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REPUBLIEK VAN SUID-AFRIKA

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# GOVERNMENT NOTICE

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## DEPARTMENT OF TRANSPORT

No. R. 955

28 November 2014

**THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT,  
1998**

**(ACT No. 7 OF 1998):**

**AMENDMENT OF THE E-ROAD REGULATIONS, 2014**

**The Minister, after consultation with the Agency, hereby in terms of sections 58(1) (dA), (dC) (i) and (iv) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) intends to amend the Regulations in the Schedule hereto**

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

Comments may be sent to the following postal or e-mail addresses or by telefax to the following fax number:

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Department of Transport

Private Bag X193

PRETORIA

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## SCHEDULE

### GENERAL EXPLANATORY NOTE:

[            ] : Words in bold type in square brackets indicate omissions from existing regulations.

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

#### Definitions

1. In these regulations, “the Regulations” means the e-Road Regulations published by Government Notice R. 739 of 9 October 2013.

#### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is amended by the insertion after the definition of “e-toll transaction” of the following definition:

“foreign user” means a user with a VLN that is not licensed in the Republic and who intends to use an e-road or has used an e-road;”.

#### Amendment of regulation 5 of the Regulations

3. Regulation 5 of the Regulations is amended by addition of the following sub-regulation after sub-regulation (10):

“(11) A foreign user, must comply with the provisions relating to the payment of toll in accordance with that made known in the Government Gazette that apply to toll tariffs on the GFIP toll roads and the Conditions for payment of toll published by the Agency in terms of section 27(1)(b) of the Act.”

#### Amendment of regulation 6 of the Regulations

4. Regulation 6 of the Regulations is amended by -

(a) the substitution for sub-regulation (3) of the following subregulation:

“(3) Where a registered user does not pay the toll payable by him, her or it, the Agency must, within [32] 60 days after the registered user has used the relevant e-road, send an invoice to the said user to the last known address of such user reflecting the amount of the toll payable and such invoice must be paid by the said user on or before the date for payment reflected on the invoice: Provided that the user is responsible to ensure that his or her correct address has been supplied to the Agency and that the VLN of the user is identifiable.”; and

(b) the substitution for sub-regulation (5) of the following sub-regulation:

“(5) If an alternate user who is not a registered user does not pay the toll contemplated in sub-regulation (4) within the time and at the place and subject to the conditions that the Agency may make known and determine, the Agency must after a period of seven days but not later than 60 days after such alternate user has used the relevant e-road and unless the user has registered, send an invoice to the said user, to the last known address of the user, reflecting the amount of the toll payable and such invoice shall be paid by the said user on or before the date for payment reflected on the invoice.”.

#### **Amendment of regulation 10 of the Regulations**

5. Regulation 10 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

“(1) The Agency or any person appointed in terms of section 28 of the Act and instructed by the Agency must establish and keep a register to record all transactions of registered e-tag users, registered VLN users [and] 2 day-pass users and alternate users.”

#### **Short title and commencement**

5. These regulations are called the first amendment to the e-Road Regulations, 2014 and shall come into operation on the date of their publication in the *Government Gazette*.

No. R. 955

28 November 2014

**DIE WET OP DIE SUID-AFRIKAANSE NASIONALE PADAGENTSAP BEPERK EN NASIONALE PAAIE, 1998 (WET Nr. 7 VAN 1998):****WYSIGING VAN DIE E-PAD REGULASIES, 2014**

Die Minister van Vervoer, na oorlegpleging met die Agentskap, beoog om die regulasies in die Bylae hiertoe ingevolge artikel 58(1)(dA), (dC)(i) en (iv) van die Wet op die Suid-Afrikaanse Nasionale Padagentskap Beperk en Nasionale Paaie, 1998 (Wet Nr. 7 van 1998) ("die Wet") te maak.

Belanghebbende persone word uitgenooi om skriftelik kommentaar te lewer binne 30 dae vanaf die datum van publikasie hiervan aan die Direkteur\_Generaal: Vervoer.

Kommentaar kan gestuur word aan die volgende posadres of e-pos adres of deur dit te faks na die volgende adres:

T H. M Mphahlele

Departement van Vervoer

Privaatsak X193

PRETORIA

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**Bylae****ALGEMENE VERDUIDELIKENDE NOTA**

[ ] Woorde in vetdruk en in hakies dui weglatings uit die huidige regulasies aan.

\_\_\_\_\_Woorde wat onderstreep is met 'n soliede streep dui invoegings in die huidige regulasies aan.

**1. Woordomsrywings**

In hierdie regulasies beteken "die Regulasies" die e-Padregulasies gepubliseer deur Goewermentskennisgewing R 739 van 9 Oktober 2013.

**2. Wysiging van regulasie 1 van die Regulasies**

Regulasie 1 van die Regulasies word gewysig deur die invoeging na die woordomskrywing van "alternatiewe gebruiker" van die volgende woordomskrywing:

"buitelandse gebruiker" 'n gebruiker wat'n VLN het wat nie in die Republiek gelisensieër is nie en wat beoog om 'n e-pad te gebruik of wat 'n e-pad gebruik het;

### 3. Wysiging van Regulasie 5 van die Regulasies

Regulasie 5 van die Regulasies word gewysig deur die byvoeging van die volgende subregulasie na subregulasie (10):

“(11) ’n Buitelandse gebruiker moet aan die voorwaardes vir die betaling van tol voldoen, ooreenkomstig dit wat in die Staatskoerant wat van toepassing is op die GDVP-tolpaaie en die Voorwaardes vir die betaling van tol wat deur die Agentskap ingevolge artikel 27(1)(b) van die Wet bekend gemaak is.

### 4. Wysiging van regulasie 6 van die Regulasies

Regulasie 6 van die Regulasies word gewysig deur –

(a) die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) Waar ’n geregistreeerde gebruiker nie die tol wat betaalbaar is deur hom, haar of dit betaal nie, moet die Agentskap binne **[32] 60** dae nadat die gebruiker ’n e-pad gebruik het ’n faktuur na die laaste bekende adres van sodanige gebruiker stuur wat die bedrag aan tol vertoon wat betaalbaar is en die faktuur moet betaal word deur sodanige gebruiker voor of op die datum wat op die faktuur aangetoon is vir betaling: Met dien verstande dat die gebruiker verantwoordelik is om te verseker dat sy of haar korrekte adres aan die Agentskap verskaf is en dat die VLN van die gebruiker identifiseerbaar is.” ; en

(b) die vervanging van subregulasie (5) deur die volgende subregulasie:

“(5) Indien ’n alternatiewe gebruiker nie die tol soos bedoel in subregulasie (4) betaal binne die tydperk en op die plek en onderhewig aan die voorwaardes wat die Agentskap mag bepaal en bekend maak, nie moet die Agentskap **[binne 32 dae] na ’n tydperk van sewe dae maar nie later as 60 dae** nadat die alternatiewe gebruiker die e-pad gebruik het, maar nadat die grasietydperk verval het en tensy die gebruiker intussen geregistreeer het, ’n faktuur aan die betrokke gebruiker stuur na die laasbekende adres van die gebruiker **[wat sodanige gebruiker ingevolge die Nasionale Padverkeerwet verskaf het]**, wat die bedrag aan tol wat betaalbaar is, aandui en sodanige faktuur moet deur die gebruiker betaal word voor die datum aangedui op die faktuur.

### 5. Wysiging van regulasie 10 van die Regulasies

Regulasie 5 van die Regulasies word gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

(1) Die Agentskap of enige ander persoon wat aangestel is ingevolge artikel 28 van die Wet en deur die Agentskap opdrag gegee is moet ’n register, om alle transaksies van geregistreeerde e-tag gebruikers, geregistreeerde VLN gebruikers **[en]**, dagpasgebruikers en alternatiewe gebruikers, skep en instandhou.”.

### 6. Korttitel en inwerkingtreding

Hierdie regulasies heet die eerste wysiging van die e-Pad Regulasies, 2014 en tree in werking op die datum van publikasie in die *Staatskoerant*.

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  - Debtors : 012 748 6060/6056/6064 [PublicationsDebtors@gpw.gov.za](mailto:PublicationsDebtors@gpw.gov.za)
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- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at [www.gpwnline.co.za](http://www.gpwnline.co.za) for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

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