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**CONTENTS • INHOUD**

No.

Page  
No.      Gazette  
            No.

**GENERAL NOTICE**

**Transport, Department of**

*General Notice*

1250    Publication for comments: The Legal Succession to the South African Transport Services Amendment Bill, 2007.....      3      30344

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## GENERAL NOTICE

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### NOTICE 1250 OF 2007

#### DEPARTMENT OF TRANSPORT

#### **PUBLICATION FOR COMMENTS: THE LEGAL SUCCESSION TO THE SOUTH AFRICAN TRANSPORT SERVICES AMENDMENT BILL, 2007**

The above- mentioned draft Bill is hereby published for public comments. Interested persons are invited to submit written comments on the draft Bill by not later than 30 October 2007. Submission should be posted to the Director – General Department of Transport for the attention of T.H.M Mphahlele and Godfrey Maluleka at:

The Department of Transport  
Private Bag x193  
PRETORIA  
0001

REPUBLIC OF SOUTH AFRICA

LEGAL SUCCESSION TO THE SOUTH AFRICAN TRANSPORT SERVICES  
AMENDMENT BILL

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*(As introduced in the National Assembly as a section 75 Bill; explanatory  
summary of Bill published in Government Gazette No.     Of     ) (The  
English text is the official text of the Bill)*  
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(MINISTER OF TRANSPORT)

[ B 2007 ]

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**GENERAL EXPLANATORY NOTE:**

[ Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

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**B I L L**

**To amend the Legal Succession to the South African Transport Services Act 9, 1989, so as to allow for the consolidation of Shosholaza Meyl within the South African Transport Services Act**

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as

follows: —

**Amendment of section 1 of Act 9 of 1989**

1. Section 1 of the Principal Act, 1989 (herein referred to as the principal Act) is hereby amended\_

(a) by the substitution of the definition of [local government body] by the following definition;

“ **municipality means municipality as defined in the National Land Transport Transition Act, 2000 ( Act No. 22 of 2000)**”

(b) Section 1 of the Principal Act is hereby amended by the substitution of the definition of transport authority for the following definition;

**“Transport Authority”** means

(i) any Departments of state

**“(ii) planning authority means a planning authority as defined in section 1 of National Land Transport Transition Act, 2000 ( Act No. 22 of 2000)”**

**Amendment of section 22 of Act 9 of 1989**

2. Section 22 of the Principal Act is hereby amended by the substitution of sub-section (1) of the following subsection;

**“ 22. Establishment and Name. - (1)** On the date referred to in section 3(1), a legal person, which shall be called the South African [Commuter] passenger Corporation Limited, shall be established

**Amendment of section 23 of Act 9 of 1989**

3. Section 23 of the principal Act is hereby amended by the substitution of subsection (1) of the following subsection;

(a) **“ 23. Main Object and Powers. – (1)** The main object and the main business of the Corporation are to ensure that, at the request of the Department of Transport or any [local government body] Municipality designated under section 1 as a transport authority, rail commuter services and long-haul rail passenger

**services** are provided within, to and from the Republic in the public interest.”

(b) by substitution in sections 23(3) [ Urban Transport Act, 1977]

with **National Land Transport Transition Act, 2000 ( Act No. 22 of 2000)**”

**Amendment of sections 5,7,8,9,13,14(1)(a), 14(1)(a)(ii), (b), (2), (3), 16, 18, 19 and items 1-9 and 12 of schedule 1 of the following insertion;**

4. Sections 5,7,8,9,13, 14(1) (a)(iv), 14(1)(a)(ii), (b), (2), (3), section 16, 18, 19, and items 1-9 and 12 of Schedule 1 of the principal Act is hereby amended by the insertion of the words “ **or South African Rail Commuter corporation**” after the word Company.

**Amendment of sections 6,7,8,9,10,11, 12,14, 16, 17 and items 1-9 and 12 of schedule 1 of the following insertion;**

**Amendment of section 24 of Act 9 of 1989**

5. Section 24 of the principal Act is hereby amended by the substitution and insertion for the following section;

(c) “24(2)(c) one of the members of the Board of Control shall be nominated by the [Association of Regional Services Councils] **South African Local Government Association (SALGA).**”

**Amendment of section 25 of Act 9 of 1989**

6. Section 25 of the principal Act is hereby amended by the insertion of the following section after section 25;

**25A. Assets of long distance passenger rail.**

(1) Right of ownership in the long distance passenger rail and assets currently owned by the Company shall be identified by the Minister of Mineral and Energy Affairs and Public Enterprises by notice in the Gazette, shall be transferred to the Corporation on the date set by the Minister of Transport;

(2) The notice referred to in subsection (1) shall be promulgated before or on the date set by the Minister

(3) As consideration for the assets referred to in subsection (1), the corporation shall issue fully paid-up shares in the Corporation to Transnet, and the rights attached to such shares shall be exercised by the Minister.

(4) The value of the assets acquired by the Corporation in terms of subsection (1) shall be determined by the Minister in consultation with the Minister of Finance.

**Amendment of section 31 of Act 9 of 1989**

7. Section 31 of the principal Act is hereby amended by the substitution and insertion for the following section;

**(d) 31. Applications of Laws:** - The provisions of Section 6,7,8,9,10,11,12, 13, 14,16,17, 18, 19 and items 1-9 and 12 of schedule 1 of the principal Act shall apply mutates mutandis to the Corporation provided that:"

(e) by insertion of section "17" on section 31(1)(a) between 13(7) and (18(1))

**Short title**

6. This Act is called the Legal Succession to the South African Transport Services Amendment Act, 2007 and comes into operation on a date fixed by the President by Proclamation in the *Gazette*.
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