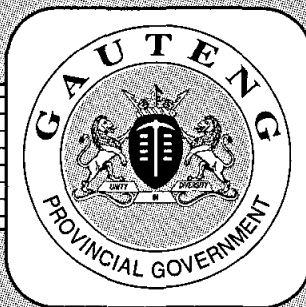


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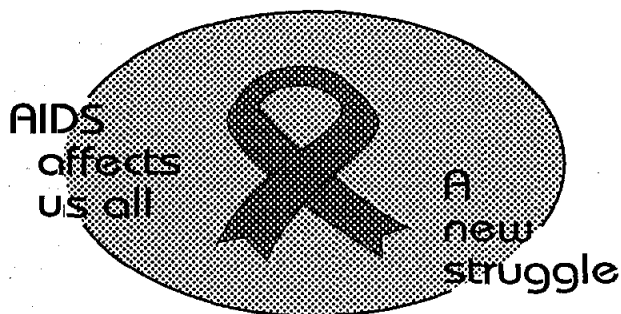
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GENERAL NOTICE

NOTICE 33 OF 2006

DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

**URBAN TRANSPORT ACT, 1977
(ACT NO. 78 OF 1977)**

GAUTENG URBAN TRANSPORT BOARD REGULATIONS, 2006

Proposed Regulations in terms of Section 5(2) of the Urban Transport Act, 1977 (Act No. 78 of 1977), are hereby published for general information and comment in the attached schedule. Any person or organization wishing to comment on the draft regulations may lodge written comments within 14 days of the date of publication hereof by faxing, posting, e-mailing or handing them in, at the following contact details:

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Department of Public Transport, Roads and Works
12 Floor, North Tower
Sage Life Towers
41 Simmonds Street
JOHANNESBURG

Postal Address:

The Head of Department: Department of Public Transport Roads and Works
Private Bag X 83
Marshalltown
2107

Fax no. (011) 355-7304

e-mail address: Mohlomphegi.tshethla.gauteng.gov.za

Contact Person: Mohlomphegi Tshethla

GAUTENG PROVINCE

URBAN TRANSPORT ACT, 1977 (ACT NO. 78 OF 1977)

GAUTENG URBAN TRANSPORT BOARD REGULATIONS, 2006

The Member of the Executive Council responsible for Public Transport, Roads Works in the Province of Gauteng has, under sections 5(2) and 25 of the Urban Transport Act, 1977 (Act No. 78 of 1977), made these regulations in the schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Act, has the meaning so assigned— and

"department" means Gauteng Department of Public Transport Roads and Works;

"head of department" means head of the Gauteng Department of Public Transport Roads and Works;

"MEC" means the Member of the Executive Council responsible for Public Transport Roads and Works;

"member" means a member of the Gauteng Urban Transport Board;

"province" means Gauteng Province;

"the Act" means the Urban Transport Act, 1977 (Act No.78 of 1977);

Composition of Gauteng Urban Transport Board

2. (1) The Urban Transport Board shall consist of eight persons including those contemplated in sub-regulation (2) and (3).
- (2) The head of department is the chairperson and a member by virtue of his or her office.
- (3) The MEC may appoint a maximum a further two employees of the department to serve as members, subject to the laws governing the Public Service.
- (4) The MEC may designate another member as a deputy chairperson.
- (5) members viewed collectively must-
 - (a) represent a broad cross section of the population of the Province;
 - (b) be suited to serve on the Urban Transport Board by virtue of suitable qualification or experience such urban planning, financial, legal or transport planning; and
 - (c) show demonstrated commitment to the objectives of the Act.

Disqualification

3. A person may not be appointed as a member if that person-
 - (a) is not a citizen of, or does not hold a permanent residence permit for residence in the Republic;
 - (b) is subject to an order of competent court declaring that person to be mental ill;
 - (c) is convicted after the commencement of this regulations, whether in the Republic or elsewhere of any offence for which such person is sentenced to imprisonment without the option of a fine
 - (d) has been convicted-

- (i) in the Republic of theft, perjury or any offence in terms of the Corruption Act, 1992 (Act No. 94 of 1992);
 - (ii) elsewhere, of any offence corresponding materially with any offence referred to in paragraph (i);
 - (iii) whether in the Republic or elsewhere, of any offence involving dishonesty; or
 - (iv) of an offence in terms of the Act;
- (e) is disqualified to act as a director of a company incorporated in terms of the Companies Act, 1973; or
- (f) has according to a determination by an equality court, contravened section 7 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000).

Meetings of Urban Transport Board

4. (1) The Urban Transport Board shall meet at such time and place and in such a manner as the chairperson may from time to time determine.
- (2) The chairperson shall determine a fair and reasonable procedure to be followed at that meeting.
- (3) The quorum is half the number of members appointed at that time plus one.
- (4) The decision of the majority of members present at any duly constituted meeting shall be the decision of the Urban Transport Board, provided there is a quorum. Where there is an equality of votes, the chairperson who has a casting vote in addition to a deliberate vote, must exercise that casting vote *so as to break the deadlock in decision-making, unless the chairperson is of the opinion that the aims and objectives of the Act shall be better served by referring the issue in question to the next meeting for fresh deliberation and voting.*

- (5) A written decision agreed to and undersigned by all the members, constitutes a decision by the Urban Transport Board irrespective of whether it occurs at a meeting or not.
- (6) Decisions by the Urban Transport Board taken in terms of sub-regulation (5) must be kept together with minutes of meetings referred to in sub-regulation (8), and must be circulated at the next meeting for general information.
- (7) Decisions by the Urban Transport Board do not bind the head of department despite the fact he or she is also the chairperson of the Urban Transport Board, and he or she may at any stage offer his or her own advice or departmental advice to the MEC for separate consideration, irrespective whether such advice correlates with the advice or decisions of the Urban Transport Board. The head of department may also forthwith record his or her views on any decision or advice of the Urban Transport Board in the official records.
- (8) The Urban Transport Board must have minutes prepared and kept of the proceedings of their respective meetings and must be circulated to members.
- (9) The minutes so prepared, when signed at next meeting by the chairperson shall, in the absence of proof of error therein be regarded and treated as true and correct record of the proceedings and matters that they purport to minute and will be sufficient evidence of those proceedings and matters at any proceedings before a court of law, any tribunal or a commission of inquiry.

Vacating of office

5. (1) A member may resign from the Urban Transport Board by giving one month's written notice to the MEC.
- (2) A member must vacate his or her office, if he or she has been absent from more than three consecutive meetings without leave of the chairperson of each such absence.
- (3) If the office of a member becomes vacant before the expiry of that member's term of office, the MEC shall appoint another person to fill the vacancy for the unexpired period of office of that member.

(4) The MEC may remove a member from office prior to the expiry of that member's term of office if there is good reason for doing so after due enquiry, and in the case of an official referred in regulation 2(3) may do so at any stage he or she deems fit.

Conflict of interest

6. A member shall, on his or her appointment to the Urban Transport Board, in writing disclose to the MEC and the Urban Transport Board any of his or her personal or material interest which may constitute a conflict of interest in respect of his or her duties as a member, and he or she shall in writing inform the MEC and the Urban Transport Board if any of such conflict or potential conflict arises after his or her appointment.

Conditions of service of a member

7. (1) The MEC shall in consultation with the MEC responsible for finance in the province determine remuneration, allowances and other benefits of members and that remuneration and those allowances shall be paid out of the Urban Transport Fund
- (2) The MEC may prescribe any other reasonable conditions of appointment to a member in order to achieve the objectives of the Act.
- (3) The MEC may for the purpose of sub-regulation (1) make different determinations in respect of different positions in the Urban Transport Board.
- (4) The MEC may appoint a member for such period as the MEC may determine in case of each member but such period may not exceed three years.
- (5) Any member may after the expiry of his or her term of office be reappointed as a member unless he or she-
- (a) was removed from his or her office by the MEC in terms of regulation 5(4); or
 - (b) has become disqualified in terms of regulation 3 to serve as a member;
- (6) Despite sub-regulation (1), the MEC may before the term of office of any member has expired, extend the term of office of a member until a

new Urban Transport Board has been appointed, but the period of that extension may not exceed six months.

(7) If, for whatever reason, the Urban Transport Board does not function, the head of department shall exercise the functions of the Urban Transport Board.

Short title

17. These regulations are called the Gauteng Urban Transport Board Regulations, 2006.

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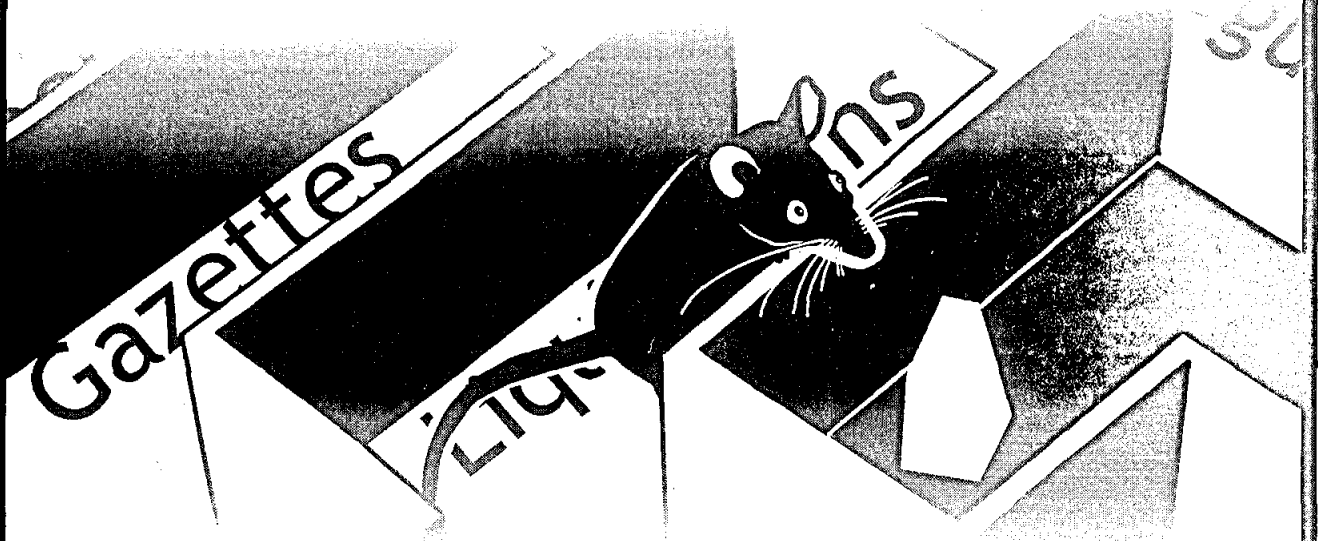
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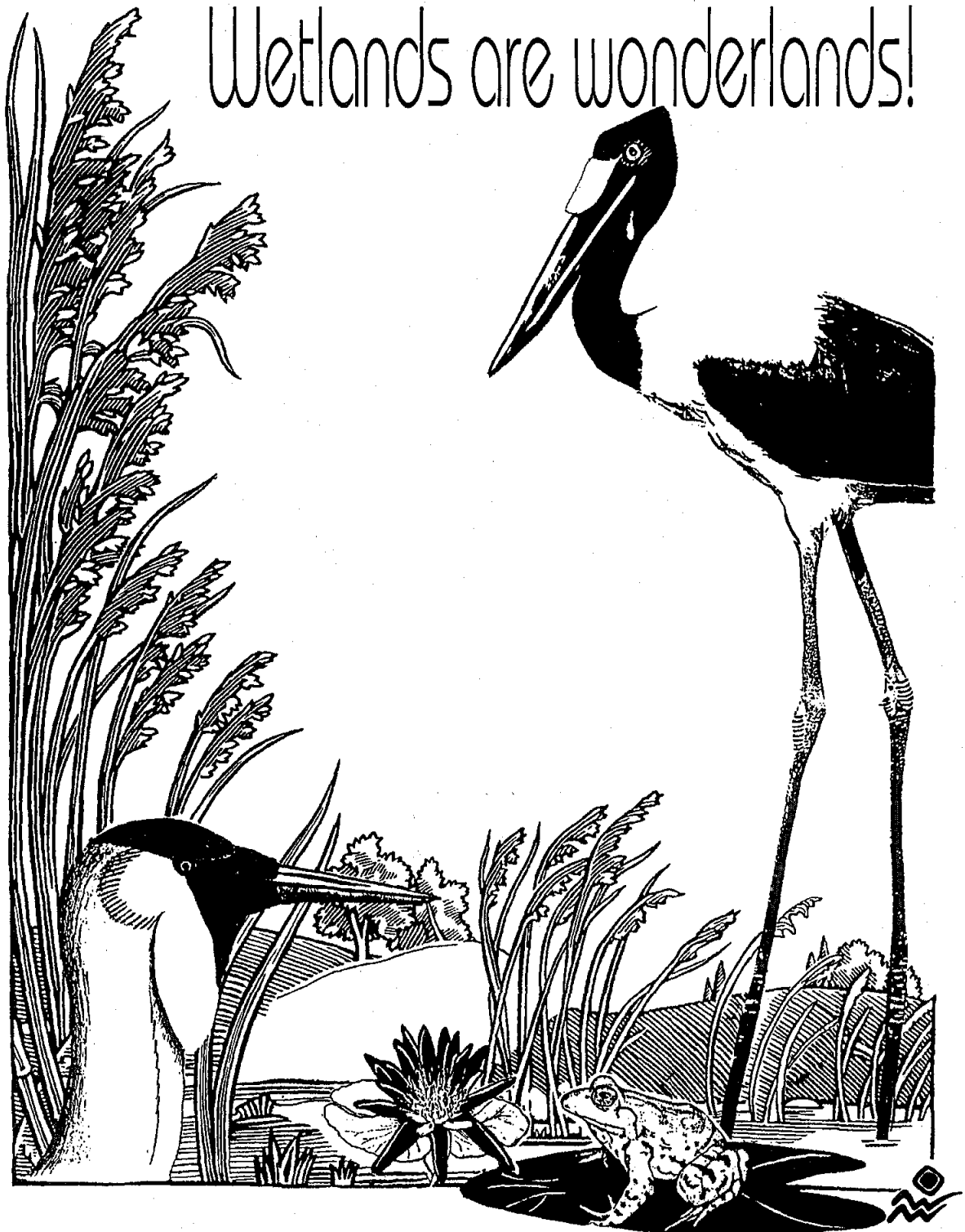
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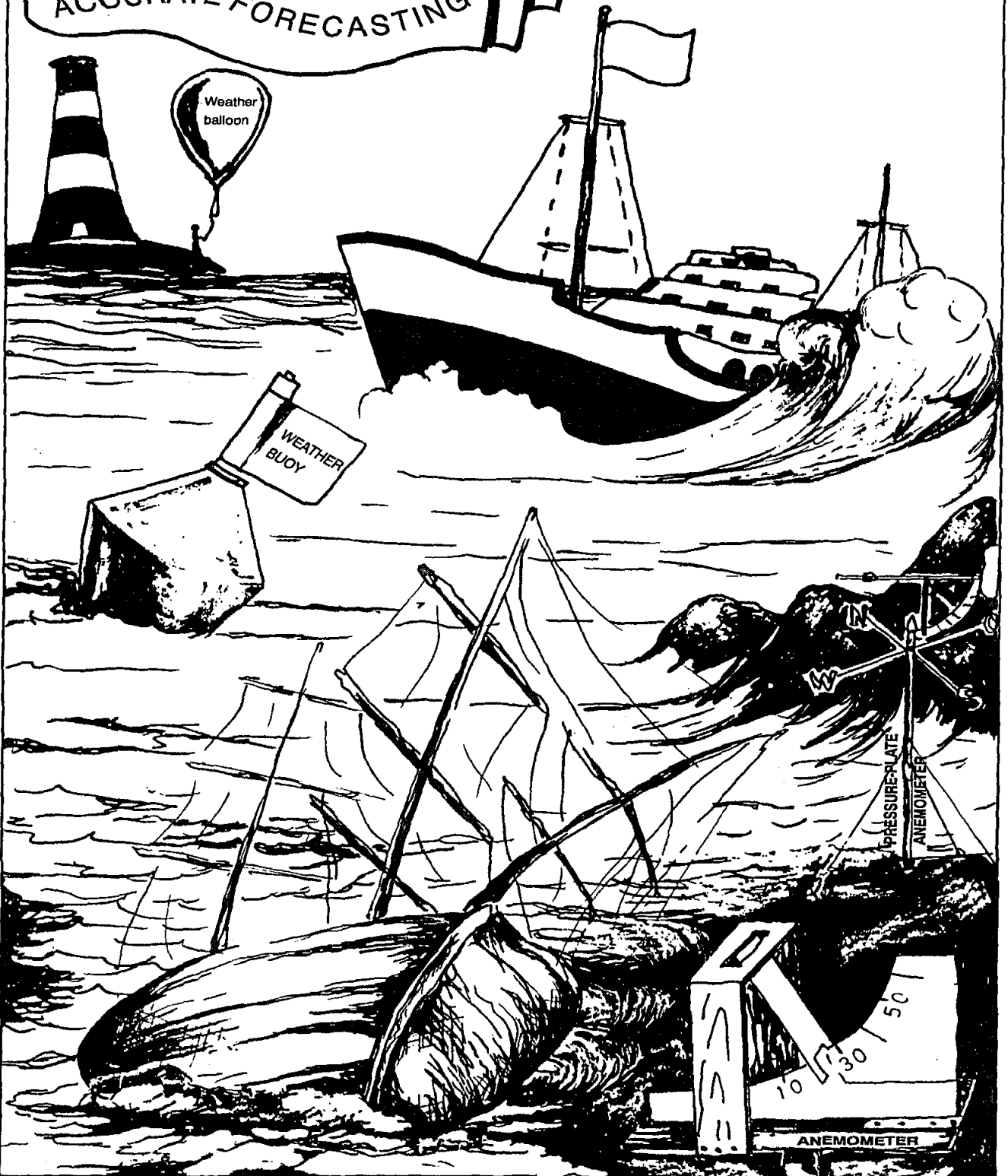
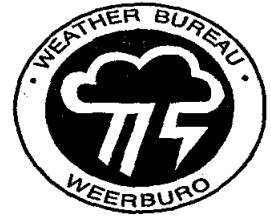
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