvikela umgwaqo othelelwayo,

(b) maqondana nokuqaliswa kanye nokusebenzisa ukuqoqa kokuthelwa ngelektroniki kumigwaqo othelelwayo kanye nanoma luphi udaba olunga phansi kwalolo,

© ukunquma imali okufanele ikhokhwe ngasiphi isicelo, isigunyazo, imvume, noma ukuxolelwa okunikeziwe kulomthetho.

(d) ukuhambelana kunomayini ngokwa noma yikuphi okunikeziwe kulomthetho kungamiswa noma kunqunywe ngezimiselo futhi .

- (e) ngokujwayekile ukumisa kwalezindaba njengoba yena angabona kunesidingo noma ngokulula ukuphatha ngendlela efanele yalomthetho

(2) Izimiselo ezihlukene zingenziwa ngaphansi kwengxenywe yesigaba (1) zemigwaqo ethelelwayo ehlukene, futhi izimiselo zinganikeza ukuthi umuntu ophula noma ohlulekayo ukuhambisana nesimiselo esithile uzothweswa icala futhi ekutholweni enecala uzakugqunywa isikhathi noma inhlawulo engeqile kuleyo enqunyiwe kuzimiselo. Ngaphandle kokuthi isikhathi esikhulu angagqunywa ejele asingekke sidlule izinyanga eziyisithupa, ukuqhubeka sinikezo ukuthi yonke inhlawulo izakubalwa ngokuya ngesigaba 1 (1) (a) somthetho wokulinganisa izinhlawulo, 1991(umthetho namba 101 ka 1991)

## 12. Ukuphoqeelwa komthetho emigwaqeni ethelelwayo.

(1) uMEC angagunyaza noma yiliphi iphoyisa lomgwaqo elibhaliswe kanjalo ngaphansi kwezimiselo zokuhamba emigwaqeni ukuphoqeela izinhlizeko zalomthetho ehlangene nalokhu.

(2) uMEC angangena esivumelwaneni no -

- (a) nomangumuphi umasipala, gokuthi umasipala ugunyaziwe, uthi uzibophelela ukwenza imisebenzi yokuphoqeela umthetho ebekiwe kungxenywe yesigaba (1) kumgwaqo othelelwayo phakathi nendawo kamasipala yalowo masipala ngokwabasebenzi baka masipala okhethwe noma oqokwe nguye ngaleyonhloso, futhi.
- (b) noma yiliphi elinye igatsha lokuphoqeela umthetho ngokokuthi leligatsha ligunyaziwe futhi liyavuma ukwenza imisebenzi yokuphoqeela umthetho obikiwe kungxenywe yesigaba (1) kumigwaqo ethelelwayo kusifunda; noma omunye waleyomigwaqo ethelelwayo njengoba ichachisiwe kusivumelwano, ngokwabasebenzi begatsha abakhethwe noma abaqokwe yigatsha ngaleyonhloso, ngaphansi kwemibandela enqunyiwe kusivumelwano.

## 13. Ukuthunjwa kwezinqola .

(1) umuntu ocatshangelwe kusigaba 12 ngaphansi kwemibandela enqunyiwe futhi ngendlela enqunyiwe ngegunya lencwadi yemvume ekhishiwe ngokwengxenywe yesigaba (3) angathumba inqola esetshenziswa noma okukholelwa ngezizathu ezifanele ukuthi isetshenziswa ekwenzeni noma ekusoleni okunye icala ngokuya ngalomthetho.

(2) umuntu ocatshangelwa kusigaba 12 unamandla afanayo kanye nemisebenzi enikezwe isisebenzi samaphoyisa kumthetho wokuqhuba kwezigebe, 1977 (Criminal Procedure) (uMthetho namba 51 ka 1977) ohambelana nokuthunjwa, ukukhishwa noma ukulahlekelwa yilungelo laleyo nqola.

(3) umantshi noma ijaji ngesicelo somuntu ocatshangelwe kahlamvu 12, angakhipha incwadi yemvume ngokwezinhloso zengxenywe yesigaba (1).

**14. Amacala .**

Wonke umuntu ofanele ukuthela ngokwalomtheth, futhi owenqabayo noma ohlulekayo ukukhokha, imali yokuthela efanele -

- (a) uzotholwa anecala futhi ajeziswe egugwetshweni ngokugqunywa ejele isikhathi esingeqile kuzinyanga eziyisithupa noma inhlawulo, noma ngakho kokubili ukugqunywa ejele kanye nenhlawulo,
- (b) ufanele ngokungeziwe, akhokhe kuMEC inhlawulo ngokobuntu njengoba kunqunywe, futhi.
- (c) ufanele akhokhe lowomthelo ofanele ngokutholwa enecala ngaphansi kwalomthetho.

**15. Uhulumeni uyaboshwa ngalomthetho**

Lomthetho ubopha uhulumeni.

**16. Isihloko esifushane kanye nokuqaliswa .**

Lomthetho ubizwa umthetho wemigwaqo ethelelwayo eGauteng, 2003, futhi uqala ukusebenza ngosuku olumiswe ngoNdunankulu ngesimemezo kuGazethi lesifunda.

**NOTICE 1880 OF 2003****MOLAWANA WA GAUTENG WA DITSELA TSE LEFELWANG, 2003  
(GAUTENG TOLL ROADS BILL)**

Lengolo la sehopotso ho ya ka taelo ya 136 ya Ditaelo tse ikemetseng la Lekgotla Molao la Gauteng.

**1. MABAKA A MOLAWANA**

Molawana wa Gauteng wa Ditsela tse lefelwang o tsejwang jwaloka Gauteng Toll Road Bill (GTRB) lo hlalisa dipehelo tsa semolao bakeng sa ho tlišwa ha ditefello ditseleng tsa Porofintshi. Ho a hloka hore Gauteng e be le molao wa ditefello tsa mebila oo ka wona LETONA LA LEFAPHA LA DIPALANGWA (MEC) a tla laelang hore dikarolo tsa Mebila ya Porofintshi e be tse lefelwang.

Tswelo-pele ena e a hloka hore bakeng sa tshebedisano mmoho le (khr. Mokgatlo wa Setjhaba wa Ditsela) South African National Road Agency bakeng sa tswelo-pele ya mebila e hara Porofintshi ena. Molawana o boetse o dumella Porofintshi ho ba le tumellano le SANRAL mabapi le ho kengwa tshebeletsong ha mebila e fapaneng e lefelwang. Molawana o boetse o tiisa hore ho be le dikamano tse lokelang le bomasepala ba selehae mabapi le taelo ya hore ditsela tse itseng di lefellewe. Mebila ya Porofintshi e fapaneng e tla ntshetswa-pele ka tsela e tla etsang hore ho tlišwa ha molao-taolo wa ditefello o kgone ho tsamaisana le moruo wa Porofintshi le ho fihlella dihloko tsa batho ba yona.

**2. HO AMEHA HA TIKOLOHO**

Molawana ona ha o ame tikiloho hohang.

**3. MOLAWANA ONA O AMA DITJHELETE JWANG**

Ho lebeletswe hore mokgatlo wa porafete ke wona o tla fuwang tokelo ya ho amohela ditefello bakeng sa ho kengwa tshebedisong ha mahlale a ditsela tse lefelwang. Ho feta moo, ditsela tse lefelwang di fumana ditjhelete ho ba basebedise ba tsona kahoo ha ho ditjhelete tse ikgethang tse tshwanelang ho totobatswa molawaneng ona.

**4. DITSHWAELO TSE AMOHETSWENG LE TSE KOPILOWENG**

Lemong tse tharo tse fetileng, ho bile le dipuisano pakeng tsa balaodi ba metse setoropo ba fapaneng le moporofintshi ka GTRB mme ho na le amohelo le bomasepala ba amehang ho ka etsa hore mmila e meholo e lefellewe.

## 5. TLHALOSO KA KAROLO LE KAROLO

- Karolo 1: Karolo ena e na le ditlhaloso tse tsamaelanang le Molao.
- Karolo 2: Karolo ena e bolela hore LETONA LA LEFAPHA le ka laela hore tsela e ntjha ya porofintshi e lefiswe. Empa tseleng ya kgale ya porofintshi, LETONA LA LEFAPHA le ka laela sena feela kamora puisano le Tonakgolo ya Porofintshi.
- Karolo 3: Karolo ena e bolela hore ho ka lefiswa kapa ha bokellwa jwang ditefello, ho dumellwa hore LETONA LA LEFAPHA le fane ka dithuso, dikgaolelo kapa ditefello tse fellelseng malebana le mefuta ya dipalangwang kapa bakeng sa dipalangwang ka dinako tse behilweng. Ditjhelete tsa mebila di tla behwa ke LETONA LA LEFAPHA le ka keletso ya Lefapha kamorao ha dipuisano le bommasepala ba amehang mme tsela e lefellowang e welang tlasa taolo ya hae.
- Karolo 4: karolo ena e hlalosa kamoo motho ya dumelletseng a ka tsamaisang mme a lefisetsa tsela ka yona. Motho ya dumeletsweng ho tsamaisa ditefello tsa tsela o tla kgethwa ho latela karolo ena.
- Karolo 5: Matla a LETONA LA LEFAPHA le mabapi le ditsela tse lefellowang a hlalositse karolong ena. LETONA LA LEFAPHA le na le boikarabelo ba mahlale a ho rera ka ditsela tse lefelwang tsa Porofintshi mmoho le ditaello, merero, moetso, ditefello, ho ahuwa, tshebetso, tsamaiso, taolo, tlhokomelo le ho lokiswa ha ditsela tse lefisang.
- Karolo 6: Ho tshwanela hore ho be le dipuisano tse tshwanelang ho etsuwa le bommasepala malebana le taello ya hore mebila e lefise.
- Karolo 7: LETONA LA LEFAPHA le ka etsa tumelano le SANRAL mabapi le ho kenya tshebetsong mahlale a tsela e lefelwang ho kenyeletswa ho arolelana ha boikarabelo pakeng tsa balaodi bana ba ba bedi.
- Karolo 8: Karolo ena e dumella LETONA LA LEFAPHA ho etsa taello e itseng ya ho theoswa ha matla ho ya ka Molao.
- Karolo 9: LETONA LA LEFAPHA le dumellwa ho nka mehato ya molao ho fumana ditjhelete tse salletseng morao ho ya ka karolo ena.
- Karolo 10: Karolo ena e fokotsa matla a mekgatlo e meng a ho nka mehato e meng a ho nka mehato ya molao malebana le ditsela tse lefelwang kgahlanong le LETONA LA LEFAPHA, mosebeletsi wa Lefapha, motho ya emetseng LETONA LA LEFAPHA kapa motho ofe kapa ofe ya tsamaisang kapa ya ahang tsela e lefisang.
- Karolo 11: Karolo ena e beha dikarolo tseo LETONA LA LEFAPHA le ka etsang melao tsamaiso

- Karolo 12: LETONA LA LEFAPHA le ka laela moofisiri wa molao wa tsela, ya dumeletsweng ho etsa mesebetsi e itseng ditseleng tse lefellowang mme ho ka fihlellwa ditumellano tse itseng le mekgatlo e meng ya tsamaiso ya molao ho etsa mosebetsi ona.
- Karolo 13: Sena se dumella ho hapuwa ha dipalangwang tse sebedisitsweng tlolo ya molao tseleng e lefuwang.
- Karolo 15: Karolo ena e bontsha mehato e ka nkwang ho motho ya etsang tlolo ya Molao .
- Karolo 16: Mmuso o tlangwa ke Molao ona.
- Karolo 17: Karolo ena e fana ka lebitso le lekgutswane la Molao mme e hlalosa hore MoPrimiri a ka etsa qeto ya hore molao ona o tla kena neng tshebetsong.



**MOLAWANA WA GAUTENG WA DITSELA TSE LEFELWANG**

Ho fana ka taelo, kaho, tshebetso, tlhokomelo le taelo ya ditsela tse lefellowang tsa Gauteng. Ho hlalosa matla le mosebetsi wa Setho sa Taolo ya na leng boikarabelo ba ditsela tsa porofintshi ya Gauteng, ho fana ka tsela tshebetso ya ditsela tse lefellowang le ditefello tsa batho ba dumeletsweng le ho thusa ka dintho tse amanang le seo.

**SELELEKELA**

Ho hlokomelwa hore mebila e fapaneng ya porofintshi ya Gauteng e bohlokwa haholo tswelo-peleng ya Gauteng le Afrika Borwa.

Ho hlokomelwa hore ho bohlokwa ho boloka le ho hodisa palo ya ditsela Gauteng bakeng sa ho shebana le dihloko tse holang le ho kgona ho sebedisa ditsela ke batho ba di sebedisang.

Ho hlokomelwa hore ho teteana ho ho holo ditseleng tse ngata tse kgolo le tse ding tse ka sehlohong ho hloka hore ho hlokomelwe ka potlako.

Ho hlokomelwa hore jwaloka karolo ya molao-tumelo, mebila e lefellowang e fana ka tharollo ya mathata a shebaneng le porofintshi ya Gauteng mabapi le ditsela tse fapa-fapaneng.

Ho hlokomelwa hore mekgatlo ya porafete e bohlokwa bakeng sa ditefello, kaho le tsamaiso ya mebila e lefellowang Gauteng.

**KAHOO JWALE HO KENGWE TAOLO** ke Lekgotla la Molao la Gauteng ka tsela e latelang:

**TLHOPHISO YA DIKAROLO****Karolo**

1. Ditlhaloso
2. Phatlalatso ya ditsela tse lefelwang
3. Ditefello le Dipokello tsa ditjhelete
4. Tsamaiso ya ditsela tse lefelwang le ditefello ke batho ba fuweng tokello
5. Matla a LETONA LA LEFAPHA
6. LETONA LA LEFAPHA le ka lefa bomasepala ditsenyehelo
7. Tumelano le SANRAL
8. Boemedi le tsamaiso ya taolo
9. Letona la Lefapha le ka nka mehato ya semolao
10. Ho fokotswa ha ho tlangwa ke molao
11. Melao tsamaiso
12. Tsamaiso ya molao tseleng tse lefelwang
13. Ho hapuwa ha makoloi
14. Ditlolo tsa molao
15. Ho tlangwa ha Mmuso ke Molao ona
16. Lebitso le le kgutswane le qalo

**1. Ditlhaloso**

Molao ona, ntle le ha feela ho bontsha-

“Molao-theo” o bolela Molao-theo wa Repaboliki ya Afrika Borwa ya 1996 (Molao wa 108 wa 1996)

“ho aha” malebana le tsela, ho kenyeletsa ho e aha hape, ho e etsa batsi, ho e lebisa ngqengwe, ho e fetola, ho e lokisa, ho e ntjhafatsa le ho e hodisa.

“Lefapha” le bolela Lefapha Mmusong le na leng boikarabelo ba ditsela tsa porofintshi.

“Komiti ya Taolo” ho bolela Komiti ya Taolo Mmusong wa Porofintshi.

“ditsela tse teng tsa porofintshi” ho bolela tsela efe kapa efe ya porofintshi kapa karolo ya teng e ahilweng pele ho letsatsi leo ho phatlalatswang ka lona hore ke tsela e lefellowang.

“Molao wa Meaho” ho bolelwa Molao wa Gauteng wa Meaho o tsejwang jwaloka Gauteng Transport Infrastructure Act, 2001 (Molao wa No. 8 wa 2001);

LETONA LA LEFAPHA ho bolelwa Setho sa Komiti ya Taolo ya na leng boikarabelo ba ditsela tsa porofintshoikarabelo ba ditsela tsa porofintshi.

“tsela ya mmasepala” ho bolelwa tsela jwaloka e hlahositswe Molaong wa Meaho (Infrastructure Act)

“mmasepala” ho bolelwa mmasepala ya hlahisitsweng karolong ya 155 (6) wa Molaotheo mme ho kenyeletswa mefuta yohle ya bomasepala.

“tsela e ntjha ya porofintshi” ho bolelwa tsela ya porofintshi ntle le e ntseng e le teng ya porofintshi.

“laetswe” ho bolelwa ho laelwa ho ya ka molao Gazeteng ya Porofintshi;

“Porofintshi ho bolelwa porofintshi ya Gauteng;

“tsela tsa porofintshi” ho bolelwa tsela jwalokaha ho hlahositswe Molaong wa Meaho, ho kenyeletswa mmila e meholo e hlahoswang ke Molao.

“tsela ya setjhaba” ho bolelwa tsela eo setjhaba se na leng tokelo ya ho e sebedisa.

“molao-tsamaiso” ho bolelwa tsamaiso e hlahiswang tlasa Molao ona”.

“tsela” ho bolelwa-

- (a) sebaka sa tsela
- (b) tsela jwalokaha e hlahositswe ke Molao wa Meaho
- (c) naha e fumanweng bakeng sa ho aha moo ho kopanwang teng ke tsela e lefellowang le tsela e ngwe.

“SANRAL” e bolela Mokgatlo wa Setjhaba wa Ditsela o tsejwang jwaloka South African National Road Agency Limited o theilweng tlasa karolo 2 ya Molao o tsejwang jwaloka South African National Roads Agency Limited and National Roads Act, 1998 (Act No.7 of 1998);

“Molao ona o kenyeletsa melao-tsamaiso;

“toll plaza/moaho wa ditefello” ho bolelwa moaho tseleng e lefisang moo ditefello di lefuwang kapa ho sebediswa sesebediswa sa motlakase, tseleng e lefuwang bakeng sa ho boloka palo ya tjelete e tshwanelang ho lefuwa kapa bobedi ba tsona, moaho le sesebediswa sa motlakase ho kenyeletswa le heke ya ditefello (toll gate)

“toll road/tsela e lefellowang” ho bolelwa tsela ya porofintshi kapa karolo ya yona e phatlaladitsweng jwaloka tsela e lefellowang tlasa karolo 2 (1) (a) kapa 2 (1) (b) eo ho ntshitsweng tsebiso ka yona ho ya ka karolwana (3) ya karolo eo Gazeteng ya Porofintshi.

“molaodi wa dipalangwang” ho bolelwa molaodi wa dipalangwang ya o thehilweng Porofintshing jwalokaha ho laetswe Molaong wa National Land Transport Transition Act, 2000 (Act No.22 wa 2000):

“sepalangwang” ho bolelwa sepalangwang jwalokaha ho hlalositse ho National Road traffic Act, 1996 (Act No.93 ya 1996)

## 2. Ho Phatlalatswa ha ditsela tse lefelwang

(1) Ho ka ya diphelelo tsa karolo ena, LETONA LA LEFAPHA kamora puisano le Tonakgolo ya Porofintshii-

- (a) a ka laela hore tsela e laetsweng kapa tsela e ntjha ya porofintshi kapa karolo ya yona e hlakisitsweng ho kenyeletswa borogo bofe kapa bofe, kapa thanele e tseleng e ntseng e le teng ya porofintshi e be tsela e lefelwang bakeng sa Molao ona; mme
- (b) a ka fetola kapa a kgutlisetsa morao phatlalatso e entsweng jwalo.

(2) Phatlalatso, diphetolelo kapa ho kgutlisetswa morao tlasa dikarolo-nyana (1) ho kena tshehetsong kamora matsatsi a 30 kamora hoba tsebiso eo e phatlalatswe ke LETONA LA LEFAPHA Gazeteng ya Porofintshi.

(3) LETONA LA LEFAPHA ha le tshwanela ho etsa phatlalatso ya hore tsela e lefellwe tlasa karolwana (1) (a) kapa a fetole phatlalatso ntle le ha feela -

- (a) LETONA LA LEFAPHA, ka tsela e laetsweng, e fane ka tsebiso, ka kakaretso mme phatlalatso ka-
  - (i) o fane ka setshwantsho sa mofuta wa moaho oo ho lefuwang ho wona le tekano ya sebaka sa moaho wa ditefello bakeng sa tsela e lefellowang.
  - (ii) o memme batho ba na leng tjheseho hore ba hlahise ditshwaelo tsa bona kapa boemedi, ba ngolle Lefapha pele ho letsatsi le behilweng le se pela matsatsi a 60 a tsebiso, malebana le phatlalatso eo ka yona a ikemiseditseng ho e etsa tsela e lefelwang, diphetoho dife kapa dife, mofuta wa

sebaka seo ho tla lefuwang ho sona kapa sebaka seo e tla bang ho sona;

- (b) LETONA LA LEFAPHA ka kopole e ngotsweng, o kopile mmasepala e mong le e mong le molaodi wa dipalangwang eo tsela e lefelwang e wela tlasa taolo ya hae, ho fa Lefapha maikutlo a hae ka phatlalatso e lakatswang kapa diphetoho ka karolo efe kapa efe malebana le tsela eo mme haholo-holo ka mofuta wa sebaka seo ho tla lefuwang ho sona le sebaka sa moo ho lefuwang ho sona ka nako e behilweng mme e se be tlasa matsatsi a 60;
- (c) Lefapha le fetiseditse-pele keletso tsa lona le maikutlo a lona mabapi le phatlalatso kapa diphetoho mmileng o lefelwang ho LETONA LA LEFAPHA mmoho le raporoto ya dintlha tse hlahisitsweng le boemedi bo amohetsweng.
- (d) Lefapha le bontshitse tsela eo dinhla tse hlahisitsweng le boemedi bo entsweng ho latela karolwana ena dihlahisong tseo le ho dikeletso tsa Lefapha, mme
- (e) LETONA LA LEFAPHA le kgotsofetse hore mehato yohle e boletsweng karolwaneng ena e lateletswe hantle.

### 3. Ditefello le Dipokello tsa ditjhelete tsa ditsela

(1) Ho ya ka diphelelo tse karolong ena, LETONA LA LEFAPHA, ka tsebiso Gaseteng ya Porofintshi a ka etsa hore-

- (a) bakeng sa ho kganna kapa ho sebedisa sepalangwang sefe kapa sefe tseleng e lefelwang, ho lefiswe kapa ho amohelwe ditefello tseo palo ya tsona e behilweng mme tsa tsebiswa ho latela karolwana (3) sebakeng sa ditefo ke motho ya kgannang kapa ya sebedisang sepalangwang sebakeng sefe kapa sefe tlasa maemo a tla hlahiswang ke LETONA LA LEFAPHA mme le tiisitse hore sena se a tsejwa.
- (b) Ho fanwe ka thuso ya ditjhelete kapa ditefello tse felletseng kapa a dumella hore ho ntshuwe karolonyana ya ditefello tseleng e itseng e lefelwang-
  - (i) ho ya ka dipalangwang tsohle tsa mofuta o mong ho latela taolo ya LETONA LA LEFAPHA kapa ho ya ka dipalangwang tsa mofuta oo tse kgannwang kapa tse sebediswang tseleng eo ho lefuwang ho yona ka nako e behilweng kapa;
  - (ii) ho basebedise bohle ba mmila o lefelwang ba mofuta o kgethilweng ke LETONA LA LEFAPHA ho sa shejwe mofuta wa sepalangwang se kgannwang kapa se sebediswang tseleng e lefelwang, kapa ho basebedise bao tsela e lefelwang ba mofuta oo ha ho kgannwa kapa ho

sebediswe sepalangwang tseleng e lefelwang ka nako e behilweng.

- (c) Ho lekanya ho lefiswa ha ditjhelete tseleng e itseng ho dihora kapa dinako tse behilweng ke LETONA LA LEFAPHA.
- (d) Ho emisa nakwana ya ho lefiswa ha ditjhelete bakeng sa ditsela tse itseng tse lefelwang nakong e behilweng kapa e sa behwang, leha ele ka dipalangwang tsohle ka kakaretso, kapa ka dipalangwang tsohle tsa mofuta kapa basebedise ba tsela e welang tlasa mofuta o kgethilweng ke LETONA LA LEFAPHA mme e hlalositse e boletswe tsebisonng e jwalo, mme e qala ho lefisa ditjhelete tsa tsela kamora hoba e iswe morao kapa e emiswe mme,
- (e) Ho kgutlisetswa morao tse latelang ;
  - (i) kgaolelo ya ditjhelete kapa tumello ya ho se lefe tlasa serapa
  - (ii) ditekanyetso dife kapa dife tlasa serapa kapa
  - (iii) ho emisa nakwana tlasa serapa (d) kapa

(2) Ho kgaolelwa, ho behelwa ka thoko, ho lekanyetswa kapa ho emiswa nakwana kapa ho kgutlisetswa morao tlasa karolwana (1) ho kena tshebetsong matsatsing a 30 kamora phatlalatso ya tsebiso e lebeletsweng karolwaneng (1).

(3) Tjhelete tse lefuwang tlasa karolwana ya (1) kgaolelo kapa ho se lefiske hoo le nyollo efe kapa efe kapa theolelo ya teng.

- (a) di tla laelwa ke LETONA LA LEFAPHA ho latela keletso ya Lefapha kamora dikamano le masepala e mong le e mong le molaodi wa dipalangwang oo tsela e lefelwang e welang tlasa hae.
- (b) a ka fapana ho ya ka-
  - (i) ditsela tse fapaneng tse lefellwang
  - (ii) dipalangwang tse fapaneng kapa mofuta a e fapaneng ya dipalangwang
  - (iii) dinako tse fapaneng tseo ka tsona sepalangwang kapa sepalangwang sa mofuta o itseng kgannwang kapa se sebediswang tseleng e lefellwang, le
  - (iv) mofuta e fapaneng ya basebedise ba ditsela, ho sa shejwe mofuta wa sepalangwang se kgannwang kapa se sebediswang.
- (c) E tshwanela ho tsebiswa ke LETONA LA LEFAPHA ka tsebiso ya Gazette ya Porofintshi

- (d) E tla lefuwa ho qala ka letsatsi le dinako tse behilweng ke LETONA LA LEFAPHA ho latela keletso ya Lefapha e mona e tshwanela ho hlahiswa tsebisong e lebeleletsweng serapeng sa © mme
- (e) Qeto malebana le karolwana ena e kena tshebetso kamora matsatsi a 30 a phatlalatso ena.

**4. Tsamaiso ya ditsela tse lefelwang le ho lefisetwa ditsela ke batho ba nehilweng tokelo ena**

(1) LETONA LA LEFAPHA, kamora dipuisano le Setho sa komiti ya Taolo (LETONA LA LEFAPHA) ya na leng boikarabelo ba tsa ditjhelete, a ka etsa tumellano le motho ofe kapa ofe, mokgatlo, sehlopha kapa mmasepala, eo karolong ena a bitswang motho ya na leng tokelo bakeng sa nako e behilweng ho ya ka ditumellano le maemo a tumellano -

- (a) ho lefella, ho rera, ho tshwantsha, ho aha, ho hlokomela kapa ho ntjhafatsa tsela e lefelwang kapa e rerelwang ho lefellwa, kapa
- (b) ho sebedisa, ho tsamaisa kapa ho laola tsela e lefelwang kapa sebaka seo ho lefuwang ho sona tseleng efe kapa efe e lefelwang kapa tsela eo ho rerwang hore e lefelwe
- (c) ho aha kapa ho emisa sebaka sa ho lefella le disebediswa dife kapa dife tse amanang le sena tseleng e lefelwang bakeng sa ho lefisa kapa ho bokella ditefello ho ya ka karolwana (3).

(2) Ntle le ho karolo 3 ya tumellano e fihletsweng tlasa karolwana (1) ho ka etswa hore motho ya dumeletsweng e be le tokelo, ho latela karolwana (3) le (4) ho lefisa le ho bokella ditjhelete bakeng sa LETONA LA LEFAPHA kapa ho ba le akhaonte -

- (a) tseleng e lefelwang e hlahositsweng tumellanong
- (b) nakong e boletsweng, le
- (c) ho ya ka diphello feela tsa tumellano, mme

(3) Moo tumellano e dumelang bakeng sa dintho tse boletsweng karolong 3 (1) (a) (b), (c), (d), le (e) LETONA LA LEFAPHA o dula a na le boikarabelo ba mesebetsi a o rwesitsweng ke karolo eo.

(4) Tjhelete e ka lefisiwang ke motho ya fuweng tokelo mmoho le dikgaolelo kapa tumelo ya ho se lefe tjhelete kapa dinyollo kapa tsona ditheolelo tseo, di tla rerwa ka tsela e e behilweng karolong 3 (3).

**5. Matla a LETONA LA LEFAPHA**

(1) LETONA LA LEFAPHA o na le boikarabelo ba merero ya mahlale yohle malebana le mebila e lefelwang ya Porofintshi, ha mmoho le phatlalatso, merero

tshwantshiso, ditefello, ho ahuwa, ho kenya tsebetsong, ho tsamaisa, ho laola, ho boloka le ho ntjhafatsa ditsela tse lefelwang tsa Porofintshi mmoho le dinhla tsohle tse amanang le sena.

(2) Hodima matla a ka sehlohong le mesebetsi ya LETONA LA LEFAPHA tlasa karolwana (1) kapa ho hong tlasa Molao ona, LETONA LA LEFAPHA -

- (a) Kamora tumellano le Setho sa Lekgotla la Taolo se na leng boikarabelo ba ditjhelete Porofintshing, a nka karolo mekgatlong e amanang le ditsela tse lefelwang kapa ditsela tse ding mmoho le balaodi ba ditsela, kapa motho ofe kapa ofe wa porafete, mekgatlo kapa dihlopha tse na leng ditsela kapa taolo kapa tse sebetsang ka ditsela tse lefelwang kapa ditsela tse ding.
- (b) Bakeng sa Molao ona ho sebedisa matla mabapi le ditsela tsa Porofintshi tse filweng tokelo ke LETONA LA LEFAPHA ho ya ka Molao wa Meaho
- (c) Ho sebedisa karolo ya tsela e lefelwang e sa hlokehang kapele bakeng sa sephete-phete, bakeng sa sepheo seo LETONA LA LEFAPHA a nahanang hore se a lokela, ho latela Molao ona, mme
- (d) Ho nka mehato e meng le e meng e itseng kapa efe eo LETONA LA LEFAPHA a nahanang hore e a hlokeha kapa potlakile bakeng sa tsamaiso entle ya Molao ona.

## **6. LETONA LA LEFAPHA a ka lefa ditshenyehelo ho bo masepala**

LETONA LA LEFAPHA, ka qeto ya hae, tlasa maemo afe kapa afe, a ka nka qeto a bonang hore e lokela, mme a lefa ditshenyehelo kapa karolo ya ditshenyehelo tseo ho bomasepala mabapi le tsela ya masepala kapa mesebetsi emeng, eo ka tumellano e mahareng a LETONA LA LEFAPHA le masepala e ka hlokehang ka lebaka la ho ahuwa, ho hlokomelwa, ho tsamaiswa le ho ntjhafatswa ha ditsela tse lefelwang.

## **7. Tumellano le SANRAL**

LETONA LA LEFAPHA a ka ba le tumellano le SANRAL, tumellano e ka fanang ka -

- (a) Lefapha le Mokgatlo wa Setjhaba wa Ditsela ba etse taolo e kopaneng ho etsa karolo kapa lenaneo la mahlale a morero le fellelseng mabapi le ditsela tse lefelwang tsa Porofintshi ho kenyeletswa merero, tshwantshiso, ditefello, ho ahuwa, tsamaiso, taolo, hlokomelo le ntjhafatso ya ditsela tse lefelwang Porofintshing.
- (b) Mosebetsi wa Mokgatlo wa Setjhaba wa ditsela kapa matla tlasa molao o tsejwang jwaloka South African National Roads Agency Limited le National Roads Act 1988 (Act No. 7 of 1988) tlasa maemo ao ho dumellanweng ka wona, le



- © LETONA LA LEFAPHA ho sebetse jwaloka motho ya dumeletsweng jwalokaha ho lebeleletse karolong 8 ya Mokgatlong le Molaong wa South African National Road Agency Limited le National Roads 1998 (Act No. 7 ya 1998) malebana le tsela efe kapa efe ya setjhaba e fumanwang Porofintshing.

**8. Boemedi le ho sebediswa ha matla**

(1) LETONA LA LEFAPHA, ka ho sebedisa lengolo a ka kgetha moemedi ya tla fuwang matla kapa mosebetsi wa hae ntle feela le matla ao a wa rwesitsweng karolong ena le dikarolong tsa 2, 3 le 11 tse behilweng ho LETONA LA LEFAPHA ke Molao ona -

- (a) mosebeletsi ofe kapa ofe wa Lefapha
- (b) mmasepala
- (c) molaodi wa dipalangwang, kapa
- (d) motho, mokgatlo kapa sehlopha se lebeleletsweng karolong ya 4.

(2) Ditumellano le maemo a boemedi tlasa karolonyana (1) a tla rerwa ka tumellano mahareng a LETONA LA LEFAPHA le motho ya jwalo kapa moemedi jwalokaha ho lebeleletse tlasa karolwana ya (1) mme di ngolwe.

(3) LETONA LA LEFAPHA le ke ke a amohuwa matla kapa a lokolwa mesebetsing eo a kgethileng boemedi bakeng sa wona

(4) Boemedi bo ka hlahiswa hammoho le matla a ho kgutlisetsa morao boemedi kapa ba etsuwa le maemo a kgethilweng.

(5) LETONA LA LEFAPHA, ka nako efe kapa efe -

- (a) a fetola kapa a qeta boemedi bo entsweng tlasa karolo ena.
- (b) a kgutlisetsa morao qeto efe kapa efe e entsweng ke motho ya mo emetseng mme a inkela qeto.

**9. LETONA LA LEFAPHA le ka nka mehato ya semolao**

LETONA LA LEFAPHA a ka nka mehato ya semolao ho fumana tjehelete ya ditefello tsa ditsela tse kolotwang / tse so lefuwe ke motho ofe kapa ofe ya tshwanelang ho lefela ditsela ho ya ka Molao ona.

**10. Ho fokotswa ho ba kotsing ya ho ba kgahlanong le molao**

LETONA LA LEFAPHA, mosebeletsi wa Lefapha, motho ofe kapa ofe ya emelang LETONA LA LEFAPHA kapa motho e mong ya sebetsang kapa ya ahang tsela e lefellowang, a ke ke a ba le molato wa ditshenyehelo kapa ditahlehelo tsa motho ofe kapa ofe ka ho sebedisa ditsela tse lefelwang ntle le mmila o mohola kapa ka lebaka la ho kwala kapa ho kgeloswa ha tsela tse lefelwang tlasa Molao ona.

**11. Melao-tsamaiso**

(1) LETONA LA LEFAPHA le ka etsa melao-tsamaiso e seng kgahlanong le Molao ona.

- (a) ka sephete-phete tseleng e lefelwang kapa tshebediso kapa tjehelete ya tsela e lefelwang;
- (b) malebana le ho kengwa tshebeletsong le ho sebediswa ka potlako ditefello ka motjhini le dintho tse ding tse amanang le hoo.
- (c) Ho laela tjehelete e tshwanelang ho lefuwa bakeng sa kopo, ho fuwa matla, tumelo, tokelo le tshwanelo tse hlahisitsweng Molaong ona.
- (d) Malebana le ntho efe kapa efe ho ya ka dipehelo tsa Molao ona di ka laelwa kapa tsa hlaloswa ka molao-taolo; le
- (e) Ka kakaretso ha laelwa dintho tseo ho ka thweng di bohlokwa bakeng sa tsamaiso e ntle ya Molao ona.

(2) Ho ka etswa melao-tsamaiso e fapaneng tlasa karolwana (1) bakeng sa ditsela tse lefelwang tse fapaneng, mme melao-tsamaiso e ka laela hore motho ya tlotseng molao kapa ya hlolehang ho latela molao tsamaiso e itseng a fumanwe a le molato mme a kwallwe tjhankaneng kapa a lefiswe tjehelete e sa feteng e laetsweng molao tsamaisong: feela ha boholo ba nako ya ho kwallwa tjhankaneng e sa fete kgwedi tse tsheletseng, hape ha feela tjehelete ya tlhaodiso e tla balwa ho ya ka karolo 1 (1) (a) ya Molao o tsejwang jwaloka Adjustment of Fines Act, 1991 (Act No. 10 Of 1991)

**12. Ho kengwa ha melao tseleng tse lefelwang**

(1) LETONA LA LEFAPHA le ka laela moofisiri wa ditsela kapa ya ngodisitsweng tlasa molao o lokelang wa sephete-phete ditseleng ho kenya tshebetsong Molao/ ho kenya tshebetsong molao o tsamaelanang.

(2) LETONA LA LEFAPHA le ka ba le tumelano le -

- (a) masepala ofe kapa ofe, selekane sa ho nehelana ka tokelo, ho etsa mosebetsi wa ho kenya molaong mesebetsi e boletsweng karolong ya (1) tseleng tse lefelwang hara masepala eo, ka thuso ya basebetsi ba masepala ya kgethilweng kapa ya dumeletsweng ho etsa seo ka lebaka leo, le
- (b) mokgatlo wa tsamaiso ya molao, ho latela tokello eo o e fuweng mme o dumela ho etsa mesebetsi ya tsamaiso ya molao e boletsweng ho karolwana (1) tseleng tse lefelwang tsa Porofintshi, kapa engwe ya ditsela tse lefelwang tse seng di boletsweng tumellanong, ka thuso ya basebetsi ba mokgatlo o kgethilweng kapa o fuweng matla a seo, tlasa maemo a hara tumellano.

**13. Ho hapuwa ha dipalangwang**

- (1) Motho ya lebeleletsweng tlasa karolo 12, tlasa maemo a laetsweng le ka tsela e laetsweng a sebedisa setlankana se laetsweng ho ya ka karolwana (3) a ka hapa koloi e sebediswang kapa ao ho belaelwang hore e sebedisitswe ho etsa ketso eo e leng tlolo ya molao ho ya ka Molao ona.
- (2) Motho ya lebeleletsweng tlasa karolo 12 o na le matla le mosebetsi o tshwanang le o fuweng moofisiri wa leponesa molaong o bitswang Criminal Procedure Act, 1977 (Act No. 51 of 1977) o amanang le ho hapuwa kapa ho lokolwa ha sepalangwa.
- (3) Magistrata kapa moahlodi kamora kopo ya motho ya lebeleletsweng karolong ya 12 a ntsha lengolo le semolaong bakeng sa karolo (1)

**14. Ditlolo tsa Molao**

Motho ofe ya tshwanelang ho lefa lekgetho la tsela ho latela Molao ona mme a hana kapa a hloleha ho lefa tjehelete e lokelang -

- (a) o molato wa tlolo ya molao mme a ka fumantshwa kotlo ya ho kwalwa nako e sa feteng kgwedi tse tsheletseng kapa a lefiswa tjehelete kapa o fumantshwa bobedi ba kotlo tseo .
- (b) o tlamehile hodima moo ho lefa LETONA LA LEFAPHA ka kotlo ya ho sebeletsa setjhaba o latela tsela e laetsweng, mme
- (c) o tlamehile ho lefa lekgetho leo la tsela ha a tshwarelwa tlolo eo tlasa Molao ona.

**15. Ho tlangwa ha Mmuso wa Naha ke Molao ona**

Mmuso wa Naha o tlangwa ke Molao ona

**16. Selelekela se sekgutshwane le boqalo**

Molao ona o tsejwa jwaloka Gauteng Toll Roads Act, 2003 mme o qala ho kena tshebetsong ka letsatsi le hlophisitsweng ke Letona la Porofintshi ka phatlatso Gazette ya Porofintshi.

