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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT**No. R. 803****25 October 2012****THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT No. 7 OF 1998)****DRAFT REGULATIONS ON EXEMPTIONS FROM THE PAYMENT OF TOLLS, 2012: PUBLICATION FOR COMMENT**

The Minister of Transport hereby, in terms of section 58(1)(d) of The South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) (the Act) intends making the regulations in the Schedule hereto.

These regulations provide for the forms to be used, information to be furnished and procedure to be followed by applicants in connection with exemptions granted by the South African National Roads Agency SOC Limited on the Gauteng Freeway Improvement Project, toll roads (GFIP Toll Roads) in terms of section 27(1)(c) of the Act.

Interested persons are invited to submit written comments on the draft regulations to the Director-General, Department of Transport within 30 days from the date of publication for the attention of:

MR T.H.M Mphahlele at the following address:

E-mail: MphahleT@dot.gov.za

Tel: 012 309 3481

Fax: 012 309 3134

The Department of Transport
Private Bag X193
PRETORIA
0001

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act or the NLTA has the same meaning, and—

“Act” or **“the Act”** means the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);

“customer service centre” means the place of payment determined by the Agency for the payment of toll as published by the Agency from time to time;

“e-tag” means an electronic device that is fitted to a motor vehicle in the manner specified by the Agency to identify the motor vehicle;

“e-toll plaza” means a toll plaza defined in section 1 of the Act;”

“exempt emergency service” means a service where a vehicle is used by the Gauteng Provincial Government, the City of Johannesburg Metropolitan Municipality, the City of Tshwane Metropolitan Municipality or the Ekurhuleni Metropolitan Municipality, for a traffic officer as defined in the National Road Traffic Act or an ambulance or fire-fighting vehicle as defined in that Act, or a vehicle used for disaster management as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002) or a vehicle used for forensic pathology purposes that is exempted by the Agency in terms of section 27(1)(c) of the Act;

“exempt public transport service” means an exemption granted by the Agency in terms of section 27(1)(c) of the Act in respect of a particular type of public transport service as defined in section 1 of the National Land Transport Act;

“GFIP toll-roads” means the Gauteng Freeway Improvement Project toll roads, which are N1 sections 20 and 21, N3 section 12, N4 section 1, N12 sections 18 and 19 (as declared by Government Notice No. 30912 of 28 March 2008) and R21 sections 1 and 2 (as declared by Government Notice No. 31273 of 28 July 2008);

“National Land Transport Act” means the National Land Transport Act, 2009 (Act No. 5 of 2009);

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“operator” means, in the case of an exempt public transport service, the operator of the service as defined in section 1 of the National Land Transport Act and, in the case of an exempt emergency service, the Gauteng Provincial Government or Metropolitan Municipality that owns or leases the vehicle which it uses to provide the exempt emergency service;

“other exempt service” means any other vehicle of a category or users of a category that may be exempted by the Agency in terms of section 27(1)(c) of the Act; and

“vehicle” means a motor vehicle as defined in the National Road Traffic Act.

Information required and procedures applicable to public transport exemptions

2. (1) To obtain a public transport exemption, the operator of the vehicle concerned must apply to the Agency by completing the application form attached as an annexure and submit the completed form to the customer service centre with the application fee and the documents mentioned in sub-regulation (2).

(2) The following fees and documents must accompany the application form for an exempt public transport service:

- (a) The application fee;
- (b) The operating licence, licences, permit or permits issued for the vehicle in question in terms of the National Land Transport Act or recognized by that Act, or a certified copy thereof, or, in the case of bulk applications the number, date of issue and expiry date thereof;

- (c) the current vehicle licence certificate for each vehicle or a certified copy thereof or, in the case of bulk applications the vehicle identification number and date of issue of the certificate; and
- (d) the schedule to the application form indicating the routes for which the exemption is sought.

(3) When using the GFIP toll roads in the case of an exempt public transport service, the operator must at all times be in possession of the necessary operating licence or permit as required by section 50(1) of the National Land Transport Act, the original of which or a duplicate original must be available for inspection in the vehicle in terms of regulation 23(b) of the National Land Transport Regulations, 2009 promulgated in terms of that Act.

Information required and procedures applicable to exemptions for emergency services

3. The Provincial Administration or Metropolitan Municipality applying for exemption for an exempt emergency service must supply to the Agency the information required by the Agency for each vehicle in respect of which exemption is sought, as well as the vehicle identification number and date of issue of the current vehicle licence certificate for each vehicle.

Information required and procedures applicable to applications for other exemptions

4. (1) A person applying for exemption from the payment of toll on a GFIP toll road and in respect of all vehicles of a category or users of a category, other than for an exempt public transport service or exempt emergency service (which are dealt with above), must complete the application form provided by the Agency and submit the completed form to the Agency at a customer service centre together with the application fee and the current vehicle licence certificate for each vehicle for which exemption is sought, if applicable, and any other information or documents required by the Agency.

- (2) The Agency must evaluate the application, and if it grants the exemption, must publish a notice in the *Government Gazette* in terms of section 27(1) (c) of the Act.

Procedures applicable to all exemptions

5. (1) Where an application fee is payable on application for exemption the fee will be determined by the Agency from time to time and will not be refundable if the application is rejected.

(2) Where a vehicle or user qualifies for the exemption–

- (a) the user, owner or operator of the vehicle will be issued with an e-tag by the Agency for each vehicle, which e-tag will constitute the means of identifying the vehicle operated by the user, owner or operation respect of which the exemption is granted: provided that in the case of other exempt services the e-tag will be issued only once the Agency has granted exemption to the category concerned and if the Agency decides that the affixing of an e-tag is a requirement for such a category; and
- (b) a document identifying the user, vehicle or operator will be issued to the user, owner or operator of the vehicle, if so decided by the Agency, for each vehicle, which document is neither renewable nor transferable and which must be kept in the vehicle when operated on a GFIP toll road.

(3) The e-tag issued by the Agency–

- (a) must be affixed to each vehicle which qualifies for the exemption or to the vehicle(s) of the user who qualifies for exemption in accordance with the requirements of the Agency;
- (b) is subject to any requirements, terms or conditions imposed or prescribed by the Agency;and
- (c) must be affixed to the relevant vehicle and the user or operator of the vehicle may not enter the GFIP toll road unless such tag is affixed to the relevant vehicle.

(4) The exemption will be valid for three years from the date that the application for exemption was granted, where after a further application for exemption must be made by completing the application form supplied by the Agency and supplying the required particulars and documents to the Agency at a customer care centre not less than 30 days prior to the expiry of the exemption.

(5) If the vehicle for which an exemption has been granted is stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit for use, the user, owner or operator of the vehicle must notify the Agency on the form provided by the Agency and hand the completed form in at a customer service centre or by telephoning the abovementioned Call Centre immediately on becoming aware that it was stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit for use.

(6) The user, owner or operator of the vehicle must notify the Agency within 24 hours if an exempt vehicle changes ownership or if an application is made to transfer the relevant operating licence or permit, or if the operating licence or permit lapses or is cancelled.

(7) If the user, owner or operator of a vehicle wishes to replace an exempt vehicle with another vehicle, the user, owner or operator must apply for an e-tag for the new vehicle by completing the application form supplied by the Agency and providing the vehicle licence certificate and other information required by the Agency, and the exemption will not apply in respect of the new vehicle until the new e-tag issued by the Agency is affixed to the new vehicle and, in the case of an exempt public transport service, until the required operating licence for the new vehicle has been obtained.

(8) The exemption granted by the Agency may be withdrawn in terms of section 27(1)(f)(i) of the Act if –

- (a) the user, owner or operator of the vehicle uses the e-tag issued for any unauthorised purpose; or
- (b) the vehicle enters a toll road without the e-tag properly affixed to the vehicle; or

- (c) the user, owner or operator of the vehicle fails to comply with these regulations or any other condition relating to the exemption imposed by the Agency and of which the user, owner or operator of the vehicle has been notified in writing by the Agency; or
- (d) the operating licence or permit on which the exemption is based lapses or is withdrawn or cancelled for any reason; or
- (e) the motor vehicle for which the exemption is granted is at any time not properly licensed or a valid roadworthy certificate has not been acquired for the vehicle as required by the National Road Traffic Act; or
- (f) the user, owner or operator of the vehicle tampers with or defaces a licence plate on such vehicle in contravention of the National Road Traffic Act.

Short title and commencement

6. These Regulations are called the Regulations on Exemptions from the Payment of Tolls, 2012 and shall come into operation on the date of their publication in the *Government Gazette*.

Annexure

LOGO

SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED (SANRAL)

**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT,
1998 (ACT NO. 7 OF 1998)**

**GAUTENG FREEWAY IMPROVEMENT PROJECT (GFIP): APPLICATION FORM FOR
EXEMPTION**

PART A: TO BE COMPLETED BY APPLICANTS FOR PUBLIC TRANSPORT EXEMPTION

1. Particulars of applicant:

Full names of person, company, partnership, corporation or other legal entity:

.....

Postal address and code:

Street address if different from postal address:

Telephone number(s) :

Fax number :

E-mail address :

Name of responsible person in the case of a juristic person:

Association of which applicant is a member (if applicable):

2. Type of identification (attach certified copy):

RSA Identity document		Temporary identity certificate	
Passport		Foreign identity document	
Founding statement		Certificate of incorporation	
Memorandum of understanding		Partnership agreement	

3. Particulars of operating licence or permit for each vehicle (attach certified copy):

Operating licence/ permit number:

Vehicle licence number as shown on the operating licence/permit

Regulatory entity that issued the licence or permit:

Date of issue: Date of expiry:

4. Type of service:

Minibus taxi-type service as defined in section 1 of the NLTA where the service is for commuting, as defined in the NLTA (the definition reads as follows: "minibus taxi-type service" means an unscheduled public transport service operated on a specific route or routes or, where applicable, within a particular area, by means of a motor car, minibus or midibus");	
--	--

Contracted service, i.e.vehicles operated in terms of a contract with a contracting authority contemplated in section 56 of the NLTA	
Scheduled commuter public transport service, i.e. a regular, daily scheduled public transport service operating according to a time-table, including the transportation of scholars and private contract passengers	
Scholar service, i.e. a dedicated service for transporting scholars or students on a daily basis contemplated in section 72 of the NLTA for which an operating licence or permit is required in terms of the NLTA	

5. Vehicle details:

Single application		Bulk application	
--------------------	--	------------------	--

For bulk applications please complete the Excel spreadsheet provided by the Agency.

Vehicle type (as defined in the NLTA):

Motor car (less than 10 persons including the driver)	
Minibus (10 – 16 persons including the driver)	
Midibus (17 to 35 persons including the driver)	
Bus (more than 35 persons including the driver)	

Vehicle licence number :

Type of vehicle :

Make of vehicle :

6. Routes for which exemption is sought

Please describe as well as indicate on the map attached as a Schedule the route or routes for which the public transport exemption is sought. Positioning trips (i.e trips from the operator’s home, depot or base to where the trip starts, or back again when the trip ends) must also be shown. These routes must be authorised by a valid operating licence or permit, the particulars of which are provided in terms of paragraph 3 above.

PART B: TO BE COMPLETED BY APPLICANTS FOR EMERGENCY VEHICLE EXEMPTION

1. Particulars of applicant:

Tick the relevant box:

Gauteng Provincial Government	
-------------------------------	--

City of Johannesburg Metropolitan Municipality	
City of Tshwane Metropolitan Municipality	
Ekurhuleni Metropolitan Municipality	

Postal address and code:

Street address if different from postal address:

Telephone number(s) :

Fax number :

E-mail address :

Full names of contact person:

2. Particulars of vehicle(s)

Particulars of the emergency vehicles for which exemption is sought must be provided on the Excel spreadsheet supplied by SANRAL. The purpose for which the vehicle is used must be indicated on the Excel spreadsheet.

PART C: TO BE COMPLETED BY APPLICANTS FOR OTHER CATEGORIES OF EXEMPTIONS

1. Particulars of applicant:

Full names of person, company, partnership, corporation or other legal entity:

.....

Postal address and code:

Street address if different from postal address:

Telephone number(s) :

Fax number :

E-mail address :

Name of responsible person in the case of a juristic person:

Association of which applicant is a member (if applicable):

2. Particulars of exemption sought

Provide full description and estimated numbers of the vehicles of a category or users of a category in respect of which exemption is sought and reasons why exemption is sought, with a motivation (use a separate sheet if necessary):

.....

3. Vehicle details*[if more than one vehicle, provide the details on separate sheets. If the vehicle details are known in respect of the vehicles of a category or users of a category in respect of which exemption is sought then such details to be provided]*

Vehicle licence number :

Type of vehicle :

Make of vehicle :

Declaration:

I, the undersigned (full names)

certify that the information furnished in this application form is true and correct and hereby apply for exemption from the payment of toll in terms of the Exemption Notice published in *Government Gazette* no. of2012. (Notice No.)/other exemption on behalf of the abovementioned operator.

I accept that if the information supplied in this application is found to be false the application will be rejected and I may be disqualified from making a further application for exemption in respect of the GFIP toll roads.

For office use (to be completed by SANRAL GORT Operator):

Application number:

GORT Exemption number:

TAG number:

.....
 Signature Date

Notes: Public transport exemption

1. Exemption will only be granted to persons who operate the types of public transport services described in 4 above where the person holds a valid operating licence or

- permit for the vehicle as required by the National Land Transport Act, 2009 (Act No. 5 of 2009) (NLTA).
2. The current vehicle licence certificate for each vehicle or a certified copy thereof must be submitted with the application or, in the case of bulk applications, the vehicle identification number and date of issue of the licence certificate.
 3. Cross-border road transport services, i.e. services operating between South Africa and other countries as contemplated in the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998) will not be granted exemption.
 4. Exemption only applies to GFIP toll roads.
 5. In the case of a truck-tractor and trailer combination (horse and trailer), the operating licence/permit and other particulars for both the track-tractor/horse and trailer must be supplied.
 6. If you need to travel from your home or, in the case of a bus, you need to bring the bus from a depot or base where it is kept when not in use to the starting point of the trip, please also indicate these trips (which are called positioning trips) on the map that is attached as the Schedule.
 7. The following must accompany the application:
 - (a) The application fee of R 100,00 per vehicle applied for, with a maximum of R10 000,00 per application. This must be paid as follows:

Bank: First National Bank
Account Name: South African National Road Agency Account Number
Account Number: 62280212607
Branch Code: 253145
Type: Transmission
Reference: (PTO Operator Name);
 - (b) The relevant operating licences/permits or, in the case of bulk applications, the required particulars thereof (see 3 above);
 - (c) A certified copy of the contract, if applicable (Note only contracts with national, provincial or local sphere of government);
 - (d) The current vehicle licence certificate or, in the case of bulk applications, the required particulars thereof; and
 - (e) The Schedule indicating the routes on which the applicant operates.

Notes: Emergency vehicle exemptions:

1. The current vehicle licence certificate for each vehicle must be submitted with the application or, in the case of bulk applications, the required particulars thereof.
2. Exemption only applies to GFIP toll roads.
3. No application fee is payable

Notes: Applications for other exemptions:

1. It shall be noted that in respect of Part C, application is being made by applicants for exemption from the payment of toll by vehicles of a category or users of a category.

Only once such application has been made and considered by the Agency, can the Agency determine whether or not to grant the exemption applied for. If exemption is granted in respect of a category of vehicles or the users of a category, only then will such users of a category of vehicles or users of a category be entitled to apply for an e-tag. They will do so by:

- a) providing the information in section 3 of Part C;
- b) paying an application fee of R100 per vehicle or per user applied for, with a maximum of R10 000 per application. This must be paid as follows:

Bank: First National Bank

Account Name: South African National Road Agency Account Number

Account Number: 62280212607

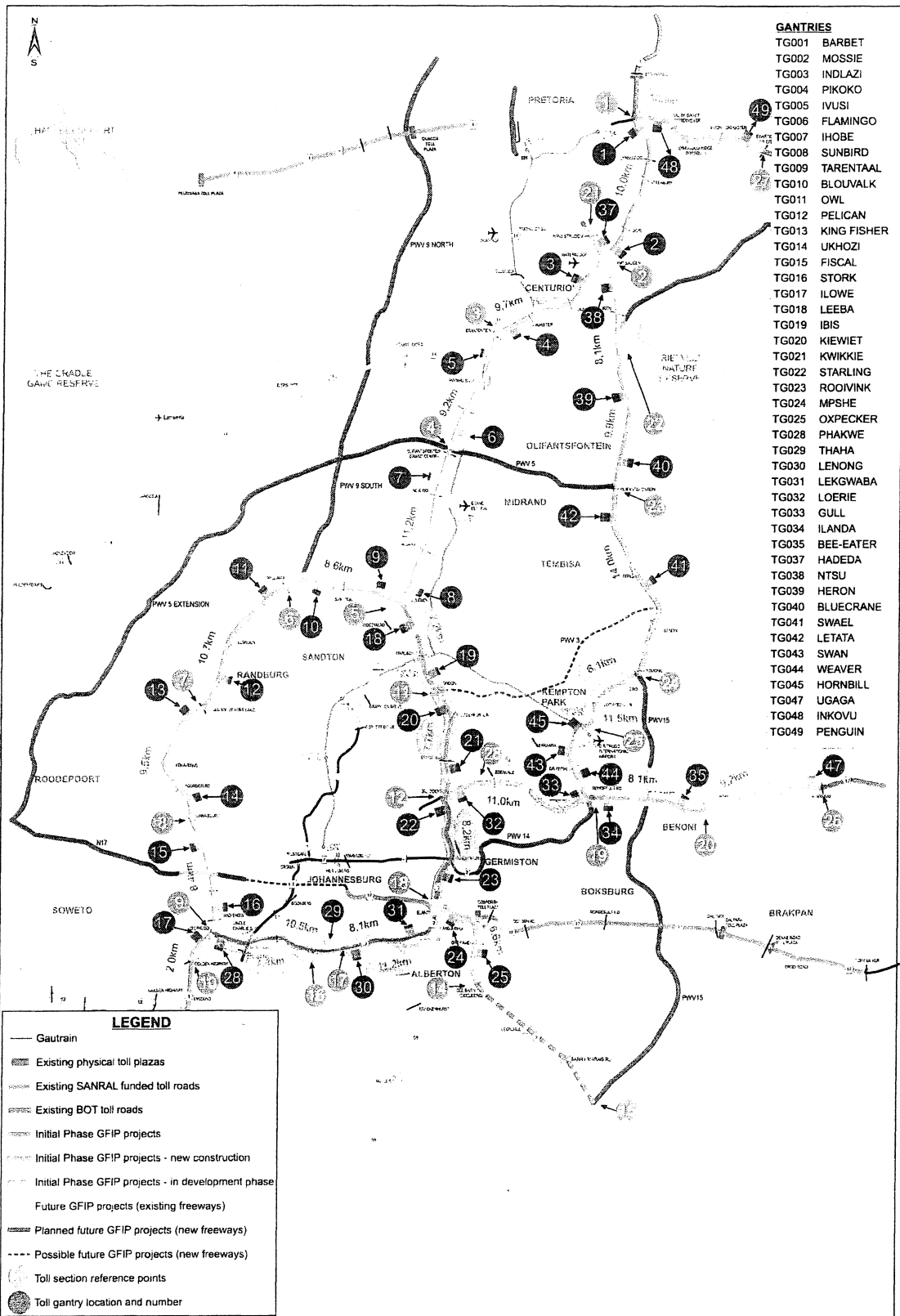
Branch Code: 253145

Type: Transmission

Reference: (Applicant Name)

2. The current vehicle licence certificate for each vehicle must be submitted with the application.
3. The applicant will be notified if they qualify for the exemption granted.
4. The exemption only applies to GFIP toll roads.

Schedule: Map of GFIP routes on which applicant must indicate the desired route or routes for which exemption is sought.



MEMORANDUM ON THE EXEMPTION REGULATIONS AND EXEMPTION NOTICE FOR THE GFIP TOLL ROADS IN TERMS OF SECTION 27 OF THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT NO. 7 OF 1998)

1. BACKGROUND

- 1.1 The abovementioned Act ("the Act") allows the Minister of Transport to promulgate regulations on the procedures and forms to be used where exemption is granted from the payment of toll.
- 1.2 The Act also determines that the South African National Roads Agency SOC Limited (SANRAL) may exempt categories of users from the payment of toll.
- 1.3 The draft regulations and notice must be read together to understand the categories of users who are exempt and the procedure to be followed to obtain an exemption.
- 1.4 Vehicles of the South African National Defence Force, South African Police Service and Metro Police Services are exempt by virtue of their own legislation and are not mentioned in the Exemption Notice.

2. CONSULTATION

SANRAL and the Department of Transport have been in a process of consultation regarding the Gauteng Freeway Improvement Project (GFIP) toll roads and the exemption of certain types of services for approximately the past year. Cabinet announced an exemption for certain types of public transport services in 2011. The services are described in the Exemption Notice.

A set of draft regulations was published in the Government Gazette on 18 April 2012 to invite comment from the public.

Since the publishing of the toll tariff gazette in February 2011 Government has extensively consulted with affected parties. During this time period, the steering committee appointed by the Minister of Transport, the SANRAL Board, and an inter-

ministerial committee, chaired by the Deputy President have consulted with various groups and forums so as to endeavour to address concerns raised regarding the tolling of the GFIP toll roads.

3. OBJECTS OF DRAFT EXEMPTION REGULATIONS

3.1 The draft regulations determine the application procedure for the exemption of an operator or person who falls within a category of road user who is exempted in terms of the notice to be issued by the Agency.

3.2 Persons who are exempt will be issued with an e-tag to ensure the motor vehicles are recognised when they are used on the toll roads.

4. EXEMPTION NOTICE

4.1 The Exemption Notice is published for information and addresses the categories of users that will qualify for exemption of payment of toll on the GFIP toll roads.

4.2 The exemptions do not apply to any other toll roads.

4.3 Categories of users who are currently not included in the Exemption Notice and who want to obtain an exemption may apply to SANRAL for a category exemption.

4.4 It should be noted that all public transport services are not exempt, but only the types of services described in the Exemption Notice and Regulations.

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