



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 581

Pretoria, 19 November 2013

**No. 37043**

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

**CONTENTS****INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>	<i>No.</i>	<i>Bladsy No.</i>	<i>Koerant No.</i>
<b>GENERAL NOTICE</b>			<b>ALGEMENE KENNISGEWING</b>		
<b>Transport, Department of</b>			<b>Vervoer, Departement van</b>		
<i>General Notice</i>			<i>Algemene Kennisgewing</i>		
1112 Cross Border Road Transport Act (4/1998): Amendment Regulations, 2013: Publication for comments.....	3	37043	1112 Wet op Oorgrenspadvervoer (4/1998): Wysigingsregulasies, 2013: Publikasie vir kommentaar .....	19	37043

---

# GENERAL NOTICE ALGEMENE KENNISGEWING

---

**NOTICE 1112 OF 2013**

**DEPARTMENT OF TRANSPORT**

**PUBLICATION FOR COMMENTS**

**CROSS BORDER ROAD TRANSPORT ACT 1998, (ACT NO. 4 OF 1998):  
AMENDMENT REGULATIONS, 2013**

The Minister of Transport, intends to make amendments to the Cross Border Road Transport Act, Regulations, 1998 in the Schedule in terms of section 51 of the Cross Border Road Transport Act, 1998 (Act No. 4 of 1998).

Interested persons are invited to submit their written comments within 30 days from the date of publication in the Gazette.

Comments should be posted to the Acting Director – General Department of Transport for the attention of at:

**Mr. Trevor Mphahlele**

**E- MAIL: [Mphahlet@dot.gov.za](mailto:Mphahlet@dot.gov.za)**

**Tel: (012) 309 3481**

**Fax :( 012) 309 3134**

**The Department of Transport**

**Private Bag x193**

**PRETORIA**

**0002**

**OR**

**Ronald Stuurman**

**E- MAIL: [rstuurman@crbta.co.za](mailto:rstuurman@crbta.co.za)**

**Tel: (012) 348 1357**

**Fax :( 012) 369 8476**

**Cross Border Road Transport Agency**

**PO BOX 560**

**Menlyn**

**0063**

**CROSS-BORDER ROAD TRANSPORT ACT, 1998 (ACT 4 OF 1998):  
AMENDMENT REGULATIONS, 2013**

**Schedule**

**Definitions**

1. In this Schedule, unless the context indicates otherwise, the expression “the Regulations” means the Regulations in terms of section 51 of the Act published by Government Notice No. R464 of 3 April 1998 as amended by Government Notices R.988 of 13 August 1999, R.682 of 7 July 2000, R.677 of 2 June 2003 and R.284 of 31 March 2011.

**Amendment of regulation 7 of the Regulations**

2. Regulation 7 of the Regulations is hereby amended—

(a) by the replacement of sub regulation (2) thereof with the following sub regulation:

“(2) An application fee is payable to the Agency—

(a) for a new application—

- (i) for a cabotage permit for a period of fourteen days or three months or one year or five years or for a fixed number of journeys, in the amount of R2000 plus R2000 for each trailer and semi-trailer;
- (ii) for a cross-border road transport permit in respect of any vehicle which is designed or modified solely or principally for the conveyance of less than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of passengers (excluding tourists) in the amount of R160 for each vehicle.
- (iii) for a cross-border road transport permit in respect of any vehicle which is designed or modified solely or principally for the conveyance of more than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one

year or five years or for a fixed number of journeys authorizing the transport of passengers (excluding tourists) in the amount of R180 for each vehicle.

- (iv) for a cross-border road transport in respect of any vehicle which is designed or modified solely or principally for the conveyance of less than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of tourists in the amount of R170 for each vehicle.
- (v) for a cross-border road transport permit in respect of any vehicle which is designed or modified solely or principally for the conveyance of more than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of tourists in the amount of R190 for each vehicle.
- (vi) for a cross-border road transport permit in respect of any vehicle which is designed or modified solely or principally for the carriage of freight which either by itself or part of a combination of vehicles and does not maximum gross mass of 20 000 (twenty thousand) kg or less for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of freight (excluding cabotage) in the amount of R570 for each vehicle.
- (vii) for a cross-border road transport permit in respect of any vehicle which is designed or modified solely or principally for the carriage of freight which either by itself or part of a combination of vehicles exceeds a maximum gross mass of 20 000 (twenty thousand) kg for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of freight (excluding cabotage) in the amount of R760 for each vehicle.

- (b) for an application for renewal—
    - (i) of a permit referred to in paragraph (a)(i), in the amount of R2000 plus R2000 for each trailer and semi-trailer
    - (ii) of a permit referred to in paragraph (a)(ii) in the amount of R160 for each vehicle.
    - (iii) of a permit referred to in paragraph (a)(iii) in the amount of R180 for each vehicle.
    - (iv) of a permit referred to in paragraph (a)(iv) in the amount of R170 for each vehicle.
    - (v) of a permit referred to in paragraph (a)(v) in the amount of R190 for each vehicle.
    - (vi) of a permit referred to in paragraph (a)(vi) in the amount of R570 for each vehicle.
    - (vii) of a permit referred to in paragraph (a)(vii) in the amount of R760 per vehicle.
  - (c) for an application for postponement of an application for renewal of a permit, in the amount of R320 per vehicle per month;
  - (d) for an application for a duplicate permit, in the amount of R160; and
  - (e) for an application for a replacement of a vehicle or particulars pertaining to the vehicle concerned, as reflected on the permit, in the amount of R160.”
- (b) by the replacement of sub regulation (3) thereof with the following sub regulation:

“(3) After a permit, renewal of a permit, duplicate permit, or replacement of a vehicle or particulars pertaining to the vehicle concerned, as reflected on the permit, is granted, an issuing fee is payable to the Agency—

- (a) with respect to the issuing for the first time—

- (i) of a permit referred to in sub regulation (2)(a)(i)—
  - (aa) for a temporary cabotage permit for a period not exceeding of fourteen days, in the amount of R1820 plus R1820 for each trailer and semi-trailer;
  - (bb) for a cabotage permit for a period not exceeding three months, in the amount of R6000 plus R6000 for each trailer and semi-trailer;
  - (cc) for a cabotage permit for a period not exceeding one year, in the amount of R18000 plus R18000 for each trailer and semi-trailer;
- (ii) of a permit referred to in sub regulation (2)(a)(ii) in respect of any vehicle which is designed or modified solely or principally for the conveyance of less than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorising the transport of passengers (excluding tourists).
  - (aa) for a temporary cross-border road transport permit for a period not exceeding fourteen days, in the amount of R160 for each vehicle;
  - (bb) for a cross-border road transport permit for a period not exceeding three months, in the amount of R320 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding a period of one year, in the amount of R1780 for each vehicle;
  - (dd) for a cross-border road transport permit for a period not exceeding a period of five years, in the amount of R4000 for each vehicle ;

- (iii) of a permit referred to in sub regulation (2)(a)(iii) in respect of any vehicle which is designed or modified solely or principally for the conveyance of more than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of passengers (excluding tourists);
  - (aa) for a temporary cross-border road transport permit for a period not exceeding fourteen days in the amount of R180 for each vehicle;
  - (bb) for a cross-border road transport permit for a period not exceeding three months, in the amount of R360 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding one year, in the amount of R2000 for each vehicle;
  - (dd) for a cross-border road transport permit for a period not exceeding a period of five years, in the amount of R4600 for each vehicle;
  
- (iv) of a permit referred to in sub regulation (2)(a)(iv) in respect of any vehicle which is designed or modified solely or principally for the conveyance of less than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one year or for a fixed number of journeys authorizing the transport of tourists;
  - (aa) for a temporary cross-border road transport permit for a period not exceeding fourteen days in the amount of R170 for each vehicle;
  - (bb) for a cross-border road transport permit for a period not exceeding three months in the amount of R530 for each vehicle;



- (cc) for a cross-border road transport permit for a period not exceeding one year in the amount of R1930 for each vehicle;
  - (dd) for a cross-border road transport permit for a period not exceeding five years in the amount of R4200 for each vehicle;
- (v) of a permit referred to in sub regulation (2)(a)(v) in respect of any vehicle which is designed or modified solely or principally for the conveyance of more than 35 (thirty five) persons including the driver for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of tourists;
- (aa) for a temporary cross-border road transport permit for a period not exceeding fourteen days in the amount of R190 for each vehicle;
  - (bb) for a cross-border road transport permit for a period not exceeding three months in the amount of R1830 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding one year in the amount of R2070 for each vehicle;
  - (dd) for a cross-border road transport permit for a period not exceeding five years in the amount of R4830 for each vehicle;
- (vi) of a permit referred to in sub regulation (2)(a)(vi) in respect of any vehicle which is designed or modified solely or principally for the carriage of freight which by itself or as part of a combination of vehicles has a maximum gross mass of 20000 (twenty thousand) kg or less for the period of fourteen days or three months or one year or five

- years or for a fixed number of journeys authorizing the transport of freight (excluding cabotage) -
- (aa) for a temporary cross border road transport permit not exceeding a period of fourteen days, in the amount of R750 for each vehicle;
  - (bb) for a temporary cross border road transport permit not exceeding a period of three months, in the amount of R1420 for each vehicle;
  - (cc) for a cross border road transport permit not exceeding a period of one year, in the amount of R4290 for each vehicle;
  - (dd) for a cross border road transport permit not exceeding a period of five years in the amount of R6000 for each vehicle.
- (vii) of a permit referred to in subregulation (2)(a)(vii) in respect of any vehicle which is designed or modified solely or principally for the carriage of freight which either by itself or part of a combination of vehicles exceeds a maximum gross mass of 20 000 (twenty thousand) kg for the period of fourteen days or three months or one year or five years or for a fixed number of journeys authorizing the transport of freight (excluding cabotage)
- (aa) for a temporary cross border road transport permit not exceeding a period of fourteen days, in the amount of R1000 for each vehicle;
  - (bb) for a temporary cross border road transport permit not exceeding a period of three months, in the amount of R1900 for each vehicle;
  - (cc) for a cross border road transport permit for a period not exceeding one year, in the amount of R5720 for each vehicle;

- (dd) for a cross border road transport permit for a period not exceeding five years in the amount of R8000 for each vehicle;
- (b) with respect to the issuing of a renewal-
  - (i) for a cabotage permit referred to in sub regulation (2) (a) (i)
    - (aa) for a period of three months in the amount of R6000 plus R6000 for each trailer and semi-trailer
    - (bb) for a period of one year in the amount of R18000 plus R18000 for each trailer and semi-trailer;
  - (ii) of a permit referred to in sub regulation (2)(a) (ii) in respect of any vehicle which is designed or modified solely or principally for the conveyance of less than 35 (thirty five) persons including the driver for the period of three months or one year or five years or for a fixed number of journeys authorizing the transport of passengers (excluding tourists);
    - (aa) for a cross-border road transport permit for a period not exceeding period of one year in the amount of R1780 for each vehicle;
    - (bb) for a cross-border road transport permit for a period not exceeding a period of five years in the amount of R4000 for each vehicle;
    - (cc) for a cross-border road transport permit for a period not exceeding a period of five years an annual compliance fee of R600 for each vehicle payable annually on or before the annual anniversary;
  - (iii) of a permit referred to in sub regulation (2)(a) (iii) in respect of any vehicle which is designed or modified solely or principally for the conveyance of more than 35 (thirty five) persons including the driver for the period of three months or one year or five

years or for a fixed number of journeys authorizing the transport of passengers (excluding tourists);

- (aa) for a cross-border road transport permit for a period not exceeding one year in the amount of R2000 for each vehicle;
  - (bb) for a cross-border road transport permit for a period not exceeding five years in the amount of R4600 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding a period of five years an annual compliance fee of R690 for each vehicle payable annually on or before the annual anniversary;
- (iv) of a permit referred to in sub regulation (2)(a) (iv) in respect of any vehicle which is designed or modified solely or principally for the conveyance of less than 35 (thirty five) persons including the driver for the period of three months or one year or for a fixed number of journeys authorizing the transport of tourists;
  - (aa) for a cross-border road transport permit for a period not exceeding one year in the amount of R1930 for each vehicle;
  - (bb) for a cross-border road transport permit for a period not exceeding five years in the amount of R4200 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding a period of five years an annual compliance fee of R630 for each vehicle payable annually on or before the annual anniversary;
- (v) of a permit referred to in sub regulation (2)(a) (v) in respect of any vehicle which is designed or modified solely or principally for the conveyance of more than 35 (thirty five) persons including the driver for the period of three months or one year or five years for a fixed number of journeys authorizing the transport of tourists;

- (aa) for a cross-border road transport permit for a period not exceeding one year in the amount of R2070 for each vehicle;
  - (bb) for a cross-border road transport permit for a period not exceeding five years in the amount of R4830 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding a period of five years an annual compliance fee of R725 for each vehicle payable annually on or before the annual anniversary;
- (vi) of a permit referred to in sub regulation (2)(a)(vi) in respect of any vehicle which is designed or modified solely or principally for the carriage of freight which either by itself or part of a combination of vehicles a maximum gross mass of 20 000 (twenty thousand) kg or less for the period of one year or five years or for a fixed number of journeys authorizing the transport of freight (excluding cabotage);
- (aa) for a cross border road transport permit not exceeding a period of one year, in the amount of R4290 for each vehicle;
  - (bb) for a cross border road transport permit not exceeding a period of five years in the amount of R6000 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding a period of five years an annual compliance fee of R1030 for each vehicle payable annually on or before the annual anniversary
- (vii) of a permit referred to in sub regulation (2)(a)(vii) in respect of any vehicle which is designed or modified solely or principally for the carriage of freight which either by itself or part of a combination of vehicles exceeds a maximum gross

mass of 20 000 (twenty thousand) kg for the period of one year or five years or for a fixed number of journeys authorizing the transport of freight (excluding cabotage)

- (aa) for a cross border road transport permit not exceeding a period of one year, in the amount of R5720 for each vehicle;
  - (bb) for a cross border road transport permit not exceeding a period of five years in the amount of R8000 for each vehicle;
  - (cc) for a cross-border road transport permit for a period not exceeding a period of five years an annual compliance fee of R1370 for each vehicle payable annually on or before the annual anniversary.
- (c) with respect to the issuing of a duplicate permit, in the amount of R160; and
- (d) with respect to the issuing of a replacement of a vehicle or the particulars pertaining to the vehicle concerned, as reflected on the permit, in the amount of R160.

#### **Title and commencement**

3. These Regulations are called the Cross-Border Road Transport Act Amendment Regulations, 2013 and shall come into operation on the day of its publication in the Gazette.

## EXPLANATORY MEMORANDUM

### AMENDMENT TO THE CROSS-BORDER ROAD TRANSPORT REGULATIONS, 2013

#### PURPOSE OF REGULATIONS

The Minister of Transport acting pursuant to section 51 of the Cross-Border Road Transport Act, Act 4 of 1998, as amended ("the Act") and after consultation with the Board of the Cross-Border Road Transport Agency ("Agency"), intends to make the Regulations in the Schedule prescribing the fee structure for permits and other fees.

The purpose of the Regulations is to provide the Agency with the necessary authority to levy fees for permits in order to finance the statutory functions assigned to the Agency in terms of the Act.

These Regulations will endeavour to maintain the status quo by filling the lacuna that arose when the 2011 Cross Border Transport Amendment Regulations, which came into operation on 1 April 2011, were declared to be invalid in *Central African Services (Pty) Ltd and Deernam (Pty) Ltd v The Minister of Transport and Cross-Border Road Transport Agency* (Case No 32238/2011). An appeal against this judgment has been noted to the Supreme Court of Appeal.

#### FUNDING MODEL

In terms of Section 18(1) of the Act, the Agency must finance its operating and capital costs from:

- (a) *money levied in connection with-*
  - (i) *the application and issuing of any permit; or*
  - (ii) *subject to the provisions of this Act, the dissemination of any useful information, advice or research findings;*

- (b) *money collected from the imposition of fines in terms of this Act;*
- (c) *donations; and*
- (d) *money appropriated by Parliament from time to time for that purpose.”*

All of these funding alternatives were duly investigated but due, inter alia, to the burden on the national fiscus the only remaining options were to raise the necessary funds through the application and issuing of permits and the relatively insignificant amount of money collected from the imposition of fines.

### **RATIONALE FOR REGULATIONS**

The cross-border road transport of passengers and goods is a vital input to key sectors of the economy and its performance or lack thereof has a huge impact on the efficiency and competitiveness of South Africa's economy as well as growth in the SADC region. The provision and maintenance of an efficient and safe cross-border transport infrastructure is accordingly of the utmost importance. To that end the Agency is entrusted with the task of executing critically important functions that are set out in the Act.

Prior to April 2011, the Agency failed dismally to perform most of these functions, primarily due to a lack of funds. On 31<sup>st</sup> March 2011 the former Minister of Transport, acting pursuant to the provisions of Section 51 of the Act, published regulations increasing the permit fees payable by operators pursuant to the Cross-Border Road Transport Act Amendment Regulations, 2011.

These increases, the first since 2003, were substantial and have been used by the Agency to completely turn its affairs around and as a result whereof it is currently performing most of its duties in an exemplary fashion. Many of the long outstanding services are either already being rendered or are in the process of being implemented and it is not only highly undesirable but it is also practically impossible to stop the process or to turn the wheel back at this point in time

The permit fees as per the 2011 Regulations were, pro rata, increased to a greater extent for freight- than for passenger vehicles so as to reflect two important policy considerations (the policy considerations), namely:



- a. Firstly, a differentiated sliding scale was used for tariff increases reflecting the size of vehicles and the concomitant extent of road damage. Evidence of this damage is prolific as reported in various research reports. As a matter of policy, it was therefore considered just and equitable that the permit fee structure should take this consideration into account.
- b. Secondly, a degree of cross-subsidization between passenger and freight hauliers was imposed so as to keep cost increases to passengers as low as possible, given that:
  - i. most cross-border road (as opposed to air) passengers are not financially well off and to many, even a very small increase in tariffs, would have a very detrimental effect; and
  - ii. road freight hauliers can, with relative ease, pass increases on to their customers many of whom are large corporate entities engaged in mining, agriculture, commercial and other large scale business enterprises.

The Minister and the Agency are of the view that the significant benefits as a result of a properly functioning Agency by far outweigh the amount of the increase to the permit fees, as this will assist amongst to: -

- a) ensure that the Agency maintain and increase all of its activities such as:-
  - i. illegal cross border road transport does not take place with concomitant financial loss to lawful operators;
  - ii. vehicles are not overloaded;
  - iii. the issuing of permits for the conveyance of passengers and goods are improved;
  - iv. regional counterparts are engaged so as to eradicate or mitigate impediments to the free movement of people and goods across our borders.

- b) it is able to recruitment and deploy additional Inspectors to monitor compliance by cross-border road transport carriers;

**KENNISGEWING 1112 VAN 2013****DEPARTMENT VAN VERVOER  
PUBLIKASIE VIR KOMMENTAAR****WET OP OORGRENSPADVERVOER, 1998 (WET 4 VAN 1998):  
WYSIGINGSREGULASIES, 2013**

Die Minster van Vervoer, is van voorneme om wysigings aan die Oorgrenspadvervoerregulasies, 1998 in die Bylae uit te vaardig ingevolge artikel 51 van die Wet op Oorgrenspadvervoer, 1998 (Wet 4 van 1998).

Belangstellende persone word uitgenooi om hul skriftelike kommentaar in te dien binne 30 dae vanaf die datum van publikasie in die Staatskoerant.

Kommentaar moet gestuur word ann die Waarnemende Direkteur – Generaal Department van Vervoer vir die aandag van :

**Mr. Trevor Mphahlele**

E- pos: [Mphahlet@dot.gov.za](mailto:Mphahlet@dot.gov.za)

Tel: (012) 309 3481

Faks :( 012) 309 3134

Die Department van Vevoer

Privaatsak x193

PRETORIA

0002

Of

**Mr. Ronald Stuurman**

E- pos: [rstuurman@crbta.co.za](mailto:rsturman@crbta.co.za)

Tel: (012) 348 1357

Faks :( 012) 369 8476

**Oorgrenspadvervoeragentskap**

Posbus 560

Menlyn

0063

**WET OP OORGRENSPADVERVOER, 1998 (WET No. 4 VAN 1998)  
WYSIGINGSREGULASIES, 2013**

**Bylae**

**Omskrywing**

1. Regulasie word hiermee gewysig deur die vervanging van die omskrywing van die woord 'regulasie' na die omskrywing van die woord 'streek'. 'regulasie' in hierdie Bylae beteken "die Regulasies", tensy uit die samehang anders blyk, die Regulasies kragtens artikel 51 van die Wet gepubliseer in Goewermentskennisgewing No. R464 van 3 April 1998 soos gewysig deur Goewermentskennisgewings R.988 van 13 Augustus 1999, R. 682 van 7 Julie 2000 en R.677 van 2 Junie 2003.

**Wysiging van regulasie 7 van die Regulasies**

2. Regulasie 7 van die Regulasies word hiermee gewysig—

(a) deur die vervanging van subregulasie (2) daarvan deur die volgende subregulasie:

“(2) Aansoekgelde is aan die Agentskap betaalbaar—

(a) vir 'n nuwe aansoek—

- (i) om 'n cabotage-permit vir 'n tydperk van 14 dae, drie maande, of een jaar of vir 'n vasgestelde aantal ritte, ten bedrae van R2 000 plus R2 000 vir elke sleepwa en leunwa;
- (ii) om n oorgrenspadvervoerpermit met betrekking tot enige voertuig wat alleenlik of hoofsaaklik ontwerp of aangepas is vir die vervoer van minder as 35 persone (insluitende die bestuurder) vir 'n tydperk van 14 dae, drie maande, een jaar of vyf jaar of vir 'n vasgestelde aantal ritte, wat die vervoer van passasiers magtig (uitsluitend toeriste), ten bedrae van R160 vir elke voertuig;
- (iii) om n oorgrenspadvervoerpermit met betrekking tot enige voertuig wat alleenlik of hoofsaaklik ontwerp of aangepas is vir die vervoer van meer as 35

- persone (insluitende die bestuurder) vir 'n tydperk van 14 dae, drie maande, een jaar of vyf jaar of vir 'n vasgestelde aantal ritte, wat die vervoer van passasiers magtig (uitsluitend toeriste), ten bedrae van R180 vir elke voertuig;
- (iv) om n oorgrenspadvervoerpermit met betrekking tot enige voertuig wat alleenlik of hoofsaaklik ontwerp of aangepas is vir die vervoer van minder as 35 persone (insluitende die bestuurder) vir 'n tydperk van 14 dae, drie maande, een jaar of vyf jaar of vir 'n vasgestelde aantal ritte, wat die vervoer van toeriste magtig, ten bedrae van R170 vir elke voertuig;
- (v) om n oorgrenspadvervoerpermit met betrekking tot enige voertuig wat alleenlik of hoofsaaklik ontwerp of aangepas is vir die vervoer van meer as 35 persone (insluitende die bestuurder) vir 'n tydperk van 14 dae, drie maande, een jaar of vyf jaar of vir 'n vasgestelde aantal ritte, wat die vervoer van toeriste magtig, ten bedrae van R190 vir elke voertuig;
- (vi) om n oorgrenspadvervoerpermit met betrekking tot enige voertuig wat alleenlik of hoofsaaklik ontwerp of aangepas is vir die vervoer van goedere, wat op sy eie of as deel van 'n kombinasie van voertuie, 'n maksimum bruto massa van 20 000 kg of minder het, vir 'n tydperk van 14 dae, drie maande, een jaar of vyf jaar of vir 'n vasgestelde aantal ritte, wat die vervoer van goedere magtig (uitsluitend cabotage), ten bedrae van R570 vir elke voertuig;
- (vii) om n oorgrenspadvervoerpermit met betrekking tot enige voertuig wat alleenlik of hoofsaaklik ontwerp of aangepas is vir die vervoer van goedere, wat op sy eie of as deel van 'n kombinasie van voertuie, 'n maksimum bruto massa van meer as 20 000 kg het, vir 'n tydperk van 14 dae, drie maande, een jaar of vyf jaar of vir 'n vasgestelde aantal ritte, wat die vervoer van goedere magtig (uitsluitend cabotage), ten bedrae van R760 vir elke voertuig;

- (b) vir 'n aansoek om hernuwing—
    - (i) van 'n permit bedoel in paragraaf (a)(i), ten bedrae van R2 000 plus R2 000 vir elke sleepwa en leunwa;
    - (ii) van 'n permit bedoel in paragraaf (a)(ii), ten bedrae van R160 vir elke voertuig;
    - (iii) van 'n permit bedoel in paragraaf (a)(iii), ten bedrae van R180 vir elke voertuig;
    - (iv) van 'n permit bedoel in paragraaf (a)(iv), ten bedrae van R170 vir elke voertuig
    - (v) van 'n permit bedoel in paragraaf (a)(v), ten bedrae van R190 vir elke voertuig
    - (vi) van 'n permit bedoel in paragraaf (a)(vi), ten bedrae van R570 vir elke voertuig
    - (vii) van 'n permit bedoel in paragraaf (a)(vii), ten bedrae van R760 vir elke voertuig
  - (c) vir 'n aansoek om uitstel van 'n aansoek om hernuwing van 'n permit, ten bedrae van R320 per voertuig per maand;
  - (d) vir 'n aansoek om 'n duplikaatpermit, ten bedrae van R160; en
  - (e) vir 'n aansoek om 'n vervanging van 'n voertuig of besonderhede met betrekking tot die betrokke voertuig, soos aangedui op die permit, ten bedrae van R160; en
- (b) deur die vervanging van subregulasie (3) daarvan deur die volgende subregulasie:

“(3) Nadat 'n permit, hernuwing van 'n permit, duplikaatpermit, of vervanging van 'n voertuig of besonderhede met betrekking tot die betrokke voertuig, soos aangedui op die permit, goedgekeur is, is uitreikingsgeld aan die Agentskap betaalbaar—

- (a) ten aansien van die uitreiking vir die eerste keer—
- (i) van 'n permit bedoel in subregulasie (2)(a)(i)—
- (aa) vir 'n tydelike cabotage-permit vir 'n tydperk wat nie 14 dae oorskry nie, ten bedrae van R1 820 plus R1 820 vir elke sleepwa en leunwa;
- (bb) vir 'n cabotage-permit vir 'n tydperk wat nie drie maande oorskry nie, ten bedrae van R6 000 plus R6 000 vir elke sleepwa en leunwa;
- (cc) vir 'n cabotage-permit vir 'n tydperk wat nie een jaar oorskry nie, ten bedrae van R18 000 plus R18 000 vir elke sleepwa en leunwa;
- (ii) van 'n permit bedoel in subregulasie (2)(a)(ii)—
- (aa) vir 'n tydelike oorgrenspadvervoerpermit vir 'n tydperk wat nie 14 dae oorskry nie, ten bedrae van R160 vir elke voertuig;
- (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie drie maande oorskry nie, ten bedrae van R320 vir elke voertuig;
- (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorskry, ten bedrae van R1 780 vir elke voertuig;
- (dd) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, ten bedrae van R4 000 vir elke voertuig;
- (ee) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, n jaarlikse voldoeningsfooï ten bedrae van R600 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;

- (iii) van 'n permit bedoel in subregulasie (2)(a)(iii)-
  - (aa) vir 'n tydelike oorgrenspadvervoerpermit vir 'n tydperk wat nie 14 dae oorskry nie, ten bedrae van R180 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie drie maande oorskry nie, ten bedrae van R360 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorskry, ten bedrae van R2 000 vir elke voertuig;
  - (dd) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, ten bedrae van R4 600 vir elke voertuig;
  - (ee) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, n jaarlikse voldoeningsfooi ten bedrae van R690 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;
  
- (iv) van 'n permit bedoel in subregulasie (2)(a)(iv)-
  - (aa) vir 'n tydelike oorgrenspadvervoerpermit vir 'n tydperk wat nie 14 dae oorskry nie, ten bedrae van R170 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie drie maande oorskry nie, ten bedrae van R530 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorskry, ten bedrae van R1 930 vir elke voertuig;
  - (dd) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, ten bedrae van R4 200 vir elke voertuig;



(ee) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, n jaarlikse voldoeningsfooi ten bedrae van R630 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;

(v) van 'n permit bedoel in subregulasie (2)(a)(v)-

(aa) vir 'n tydelike oorgrenspadvervoerpermit vir 'n tydperk wat nie 14 dae oorskry nie, ten bedrae van R190 vir elke voertuig;

(bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie drie maande oorskry nie, ten bedrae van R1 830 vir elke voertuig;

(cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorskry, ten bedrae van R2 070 vir elke voertuig;

(dd) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, ten bedrae van R4 830 vir elke voertuig;

(ee) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, n jaarlikse voldoeningsfooi ten bedrae van R725 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;

(vi) van 'n permit bedoel in subregulasie (2)(a)(vi)-

(aa) vir 'n tydelike oorgrenspadvervoerpermit vir 'n tydperk wat nie 14 dae oorskry nie, ten bedrae van R750 vir elke voertuig;

(bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie drie maande oorskry nie, ten bedrae van R1 420 vir elke voertuig;

- (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorskry, ten bedrae van R4 290 vir elke voertuig;
- (dd) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, ten bedrae van R6 000 vir elke voertuig;
- (ee) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, n jaarlikse voldoeningsfooi ten bedrae van R1 030 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;

(vii) van 'n permit bedoel in subregulasie (2)(a)(vii)-

- (aa) vir 'n tydelike oorgrenspadvervoerpermit vir 'n tydperk wat nie 14 dae oorskry nie, ten bedrae van R1 000 vir elke voertuig;
- (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie drie maande oorskry nie, ten bedrae van R1 900 vir elke voertuig;
- (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorskry, ten bedrae van R5 720 vir elke voertuig;
- (dd) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, ten bedrae van R8 000 vir elke voertuig;
- (ee) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorskry, n jaarlikse voldoeningsfooi ten bedrae van R1 370 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;

(b) ten aansien van die uitreiking van hernuwing—

- (i) van 'n permit bedoel in subregulasie (2)(a)(i)—

- (aa) vir 'n permit vir 'n tydperk van drie maande, ten bedrae van R6 000 plus R6 000 vir elke sleepwa en leunwa;
- (bb) vir 'n permit vir 'n tydperk van een jaar, ten bedrae van R18 000 plus R18 000 vir elke sleepwa en leunwa;
- (ii) van 'n permit bedoel in subregulasie (2)(a)(ii)-
  - (aa) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorsry, ten bedrae van R1 780 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, ten bedrae van R4 000 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, n jaarlikse voldoeningsfooi ten bedrae van R600 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;
- (iii) van 'n permit bedoel in subregulasie (2)(a)(iii)-
  - (aa) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorsry, ten bedrae van R2 000 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, ten bedrae van R4 600 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, n jaarlikse voldoeningsfooi ten bedrae van R690 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;
- (iv) van 'n permit bedoel in subregulasie (2)(a)(iv)-

- (aa) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorsry, ten bedrae van R1 930 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, ten bedrae van R4 200 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, n jaarlikse voldoeningsfooï ten bedrae van R630 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;
- (v) van 'n permit bedoel in subregulasie (2)(a)(v)-
- (aa) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorsry, ten bedrae van R2 070 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, ten bedrae van R4 830 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, n jaarlikse voldoeningsfooï ten bedrae van R725 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;
- (vi) van 'n permit bedoel in subregulasie (2)(a)(vi)-
- (aa) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorsry, ten bedrae van R4 290 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, ten bedrae van R6 000 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, n jaarlikse

voldoeningsfooi ten bedrae van R1 030 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;

- (vii) van 'n permit bedoel in subregulasie (2)(a)(vii)-
  - (aa) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie een jaar oorsry, ten bedrae van R5 720 vir elke voertuig;
  - (bb) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, ten bedrae van R8 000 vir elke voertuig;
  - (cc) vir 'n oorgrenspadvervoerpermit vir 'n tydperk wat nie vyf jaar oorsry, n jaarlikse voldoeningsfooi ten bedrae van R1 370 vir elke voertuig, betaalbaar jaarliks voor of op die verjaarsdag van die eerste uitreiking van die permit;
- (c) ten aansien van die uitreiking van 'n duplikaatpermit, ten bedrae van R160; en
- (d) ten aansien van die uitreiking van 'n vervanging van 'n voertuig of die besonderhede met betrekking tot die betrokke voertuig, soos aangedui op die permit, ten bedrae van R160."

### **Titel en inwerkingtreding**

3. Hierdie regulasies heet die Wet op Oorgrenspadvervoer Wysigingregulasies, 2013 en sal op datum van publikasie geag word inwerking te tree.

**VERKLARENDE MEMORANDUM****WET OP OORGRENSPADVERVOER, WYSIGINGSREGULASIES, 2013****DOEL VAN REGULASIES**

Die Minister van Vervoer vaardig, ingevolge artikel 51 van die Wet op Oorgrenspadvervoer, Wet 4 van 1998, soos gewysig ("die Wet") en na konsultasie met die Raad van die Oorgrenspadvervoeragentskap ("Agentskap"), die Regulasies in die Bylae, wat die prysstrukture vir permitte en ander gelde voorskryf, uit.

Die doel van die Regulasies is om die Agenstskap van die nodige mag te voorsien om gelde vir permitte te vra om voorsiening te maak om die funksies van die Agentskap ingevolge die Wet te finansier.

Die Regulasies behou die status quo deur die gaping te vul wat ontstaan het toe die 2011 Oorgrenspadvervoerregulasies wat op 1 April 2011 in werking getree het, ongeldig verklaar is in *Central African Services (Pty) Ltd and Deernam (Pty) Ltd v The Minister of Transport and Cross-Border Road Transport Agency* (Saak No 32238/2011). Appél is teen die uitspraak genoteer na die Hof van Appél.

**FINANSIERINGSMODEL**

Ingevolge artikel 18 van die Wet, moet die Agentskap sy bedryfs- en kapitaalkoste finansier uit—

- (a) *geld wat gehef word in verband met—*
  - (i) *die aansoek en uitreiking van enige permit; of*
  - (ii) *die verspreiding van enige nuttige inligting, advies of navorsingsbevindings, behoudens die bepalings van hierdie Wet;*
- (b) *geld wat ingesamel word uit die oplegging van boetes ingevolge hierdie Wet;*
- (c) *donasies; en*
- (d) *geld wat van tyd tot tyd deur die Parlement vir daardie doel bewillig word.*

Al die alternatiewe opsies vir finansiering is ondersoek maar as gevolg van, inter alia, die las op die nasionale fiskus, was die enigste oorblywende opsie om die nodige fondse in te samel deur die aansoek en uitreiking van permitte en die betreklik geringe bedrag wat ingevorder word vir die oplê van boetes.

## REDES VIR DIE REGULASIES

Die oorgrens vervoer van passasiers en goedere is 'n kardinale inset tot die belangrikste sleutel faktore van die ekonomie en die funksionering of gebrek daaraan het 'n groot impak op die doeltreffendheid en kompeterende aard van die Suid-Afrikaanse ekonomie asook dié van die SAOG streek. Die verskaffing en onderhoud van 'n doeltreffende en veilige oorgrensvervoer infrastruktuur is dienooreenkomstig van uiterste belang. Om daardie doel te verwesenlik word die Agentskap toevertrou met die taak om uiters belangrike funksies wat in die Wet uiteengesit is uit te voer.

In die periode voor April 2011 het die Agentskap klaaglik misluk om meeste van die funksies uit te voer, hoofsaaklik as gevolg van 'n gebrek aan fondse. Op 31 Maart 2011 het die voormalige Minister van Vervoer, ingevolge die bepalings van artikel 51 van die Wet, regulasies uitgevaardig om die permitgelde wat deur operateurs ingevolge die Wet op Oorgrenspadvervoer Regulasies, 2011 uitgevaardig is, te verhoog.

Hierdie verhoging, die eerste sedert 2003, was beduidend en is deur die Agentskap gebruik om sy sake sodanig om te keer dat die gevolg was dat die Agentskap tans meeste van sy funksies uitmuntend uitvoer. Baie van die uitstaande funksies word reeds gelewer of is in die proses om geïmplementeer te word en dit is hoogs ongewens en onprakties om die proses op die stadium om te keer.

Die permitgelde soos vervat in die 2011 Regulasies is, pro rata, meer verhoog vir vrag- as vir passasiersvoertuie om twee belangrike beleidsoorwegings te illustreer naamlik:

- a. Eerstens, is 'n gedifferensieerde glyskaal gebruik vir tariefverhogings wat die grootte van die voertuie en die gepaardgaande padskade in ag neem. Bewyse van die skade is wydverspreid soos aangetoon in verskeie navorsingsverslae. Dit is dus as 'n beleidsoorweging regverdig en billik om hierdie oorweging in ag te neem in die struktuur vir permitgelde.

- b. Tweedens, is 'n graad van kruissubsidiëring tussen passasier- en vragoperateurs toegepas om verhogings vir passasiers so laag as moontlik te hou, gegewe dat:
- i. meeste oorgrens padpassasiers (anders as lug) nie finansieël welaf is nie en vir vele sal selfs 'n klein verhoging in tariewe 'n baie nadelige gevolg hê; en
  - ii. padvragoperateurs kan, met betreklike gemak, verhogings na hulle kliënte, waarvan baie groot korporatiewe besighede is wat in mynwese, landbou, handel en ander grootskaalse ondernemings betrokke is, deurgee.

Die beduidende voordele wat 'n Agentskap wat behoorlik funksioneer inhou, oortref verreweg die bedrag van die verhoogde permitgelde, aangesien dit sal verseker dat die Agentskap al sy verpligte funksies kan uitvoer, insluitend om te verseker dat –

- a) permitte vir die passasiers en goedere vervoer op 'n eenvormige basis uitgereik word;
- b) fasilitering van konsultatiewe verhoudings om struikelblokke vir die vrye beweging van persone en goedere oor ons grense uit die weg te ruim of te bereedder.
- c) werwing en ontplooiing van bykomende inspekteurs om nakoming deur die oorgrens padvervoer operateurs te monitor, voortgesit sal word om te -
  - i. verseker dat onwettige oorgrens padvervoer nie plaasvind met die gevolglike nadele vir wettige operateurs;
  - ii. kontroleer dat voertuie nie oorlaai is nie;
  - iii. verseker dat die veiligheid, sekuriteit, betroubaarheid en kwaliteit van oorgrenspadvervoer sal verbeter.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504  
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737  
Kaapstad-tak: Tel: (021) 465-7531