

KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

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GENERAL NOTICE—ALGEMENE KENNISGEWING—ISAZISO SIKAWONKE-WONKE

No. 1

3 February 2011

**KWAZULU-NATAL PUBLIC TRANSPORT ACT REPEAL
BILL, 2010****Notice in terms of Rule 194 of the Standing Rules of the KwaZulu-Natal Legislature**

Notice is hereby given in terms of Rule 194 of the Standing Rules of the Provincial Legislature that the KwaZulu-Natal Transport Act Repeal Bill, 2010 as set out hereunder, has been introduced into the aforesaid Legislature and will be considered by the Transport Portfolio Committee. The public and other interested groups are invited to submit representations on the said Bill, which representations must be addressed to:

Attention: Mrs L Dube
The Secretary
KwaZulu-Natal Legislature
Private Bag X 9112
PIETERMARITZBURG
3200

so as to reach her not later than 15 days from the date of publication.

N NAIDOO
Secretary to the KwaZulu-Natal Legislature

**KWAZULU-NATAL
PUBLIC TRANSPORT ACT
REPEAL BILL, 2010**

BILL

To provide for the repeal of the KwaZulu-Natal Public Transport Act, 2005; to provide for savings and transitional provisions related to such repeal; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Definitions

1. In this Act any word or expression to which a meaning has been assigned in the National Land Transport Act, 2009 (Act No. 5 of 2009), must, unless clearly inappropriate, bear that meaning, and, unless the context indicates otherwise –

"**Gazette**" means the official *Provincial Gazette* of KwaZulu-Natal; and

"**responsible Member of the Executive Council**" means the Member of the Executive Council of the Province of KwaZulu-Natal responsible for transport.

Repeal of Act 3 of 2005 and savings

2.(1) The KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is hereby repealed.

(2) Despite the repeal of the KwaZulu-Natal Public Transport Act, 2005, and in accordance with, and subject to, section 10(3) of the National Land Transport Act, 2009 (Act No. 5 of 2009), a regulation made in terms of the repealed KwaZulu-Natal Public Transport Act, 2005, is, for the purposes of the National Land Transport Act, 2009, regarded as a regulation made in terms of section 10(3) of that Act until the responsible Member of the Executive Council makes new regulations in terms of the said section 10(3) of the National Land Transport Act, 2009.

Disestablishment of KwaZulu-Natal Public Transport Licensing Board established in terms of section 23 of repealed KwaZulu-Natal Public Transport Act, 2005, and transitional arrangements thereto

3.(1) The KwaZulu-Natal Public Transport Licensing Board established in terms of section 23 of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is hereby disestablished and dissolved.

(2) All assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to, or received by, the disestablished KwaZulu-Natal Public Transport Licensing Board are transferred to, and vest in, the KwaZulu-Natal Department of Transport.

(3) The KwaZulu-Natal Department of Transport is, in respect of the assets, liabilities, rights, duties and obligations and funds referred to in subsection (2), for all purposes the successor-in-law of the disestablished KwaZulu-Natal Public Transport Licensing Board.

(4) In accordance with, and subject to, section 24(3) of the National Land Transport Act, 2009 (Act No. 5 of 2009), any application concerning an operating licence or conversion of a permit to an operating licence that is pending before the disestablished KwaZulu-Natal Public Transport Licensing Board, must be dealt with and finalised by the Provincial Regulatory Entity established within the KwaZulu-Natal Department of Transport in terms of section 23(1) of that Act.

Disestablishment of KwaZulu-Natal Transport Appeals Tribunal established in terms of section 68 of repealed KwaZulu-Natal Public Transport Act, 2005, and transitional arrangements thereto

4.(1) The KwaZulu-Natal Transport Appeals Tribunal established in terms of section 68 of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), is hereby disestablished and dissolved.

(2) All assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to, or received by, the disestablished KwaZulu-Natal Transport Appeals Tribunal are transferred to, and vest in, the KwaZulu-Natal Department of Transport.

(3) The KwaZulu-Natal Department of Transport is, in respect of the assets, liabilities, rights, duties and obligations and funds referred to in subsection (2), for all purposes the successor-in-law of the disestablished KwaZulu-Natal Public Transport Appeals Tribunal.

(4) In accordance with, and subject to, section 92(3) of the National Land Transport Act, 2009 (Act No. 5 of 2009), any appeal that is pending before the disestablished KwaZulu-Natal Transport Appeals Tribunal, must be dealt with and finalised by the Transport Appeals Tribunal

established in terms of section 3 of the Transport Appeals Tribunal Act, 1998 (Act No. 39 of 1998).

Disestablishment of post of Provincial Transport Registrar established in terms of section 82 of repealed KwaZulu-Natal Public Transport Act, 2005

5. The post of Provincial Transport Registrar established in terms of section 82(1) of the repealed KwaZulu-Natal Public Transport Act, 2005, (Act No. 3 of 2005), is hereby disestablished.

Disestablishment of Panel of Assessors established in terms of section 68 of repealed KwaZulu-Natal Public Transport Act, 2005

6. The panel of assessors established in terms of section 68(1) of the repealed KwaZulu-Natal Public Transport Act, 2005, (Act No. 3 of 2005), is hereby disestablished and dissolved.

Transitional provision

7. In accordance with, and subject to, section 93(1)(b) of the National Land Transport Act, 2009 (Act No. 5 of 2009), any distinguishing mark, including any operating licence or permit as defined in section 1(1) of the repealed KwaZulu-Natal Public Transport Act, 2005, (Act No. 3 of 2005), is regarded as a distinguishing mark issued under the National Land Transport Act, 2009.

Short title

8. This Act is called the KwaZulu-Natal Public Transport Act Repeal Act, 2010, and comes into operation on a date to be determined by the responsible Member of the Executive Council by notice in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE
KWAZULU-NATAL PUBLIC TRANSPORT ACT REPEAL BILL, 2010**

1. BACKGROUND

1.1 Prior to the promulgation of the National Land Transport Act, 2009 (Act No. 5 of 2009), provincial land transport matters were regulated by Chapter 3 of the National Land Transport Transaction Act, 2000 (Act No. 22 of 2000) which amongst others, mandated provinces to draft provincial transport legislation.

1.2 The KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), was promulgated as a result of the above mandate.

1.3 The National Land Transport Act, 2009 (Act No. 5 of 2009) has repealed the National Land Transport Transition Act, 2000 (Act No. 22 of 2000) in totality and such repeal of the National Land Transport Transition Act, 2000 (Act No. 22 of 2000) has rendered the provisions of the KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005) obsolete and thus necessitated the need to repeal the KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005).

1.4 The main objective of the Bill is to provide for the repeal of the KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005), in order to provide for savings and transitional provisions related to such repeal and to eliminate the practical problems that might be encountered with the implementation of the National Land Transport, 2009 (Act No. 5 of 2009).

2. CLAUSE BY CLAUSE EXPLANATION

In summary the Bill provides as follows –

Clause 1:

Clause 1 seeks to define words that are used in the Act, with the view to restrict or extend the meaning of those terms. In terms of this clause, those words to which a meaning has been assigned in the National Land Transport Act, 2009 (Act No. 5 of 2009), will bear that meaning. This creates synergy and consistency between this Act and the National Land Transport Act, 2009 (Act No. 5 of 2009).

Clause 2:

Clause 2 provides for the repeal of the KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005).

Despite the repeal of the KwaZulu-Natal Public Transport Act, 2005 and in accordance with, and subject to, section 10(3) of the National Land Transport Act, 2009 (Act No. 5 of 2009) the Act leaves room for the retention of any regulation made in terms of the repealed KwaZulu-Natal Public Transport Act, 2005. A regulation made in terms of the repealed KwaZulu-Natal Public Transport Act, 2005 is, for the purposes of the National Land Transport Act, 2009, regarded as a regulation made in terms of section 10(3) of that Act until the responsible Member of the Executive Council makes new regulations in terms of the said section 10(3) of the National Land Transport Act, 2009.

Clause 3:

Clause 3 seeks to disestablish the KwaZulu-Natal Public Transport Licensing Board established in terms of section 23 of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005).

The clause also seeks to transfer to, and vest assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to, or received by, the disestablished KwaZulu-Natal Public Transport Licensing Board, in the KwaZulu-Natal Department of Transport which is, in terms of this clause and in respect of the assets, liabilities, rights, duties and obligations and funds, for all purposes the successor-in-law of the disestablished KwaZulu-Natal Public Transport Licensing Board.

The clause further seeks, in accordance with, and subject to, section 24(3) of the National Land Transport Act, 2009 (Act No. 5 of 2009), to provide transitional arrangements for any application concerning an operating licence or conversion of a permit to an operating licence that is pending before the disestablished KwaZulu-Natal Public Transport Licensing Board. This clause prescribes that such application must be dealt with and finalised by the Provincial Regulatory Entity established within the KwaZulu-Natal Department of Transport in terms of section 23(1) of the National Land Transport Act, 2009 (Act No. 5 of 2009).

Clause 4:

Clause 4 seeks to disestablish the KwaZulu-Natal Transport Appeals Tribunal established in terms of section 68 of the repealed KwaZulu-Natal Public Transport Act, 2005.

The clause also seeks to transfer to, and vest assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to, or received by, the disestablished KwaZulu-Natal Transport Appeals Tribunal, in the KwaZulu-Natal Department of Transport which is, in terms of this clause and in respect of the assets, liabilities, rights, duties and obligations and funds, for all purposes, the successor-in-law of the disestablished KwaZulu-Natal Transport Appeals Tribunal.

The clause further seeks, in accordance with, and subject to, section 92(3) the National Land Transport Act, 2009 (Act No. 5 of 2009), to provide transitional arrangements for any appeal that is pending before the disestablished KwaZulu-Natal Transport Appeals Tribunal. This clause prescribes that such application must be dealt with and finalised by the Transport Appeals Tribunal established in terms of section 3 of the Transport Appeals Tribunal Act, 1998 (Act No. 39 of 1998).

Clause 5:

Clause 5 provides for the disestablishment of the post of the Provincial Transport Registrar established in terms of section 82 of repealed KwaZulu-Natal Public Transport Act, 2005.

Clause 6:

Clause 6 provides for the disestablishment of Panel of Assessors established in terms of section 68 of the repealed KwaZulu-Natal Public Transport Act, 2005.

Clause 7:

Clause 7 provides for transitional provisions in respect of any distinguishing mark, including any operating licence or permit as defined in section 1(1) of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005). In terms of clause 7, any distinguishing mark, including any operating licence or permit as defined in section 1(1) of the repealed KwaZulu-Natal Public Transport Act, 2005 (Act No. 3 of 2005) is, in accordance with, and subject to, section 93(1)(b) of the National Land Transport Act, 2009 (Act No. 5 of 2009) regarded as a distinguishing mark issued under the National Land Transport Act, 2009.

Clause 8:

Clause 8 provides for the short title of the Act.

3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

No undue organisational and personnel implications are foreseen.

4. FINANCIAL IMPLICATIONS

No undue financial implications are foreseen.

5. DEPARTMENTS/ BODIES/ PERSONS CONSULTED

The Bill has been drafted, edited and certified in consultation with the –

5.1 Office of the Premier; and

5.2 Provincial Department of Transport.

6. CONTACT PERSON [AT DEPARTMENT OF TRANSPORT]

Name: Ms Simanga Ngubo
Position: Manager: Legal Services
Tel: (033) 355-8973
Fax: (033) 355-8967
Cellular: 082-909 3850
e-mail: simanga.ngubo@kzntransport.gov.za

KWAZULU-NATAL HERROEPINGSWETSONTWERP OP DIE WET OP OPENBARE VERVOER, 2010

Kennisgewing ooreenkomstig Reël 194 van die Staande Reëls van die KwaZulu-Natal Wetgewer

Kennisgewing geskied hiermee ooreenkomstig Reël 194 van die Staande Reëls van die KwaZulu-Natal Wetgewer dat die KwaZulu-Natal Herroepingswetsontwerp op die Wet op Openbare Vervoer, 2010 soos hieronder uiteengesit, by die voorgemelde Wetgewer ingedien is en deur die Portfoliokomitee oor Vervoer oorweeg sal word. Die publiek en ander belanghebbende groepe word uitgenooi om vertoë oor die vermelde wetsontwerp in te dien, welke vertoë gerig moet word aan:

Aandag: Me L Dube
Die Sekretaris
KwaZulu-Natal Legislature
Privaatsak X 9112
PIETERMARITZBURG
3200

Vertoë moet haar nie later as 15 dae vanaf die datum van hierdie publikasie bereik nie.

N NAIDOO
Sekretaris van die KwaZulu-Natal Wetgewer

**KWAZULU-NATAL
HERROEPINGSWETSONTWERP OP DIE WET OP OPENBARE VERVOER, 2010**

WETSONTWERP

Om voorsiening te maak vir die herroeping van die KwaZulu-Natal Wet op Openbare Vervoer, 2005; om voorsiening te maak vir voorbehoude en oorgangsbepalings met betrekking tot sodanige herroeping; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD soos volg deur die Provinsiale Wetgewer van die provinsie KwaZulu-Natal bepaal:–

Omskrywings

1. In hierdie Wet dra enige woord of uitdrukking waaraan 'n betekenis geheg is in die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009 (Wet No. 5 van 2009), moet, tensy dit duidelik onvanpas is, daardie betekenis dra, en, tensy uit die konteks anders blyk, beteken –

"*Koerant*" die amptelike *Provinsiale Koerant* van KwaZulu-Natal; en

"*verantwoordelike lid van die Uitvoerende Raad*" die lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal verantwoordelik vir vervoer.

Herroeping van Wet 3 van 2005 en voorbehoude

2.(1) Die KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), word hiermee herroep.

(2) Ten spyte van die herroeping van die KwaZulu-Natal Wet op Openbare Vervoer, 2005, en ooreenkomstig, en onderworpe aan, artikel 10(3) van die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009 (Wet No. 5 van 2009), word 'n regulasie uitgevaardig ingevolge die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005, vir die doeleindes van die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009, beskou as 'n regulasie uitgevaardig ingevolge artikel 10(3) van daardie Wet totdat die verantwoordelike lid van die Uitvoerende Raad nuwe regulasies uitvaardig ingevolge die vermeldde artikel 10(3) van die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009.

Opheffing van KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer ingestel ingevolge artikel 23 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005, en oorgangsreëlings wat daarmee verband hou

3.(1) Die KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer ingestel ingevolge artikel 23 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), word hiermee opgehef en ontbind.

(2) Alle bates, laste, regte, pligte en verpligtinge, met inbegrip van enige onbestede gedeelte van enige opgelope fondse, of fondse ontvang deur die ontbinde KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer word oorgedra na en berus by die KwaZulu-Natal Departement van Vervoer.

(3) Die KwaZulu-Natal Departement van Vervoer is, met betrekking tot die bates, laste, regte, pligte en verpligtinge en fondse vermeld in subartikel (2) vir alle doeleindes die regsopvolger van die ontbinde KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer.

(4) Ooreenkomstig, en onderhewig aan, artikel 24(3) van die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009 (Wet No. 5 van 2009), moet enige aansoek aangaande 'n bedryfslisensie of omskakeling van 'n permit na 'n bedryfslisensie wat hangende is voor die opgehefte KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer, hanteer en gefinaliseer word deur die Provinsiale Regulatoriese Entiteit ingestel binne die KwaZulu-Natal Departement van Vervoer ingevolge artikel 23(1) van daardie Wet.

Opheffing van KwaZulu-Natal Vervoerappèltribunaal ingestel ingevolge artikel 68 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 en oorgangsreëlings wat daarmee verband hou

4.(1) Die KwaZulu-Natal Vervoerappèltribunaal ingestel ingevolge artikel 68 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), word hiermee opgehef en ontbind.

(2) Alle bates, laste, regte, pligte en verpligtinge, met inbegrip van enige onbestede gedeelte van enige opgelope fondse, of fondse ontvang deur die ontbinde KwaZulu-Natal

Vervoerappèltribunaal word oorgedra na en berus by die KwaZulu-Natal Departement van Vervoer.

(3) Die KwaZulu-Natal Departement van Vervoer is, met betrekking tot die bates, laste, regte, pligte en verpligtinge en fondse vermeld in subartikel (2) vir alle doeleindes die regsopvolger van die ontbinde KwaZulu-Natal Openbare Vervoerappèltribunaal.

(4) Ooreenkomstig, en onderhewig aan, artikel 92(3) van die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009 (Wet No. 5 van 2009), moet enige appèl wat hangende is voor die opgehefte KwaZulu-Natal Vervoerappèltribunaal, hanteer en gefinaliseer word deur die Vervoerappèltribunaal ingestel ingevolge artikel 3 van die Wet op die Vervoerappèltribunaal, 1998 (Wet No. 39 van 1998).

Opheffing van pos van Provinsiale Registrateur van Vervoer ingestel ingevolge artikel 82 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005

5. Die pos van Provinsiale Registrateur van Vervoer ingestel ingevolge artikel 82(1) van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), word hiermee opgehef.

Opheffing van paneel van assessors ingestel ingevolge artikel 68 van herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005

6. Die paneel van assessors ingestel ingevolge artikel 68(1) van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), word hiermee opgehef en ontbind.

Oorgangsbepaling

7. Ooreenkomstig, en onderworpe aan, artikel 93(1)(b) van die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009 (Wet No. 5 van 2009), word enige onderskeidende teken, met inbegrip van enige bedryfslisensie of permit soos omskryf in artikel 1(1) van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), beskou as 'n onderskeidende teken uitgereik kragtens die "National Land Transport Act" (Wet op Nasionale Padvervoer), 2009.

Kort titel

8. Hierdie Wet word genoem die KwaZulu-Natal Herroepingswet op die Wet op Openbare Vervoer, 2010 en tree in werking op 'n datum wat deur die verantwoordelike lid van die Uitvoerende Raad deur middel van 'n kennisgewing in die *Koerant* bepaal moet word.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE
KWAZULU-NATAL HERROEPINGSWETSONTWERP OP DIE WET OP
OPENBARE VERVOER, 2010**

1. AGTERGROND

1.1 Voor die promulgasie van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009) is provinsiale landvervoeraangeleenthede gereguleer deur hoofstuk 3 van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009) wat provinsies onder andere gemandateer het om provinsiale vervoerwetgewing op te stel.

1.2 Die KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), is gepromulgeer as gevolg van die bovermelde mandaat.

1.3 Die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009) het die Oorgangswet op Nasionale Landvervoer, 2000 (Wet No. 22 van 2000) in geheel herroep en sodanige herroeping van die Oorgangswet op Nasionale Landvervoer, 2000 (Wet No. 22 van 2000) het die bepalings van die KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005) oortollig gemaak en derhalwe die behoefte aan die herroeping van die KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005) genoodsaak.

1.4 Die hoofdoel van die Wetsontwerp is om voorsiening te maak vir die herroeping van die KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005), ten einde voorsiening te maak vir voorbehouds- en oorgangsbepalings wat verband hou met sodanige herroeping en om die praktiese probleme wat mag opduik met die implementering van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009) uit te skakel.

2. KLOUSULE BY KLOUSULE VERDUIDELIKING

Kortliks bepaal die Wetsontwerp soos volg –

Klousule 1

Klousule 1 poog om woorde wat in die Wet gebruik word, te omskryf, met die oog op beperking of uitbreiding van die betekenis van daardie terme. Ingevolge hierdie klousule,

sal daardie woorde waaraan 'n betekenis geheg is in die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009), daardie betekenis dra. Dit skep sinergie en konsekwentheid tussen hierdie Wet en die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009).

Klousule 2

Klousule 2 maak voorsiening vir die herroeping van die KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Act No. 3 of 2005).

Ten spyte van die herroeping van die KwaZulu-Natal Wet op Openbare Vervoer, 2005 en ooreenkomstig, en onderhewig aan, artikel 10(3) van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009) laat die Wet ruimte vir die terughouding van enige regulasie uitgevaardig ingevolge die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005. 'n Regulasie uitgevaardig ingevolge die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 word, vir die doeleindes van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 beskou as 'n regulasie uitgevaardig ingevolge artikel 10(3) van daardie Wet totdat die verantwoordelike lid van die Uitvoerende Raad nuwe regulasies uitvaardig ingevolge die vermeldde artikel 10(3) van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009.

Klousule 3

Klousule 3 poog om die KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer ingestel ingevolge artikel 23 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005) op te hef.

Die klousule poog ook om bates, laste, regte, pligte en verpligtinge, met inbegrip van enige onbestede gedeelte van enige opgelope fondse, of fondse ontvang deur die ontbinde KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer oor te dra na en te berus by die KwaZulu-Natal Departement van Vervoer wat, ingevolge hierdie klousule en met betrekking tot die bates, laste, regte, pligte en verpligtinge en fondse, vir alle doeleindes die regsopvolger van die ontbinde KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer is.

Die klousule poog verder ooreenkomstig, en onderhewig aan, artikel 24(3) van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009) om oorgangsreëlings te verskaf vir enige aansoek met betrekking tot 'n bedryfslisensie of omskakeling van 'n permit na 'n bedryfslisensie wat hangende is voor die ontbinde KwaZulu-Natal Lisensiëringsraad van Openbare Vervoer. Hierdie klousule skryf voor dat sodanige aansoek hanteer en gefinaliseer moet word deur die Provinsiale Regulatoriese Entiteit ingestel binne die KwaZulu-Natal Departement van Vervoer ingevolge artikel 23(1) van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009).

Klousule 4

Klousule 4 poog om die KwaZulu-Natal Vervoerappèltribunaal ingestel ingevolge artikel 68 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 te ontbind.

Die klousule poog ook om bates, laste, regte, pligte en verpligtinge, met inbegrip van enige onbestede gedeelte van enige opgelope fondse, of fondse ontvang deur die ontbinde KwaZulu-Natal Vervoerappèltribunaal oor te dra na en te berus by die KwaZulu-Natal Departement van Vervoer wat, ingevolge hierdie klousule en met betrekking tot die bates, laste, regte, pligte en verpligtinge en fondse, vir alle doeleindes die regsopvolger van die ontbinde KwaZulu-Natal Vervoerappèltribunaal is.

Die klousule poog verder, ooreenkomstig, en onderhewig aan, artikel 92(3) van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009), om oorgangsreëlings te verskaf vir enige appèl wat voor die ontbinde KwaZulu-Natal Vervoerappèltribunaal hangende is. Hierdie klousule skryf voor dat sodanige aansoek hanteer en gefinaliseer moet word deur die Vervoerappèltribunaal ingestel ingevolge artikel 3 van die Wet op die Vervoerappèltribunaal, 1998 (Wet No. 39 van 1998).

Klousule 5

Klousule 5 maak voorsiening vir die opheffing van die pos van die Provinsiale Registrateur van Vervoer ingestel ingevolge artikel 82 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005.

Klousule 6

Klousule 6 maak voorsiening vir die opheffing van die paneel van assessors ingestel ingevolge artikel 68 van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005.

Klousule 7

Klousule 7 maak voorsiening vir oorgangsbepalings met betrekking tot enige onderskeidende teken, met inbegrip van enige bedryfslisensie of permit soos omskryf in artikel 1(1) van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005). Ingevolge klousule 7 word enige onderskeidende teken, met inbegrip van enige bedryfslisensie of permit soos omskryf in artikel 1(1) van die herroepe KwaZulu-Natal Wet op Openbare Vervoer, 2005 (Wet No. 3 van 2005) ooreenkomstig, en onderhewig aan, artikel 93(1)(b) van die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009 (Wet No. 5 van 2009) beskou as 'n onderskeidende teken uitgereik kragtens die "National Land Transport Act" (Wet op Nasionale Landvervoer), 2009.

Klousule 8

Klousule 8 maak voorsiening vir die kort titel van die Wet.

3. ORGANISATORIESE EN PERSONEELIMPLIKASIES

Geen buitensporige organisatoriese en personeelimplikasies word voorsien nie.

4. FINANSIËLE IMPLIKASIES

Geen buitensporige finansiële implikasies word voorsien nie.

5. DEPARTEMENTE/ LIGGAME/ PERSONE GERAADPLEEG

Die Wetsontwerp is opgestel, geredigeer en gesertifiseer in oorleg met die –

5.1 Premierskantoor; en

5.2 Provinsiale Departement van Vervoer.

6. KONTAKPERSOON [BY DEPARTEMENT VAN VERVOER]

Naam: Me Simanga Ngubo
Posisie: Bestuurder: Regsdienste
Tel: (033) 355-8973
Faks: (033) 355-8967
Sel: 082-909 3850
e-pos: simanga.ngubo@kzntransport.gov.za

No. 1

3 kuNhlolanja 2011

UMTHETHOSIVIVINYO WOKUCHITHA UMTHETHO WEZITHUTHI ZOMPHAKATHI WAKWAZULU-NATALI, 2010

Isaziso ngokuhambisana noMthetho 194 weMithetho Emileyo yeSishayamthetho saKwaZulu-Natali

Ngalokhu kunikezwa isaziso ngokuhambisana noMthetho 194 weMithetho Emileyo yeSishayamthetho sesiFundazwe maqondana nokuthi Umthethosivivinyo wokuChitha uMthetho weZithuthi zoMphakathi waKwaZulu-Natali, 2010, njengoba uchazwe ngezansi, sewethuliwe eSishayamthethweni esibalulwe ngenhla futhi uzocutshungulwa yiKomidi Lesishayamthetho Lezokuthutha. Umphakathi kanye nabanye abanentshisekelo bayamenywa ukuba balethe izethulo ezimayelana nalo Mthethosivivinyo, okumele ziqondiswe ku -:

Nkk. L Dube
UNobhala
ISishayamthetho saKwaZulu-Natali
Isikhwama Seposi X 9112
Pietermaritzburg
3200

ukuze zifinyelele kuye zingakapheli izinsuku eziyi-15 kusukela ngosuku okushicilelwe ngalo lesi saziso.

N NAIDOO
UNobhala weSishayamthetho saKwaZulu-Natali

**UMTHETHOSIVIVINYO WOKUCHITHA UMTHETHO WEZITHUTHI ZOMPHAKATHI
WAKWAZULU-NATALI, 2010**

UMTHETHOSIVIVINYO

Wokuhlinzekela ukuchithwa koMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005; wokuhlinzekela okushiwayo kanye nezinhlinzeko zesikhashana eziphathelene nalokho kuchithwa; kanye nohlinzekela okunye okuphathelene nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:

Izincazelo

1. Kulo Mthetho noma iliphi igama noma isisho incazelo yaso ekhona eMthethweni weziThuthi zoMgwaqo kaZwelonke, 2009, (uMthetho No. 5 ka 2009), kumele, ngaphandle uma kucacile ukuthi akuhambisani, kube naleyo ncazelo, futhi ngaphandle uma ingqikithi isho okwehlukile –

"iGazethi" kushiwo *iGazethi* yesiFundazwe saKwaZulu-Natali; futhi

"iLungu loMkhandlu oPhethe" kushiwo iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali elibhekele ezokuthutha.

Ukuchithwa koMthetho 3 ka 2005 nokushiwayo

2.(1) UMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005), ngalokhu uyachithwa.

(2) Ngaphandle kokuchithwa koMthetho weziThuthi zoMphakathi, 2005, nangokuhambisana, futhi kuncike, esigabeni 10(3) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), umthethonqubo owenziwe ngokoMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 osuchithiwe, ngokwezinhloso zoMthetho weziThuthi zoMgwaqo kaZwelonke, 2009, uthathwa njengomthethonqubo owenziwe ngokwesigaba 10(3) salowo Mthetho kuze kube iLungu loMkhandlu oPhethe lenza imithethonqubo emisha ngokwesigaba 10(3) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 esishiwoyo.

Ukuhlakazwa kweBhodi yaKwaZulu-Natali yokukhishwa kwamaLayisensi eziThuthi zoMphakathi esungulwe ngokwesigaba 23 soMthetho weziThuthi zoMphakathi, 2005 osuchithiwe, nezinhlelo zesikhashana eziphathelene nalokho

3.(1) IBhodi yaKwaZulu-Natali yokukhishwa kwamaLayisensi eziThuthi zoMphakathi esungulwe ngokwesigaba 23 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005) osuchithiwe, ngalokhu iyahlakazwa.

(2) Zonke izimpahla, izikweletu, amalungelo, imisebenzi nezibopho, kubandakanya nanoma iyiphi ingxenye engasetshenzisiwe yezimali eziqoqwe, noma ezabelwe iBhodi laKwaZulu-Natali lokukhishwa kwamaLayisensi eziThuthi zoMphakathi elihlakaziwe zidluliselwa, futhi zitshalwa eMnyangweni wezokuThutha waKwaZulu-Natali.

(3) UMnyango wezokuThutha waKwaZulu-Natali, maqondana nezimpahla, nezikweletu, namalungelo, nemisebenzi kanye nemisebenzi nezibopho kanye nezimali okukhulunywe ngakho esigatshaneni (2), ngandlela zonke iwona ngokusemthethweni ongundlalifa weBhodi laKwaZulu-Natali lokukhishwa kwamaLayisensi elihlakaziwe.

(4) Ngokuhambisana, futhi ngokuncike esigabeni 24(3) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), noma isiphi isicelo esiphathelene nelayisensi yokusebenza noma nokuguqulwa kwemvume yelayisensi yokusebenza ebesingakaphothulwa ngaphambi kokuhlakazwa kweBhodi laKwaZulu-Natali yokukhishwa kwamaLayisensi eziThuthi zoMphakathi, kumele senziwe futhi siphothulwe uMgwamanda oGunyaziwe wesiFundazwe osungulwe eMnyangweni wezokuThutha waKwaZulu-Natali ngokwesigaba 23(1) salowo Mthetho.

Ukuhlakazwa kwesiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha esisungulwe ngokwesigaba 68 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 osuchithiwe, kanye nezinhlizeko zesikhashana eziphathelene nalokho

4.(1) IsiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha esasungulwa ngokwesigaba 68 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, (uMthetho No. 3 ka 2005), osuchithiwe ngalokhu siyahlakazwa.

(2) Zonke izimpahla, izikweletu, amalungelo, imisebenzi nezibopho, kubandakanya noma iyiphi ingxenye yezimali eziqoqwe, noma ezabelwe iBhodi laKwaZulu-Natali lokukhishwa kwamaLayisensi okuThutha uMphakathi eselihlakaziwe zidluliselwa, futhi zitshalwa eMnyangweni wezokuThutha waKwaZulu-Natali.

(3) UMnyango wezokuThutha waKwaZulu-Natali, maqondana nezimpahla, nezikweletu, namalungelo, nemisebenzi nezibopho kanye nezimali okukhulunywe ngakho esigatshaneni (2), ngandlela zonke iwona ngokusemthethweni ongundlalifa wesiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha.

(4) Ngokuhambisana, futhi ngokuncike esigabeni 92(3) soMthetho weziThuthi zoMgwaqo waKwaZulu-Natali, 2009 (uMthetho No. 5 ka 2009), noma isiphi isikhalazo ebesisadingidwa ngaphambi kwesiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha esesihlakaziwe, kumele silalelwe futhi siphothulwe isiGungu seziKhalazo ngezokuThutha esisungulwe ngokwesigaba 3 soMthetho weziGungu zeziKhalazo ngezokuThutha, 1998 (uMthetho No. 39 ka 1998).

Ukuhlakazwa kwehhovisi loMbhali weziThuthi esiFundazweni elisungulwe ngokwesigaba 82 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, osuchithiwe.

5. Ihhovisi loMbhali weziThuthi esiFundazweni elasungulwa ngokwesigaba 82(1) soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, (uMthetho No. 3 ka 2005) osuchithiwe, ngalokhu liyahlakazwa.

Ukuhlakazwa kweThimba labaHloli elisungulwe ngokwesigaba 68 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, osuchithiwe

6. Ithimba labahloli elisungulwe ngokwesigaba 68(1) soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, (uMthetho No. 3 ka 2005) osuchithiwe, ngalokhu liyahlakazwa.

Izinhlinzeko zesikhashana

7. Ngokuhambisana, futhi ngokuncike, esigabeni 93(1)(b) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), noma yiluphi uphawu, kubandakanya nanoma iyiphi ilayisensi yokusebenza noma imvume njengoba kuchazwe esigabeni 1(1) soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, (uMthetho No. 3 ka 2005) osuchithiwe, luthathwa njengophawu olukhishwe ngokoMthetho weziThuthi zoMgwaqo kaZwelonke, 2009.

Isihloko esifingqiwe

8. Lo Mthetho ubizwa ngokuthi uMthetho wokuChitha uMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2010, futhi uzoqala ukusebenza kusukela ngosuku olunqunywe iLungu loMkhandlu oPhethe elibhekele ezokuthutha ngesaziso *kwiGazethi*.

**IMEMORANDAMU NGEZINJONGO ZOMTHETHOSIVIVINYO WOKUCHITHA
UMTHETHO WEZITHUTHI ZOMPHAKATHI WAKWAZULU-NATALI, 2010**

1. ISENDLALELO

1.1 Ungakaphasiswa uMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), izindaba zezithuthi zomgwaqo esifundazweni zazilawulwa ngokwesahluko 3 soMthetho wokuHlelwa kaBusha kweziThuthi zoMgwaqo kaZwelonke, 2000 (uMthetho No. 22 ka 2000) phakathi kweminye, owajuba izifundazwe ukuba zakhe imithetho yezokuthutha yeziFundazwe.

1.2 UMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005), waba ngumphumela walokhu kujutshwa okushiwo ngasenhla.

1.3 UMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), wachitha uMthetho wokuHlelwa kaBusha kweziThuthi zoMgwaqo kaZwelonke, 2000 (uMthetho No. 22 ka 2000) wonke futhi lokho kuchithwa koMthetho wokuHlelwa kaBusha kweziThuthi zoMgwaqo kaZwelonke, 2000 (uMthetho No. 22 ka 2000) kuhlinzekele uMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005) obusuphelelwe isikhathi futhi okwenze kwaba nesidingo sokuthi uchithwe uMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005).

1.4 Injongo enkulu yoMthethosivivinyo ukuhlinzekela ukuchithwa koMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005), ukuhlinzekela okuzosala kanye nezinhlinzeko zesikhashana eziphathelene nalokhu kuchithwa nokuqeda izinkinga okungenzeka kuhrangatshezwane nazo uma sekuqaliswa ukusetshenziswa koMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009).

2. INCAZELO EQUKETHWE ISIGABA SOMTHETHO NGASINYE

Kafishane uMthethosivivinyo uhlinzeka kanje –

Isigaba somthetho 1:

Isigaba somthetho 1 sihlose ukuchaza amagama asetshenziswe eMthethweni, ngenhloso yokugcina noma yokwelula izincazelo zalawo magama. Ngokwalesi sigaba somthetho, lawo magama anikeziwe izincazelo eMthethweni weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), ahambisana nalezo zincazelo. Lokhu kudala ukusebenzisana ngokubambisana nangendlela efanayo phakathi kwalo Mthetho kanye noMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009).

Isigaba somthetho 2:

Isigaba somthetho 2 sihlinzekela ukuchithwa koMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005).

Ngale kokuchithwa koMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, ngokuhambisana, futhi kuncike esigabeni 10(3) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), uMthetho unikeza uthuba lokuthi kugcinwe noma yimuphi umthethonqubo owakhiwe ngokoMthetho weziThuthi zoMphakathi, 2005 osuchithiwe. Umthethonqubo owakhiwe ngokoMthetho weziThuthi zoMphakathi, 2005 osuchithiwe, ngokwezinhloso zoMthetho weziThuthi zoMgwaqo kaZwelonke, 2009, uthathwa njengomthethonqubo owakhiwe ngokwesigaba 10(3) soMthetho kuze kube iLungu loMkhandlu oPhethe lenza imithethonqubo emisha ngokwesigaba 10(3) esishiwoyo soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009.

Isigaba somthetho 3:

Isigaba somthetho 3 sihlose ukuhlakaza iBhodi yaKwaZulu-Natali yokukhishwa kwamaLayisensi eziThuthi zoMphakathi esungulwe ngokwesigaba 23 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 (uMthetho No. 3 ka 2005) osuchithiwe.

Isigaba somthetho siphinde sihlose ukudlulisela, nokunikezela izimpahla, izikweletu, amalungelo, amajoka nezibopho, kubandakanya nanoma iyiphi

ingxenye yezimali ezingasetshenziwe eziqoqwe, noma ezabelwe iBhodi yaKwaZulu-Natali yokukhishwa kwamaLayisensi eziThuthi zoMphakathi esihlakaziwe, eMnyangweni wezokuThutha waKwaZulu-Natali, futhi ngokwalesi sigaba somthetho maqondana nezimpahla, nezikweletu, namalungelo, namajoka, nemisebenzi nezibopho kanye nezimali, ngazo zonke izindlela iwona ngokusemthethweni ongundlalifa weBhodi yaKwaZulu-Natali yokukhishwa kwamaLayisensi eziThuthi zoMphakathi.

Isigaba somthetho siphinde sihlose, ngokuhambisana futhi ngokuncike esigabeni 24(3) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), ukuhlinzeka ngezinhlinzeka zesikhashana zanoma isiphi isicelo esiphathelene nelayisensi yokusebenza noma nokuguqulwa kwemvume yelayisensi yokusebenza ebesingakaphothulwa ngaphambi kokuhlakazwa kweBhodi laKwaZulu-Natali lokukhishwa kwamaLayisensi eziThuthi zoMphakathi. Lesi sigaba somthetho sinquma ukuthi leso sicelo kumele senziwe futhi siphothulwe uMgwamanda oGunyaziwe wesiFundazwe osungulwe eMnyangweni wezokuThutha waKwaZulu-Natali ngokwesigaba 23(1) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009).

Isigaba somthetho 4:

Isigaba somthetho 4 sihlose ukuhlakaza isiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha esisungulwe ngokwesigaba 68 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005).

Isigaba somthetho siphinde sihlose ukudlulisela, nokunikezela izimpahla, izikweletu, amalungelo, amajoka nezibopho, kubandakanya nanoma iyiphi ingxenye yezimali ezingasetshenziwe eziqongelelwe, noma ezabelwe isiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha esihlakaziwe, eMnyangweni wezokuThutha waKwaZulu-Natali ngokwalesi sigaba somthetho futhi maqondana nezimpahla, nezikweletu, namalungelo, nemisebenzi kanye nezibopho kanjalo nezimali, ngazo zonke izindlela yiwona ngokusemthethweni ongundlalifa wesiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha.

Isigaba somthetho siphinde sihlose, ngokuhambisana futhi ngokuncike esigabeni 92(3) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), ukuhlinzeka ngezinhlinzeko zesikhashana, nanoma isiphi isikhalazo ebesingakaphothulwa ngaphambi kokuhlakazwa kwesiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha. Lesi sigaba somthetho sibeka ukuthi kumele leso sicelo senziwe futhi siphothulwe isiGungu saKwaZulu-Natali seziKhalazo ngezokuThutha esisungulwe ngokwesigaba 3 soMthetho weziGungu zeziKhalazo saKwaZulu-Natali, 1998 (uMthetho No. 39 ka 1998).

Isigaba somthetho 5:

Isigaba somthetho 5 sihlizekela ngokuhlakazwa kwehhovisi loMbhali weziThuthi esiFundazweni elisungulwe ngokwesigaba 82 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 osuchithiwe.

Isigaba somthetho 6:

Isigaba somthetho 6 sihlizekela ukuhlakazwa kweThimba labaHloli elisungulwe ngokwesigaba 68 soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005 osuchithiwe.

Isigaba somthetho 7:

Isigaba somthetho 7 sihlizekela izinhlinzeko zesikhashana maqondana nanoma yiluphi uphawu, kubandakanya nanoma iyiphi ilayisensi yokusebenza noma imvume njengoba kuchazwe esigabeni 1(1) soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, (uMthetho No. 3 ka 2005) osuchithiwe. Ngokwesigaba somthetho 7, nanoma iyiphi ilayisensi yokusebenza noma imvume njengoba kuchazwe esigabeni 1(1) soMthetho weziThuthi zoMphakathi waKwaZulu-Natali, 2005, (uMthetho No. 3 ka 2005) osuchithiwe, ngokuhambisana, futhi ngokuncike esigabeni 93(1)(b) soMthetho weziThuthi zoMgwaqo kaZwelonke, 2009 (uMthetho No. 5 ka 2009), ithathwa njengophawu olukhishwe ngokoMthetho weziThuthi zoMgwaqo kaZwelonke, 2009.

Isigaba somthetho 8:

Isigaba somthetho 8 sihlizekela ngesihloko esifingqiwe soMthetho.

3. IZINGQINAMBA KWEZOKUPHATHA NEZABASEBENZI

Azikhona izingqinamba ezilindelekile kwezokuphatha nakwezabasebenzi.

4. IZINGQINAMBA KWEZEZIMALI

Azikhona izingqinamba ezilindelekile kwezezimali.

5. IMINYANGO/ IMIGWAMANDA/ ABANTU OKUBONISWENE NABO

UMthethosivivinyo usubhaliwe, wahlolisiswa futhi wagunyazwa ngokubonisana –

5.1 neHhovisi likaNdunankulu;

5.2 noMnyango wezokuThutha esifundazweni.

6. UMUNTU OKUXHUNYANWA NAYE [EMNYANGWENI WEZOKUTHUTHA]

Igama: Nksz. Simanga Ngubo
Isikhundla: uMphathi oPhikweni lwezoMthetho
Ucingo: (033) 355-8973
Ifeksi: (033) 355-8967
Iselula: 082-909 3850
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PROCLAMATION—PROKLAMASIE—ISIMEMEZELO

No. 1


3 February 2011

By the powers vested in me in terms of section 6(3)(a) of the Remuneration of Public Office Bearers Act, Act No. 20 of 1998, I Zwelini Lawrence Mkhize, Premier of KwaZulu-Natal, hereby determine salaries and allowances of Members of the Executive Council and the different Members of the Provincial Legislature of KwaZulu-Natal as set out below:

SCHEDULE 1			
UPPER LIMIT OF THE SALARIES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES AS ADJUSTED BY 5% WITH EFFECT FROM 01 APRIL 2010			
Column 1	Column 2	Column 3	Column 4
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION AS FROM 1 APRIL 2010
LB	1	Member of Executive Council	1, 491, 514
		Speaker	1, 491, 514
LC	1	Deputy Speaker	1, 171, 886
		Chief Whip: Majority Party	1, 065, 385
	2	Chairperson of Committees	958, 884
		Leader of Opposition	958, 884
		Chairperson of a Committee	958, 884
	3	Deputy Chairperson of Committees	902, 141
		Deputy Chief Whip: Majority Party	902, 141
		Chief Whip: Largest Minority Party	902, 141
		Leader of a Minority Party	902, 141
LD	1	Parliamentary Counsellor to a King	802, 873
		Whip	802, 873
	2	Member of Provincial Legislature	777, 059

The remuneration and allowances of Members of the Executive Council and the different Members of the Provincial Legislature of KwaZulu-Natal shall be as set out in the Schedule with effect from 01 April 2010.

Given under my Hand at Pietermaritzburg, this 30 November Two Thousand and Ten.



 ZL Mkhize
 Premier of KwaZulu-Natal

No. 1

3 Februarie 2011

Kragtens die bevoegdheid aan my verleen ingevolge artikel 6(3)(a) van die Wet op die Besoldiging van Openbare Ampsbekleërs, No. 20 van 1998, bepaal ek, Zwelini Lawrence Mkhize, Premier van KwaZulu-Natal, hiermee die salarisse en toelae van Lede van die Uitvoerende Raad en die verskillende Lede van die Provinsiale Wetgewer van KwaZulu-Natal, soos hieronder uiteengesit.

BYLAE 1			
BOONSTE PERK VAN DIE SALARISSE EN TOELAE VAN PREMIERS, LEDE VAN UITVOERENDE RADE EN LEDE VAN PROVINSIALE WETGEWERS, MET 'N AANPASSING VAN 5% WAT VANAF 01 APRIL 2010 IN WERKING TREE			
Kolom 1	Kolom 2	Kolom 3	Kolom 4
GRAAD	BESOLDIGINGSVLAK	AMP	TOTALE BESOLDIGING VANAF 1 APRIL 2010
LB	1	Lid van die Uitvoerende Raad	1, 491, 514
		Speaker	1, 491, 514
LC	1	Adjunkspeaker	1, 171, 886
		Hoofswep: Meerderheidsparty	1, 065, 385
	2	Voorsitter van Komitees	958, 884
		Leier van die Opposisie	958, 884
		Voorsitter van 'n Komitee	958, 884
	3	Adjunkvoorsitter van Komitees	902, 141
		Adjunk-hoofswep: Meerderheidsparty	902, 141
		Hoofswep: Grootste Minderheidsparty	902, 141
		Leier van 'n Minderheidsparty	902, 141
LD	1	Parlementêre Koninklike Raadgewer	802, 873
		Sweep	802, 873
	2	Lid van 'n Provinsiale Wetgewer	777, 059

Die besoldiging en toelae van Lede van die Uitvoerende Raad en die verskillende Lede van die Provinsiale Wetgewer van KwaZulu-Natal, soos in die Bylae uiteengesit, tree op 01 April 2010 in werking.

Geteken op die 30 dag van November Tweeduisend and Tien.



 ZL Mkhize
 Premier van KwaZulu-Natal

No. 1

3 kuNhlolanja 2011

NGOKWAMANDLA engiwanikezwe yisigaba 6(3) soMthetho wokuKhokhelwa kweziPhathimandla zoMphakathi, umthetho No. 20 ka 1998, mina Zwelini Lawrence Mkhize, uNdunankulu wesiFundazwe saKwaZulu-Natali, ngalokhu ngingquma inkokhelo kanye nezibonelelo ezimile zoNgqongqoshe kanye namalungu ehlukene esiShayamthetho sesiFundazwe saKwaZulu-Natali.

UHLELO 1			
UMKHAWULO OPHEZULU WAMAHOLO KANYE NEZINKOKHELO EZIMILE ZONDUNANKULU NONGQONGQOSHE KANYE NAMALUNGU ESISHAYAMTHETHO SESIFUNDAZWE			
Uhlu 1	Uhlu 2	Uhlu 3	Uhlu 4
ISIGABA	PAY LEVEL	ISIKHUNDLA	TOTAL REMUNERATION AS FROM 1 APRIL
LB	1	ILungu loMkhandlu OPhethe uSomlomo	1, 491, 514
			1, 491,514
LC	1	IPhini likaSomlomo	1, 171,886
		USotshwebhu oMkhulu: weQembu elikhulu	1, 065,385
	2	uSihlalo wamaKomidi	958,884
		UMholi weQembu eliPhikisayo	958,884
		uSihlalo weKomiti lesiShayamthetho	958,884
	3	iPhini likaSihlalo wamaKomidi	902,141
		iPhini likaSotswebhu oMkhulu	902,141
		uSotswebhu weQembu eliNcane	902,141
		uMholi weQembu eliNcane	902,141
LD	1	UMxhumanisi wePhalamende neSilo	802,873
		uSotswebhu	802,873
	2	Ilungu lesiShayamthetho	777,059

Nezibonelelo kanye nenkokhelo yoNgqongqoshe kanye namalungu ehlukene esiShayamthetho sesiFundazwe saKwaZulu-Natali kuyohlelwa oHlelweni kusuka mhlaka 1 Ephreli 2010.

Kunikezwe ngaphansi kweSandla sami eMgungundlovu, ngalolu suku lomhlaka 30 kuNovember oNyakeni weziNkulungwane eziMbili neShumi.

.....
ZL Mkhize

uNdunankulu wesiFundazwe saKwaZulu-Natali