

# **NATIONAL LAND TRANSPORT AMENDMENT BILL, 2016**

**09 March 2016**

**Presentation to SABOA  
Conference**



**transport**

Department:  
Transport  
REPUBLIC OF SOUTH AFRICA

# Background

- The National Land Transport Act (the Act) came into operation in 2009 and repealed the National Land Transport Transition Act of 2000
- The Act was enacted in some haste to implement the Public Transport Strategy and cater the introduction of bus rapid transit (BRT) and other arrangements for 2010 FIFA World Cup.
- The Parliamentary Portfolio on Transport expressed the view when passing the Act that it should be revised in a shorter term

# Main reasons for Amendment Bill

- Contracting arrangements for public transport services are revised, such as expanding the powers of the Provinces to undertake new contracts
- The administrative arrangements for operating licences (OLs) are streamlined
- Provisions for accessible transport & NMT are made
- To cater for new developments .e.g. electronic hailing of taxis
- Minister's powers to make regulations is expanded
- To cater for problems & issues that have arisen since 2009



Consequential amendments are made and errors are corrected

# Clause 11: Section 18 - Regulatory functions of municipalities

- The position is clarified that an MRE may only deal with services completely within its boundaries
- Where services are between municipal boundaries, the PRE must deal with them
- MREs must keep information on taxi associations and operators, as with PREs



# Clause 13: Section 21 - Functions of NPTR

- NPTR composition and functions are clarified
- The NPTR must invite comments and complaints on public transport, and advising the Minister on the treatment of passengers, including targeted categories of passengers
- The NPTR may issue directives to PREs, MREs or planning authorities where they are not fulfilling their obligations, or may request the Minister to issue a directive
- The NPTR must keep information on interprovincial taxi associations and operators



Other consequential amendments are made

# Clause 15: Section 24 - Functions of PREs

- PREs composition is clarified
- The PREs must keep information on taxi associations and operators, and on routes operated by associations and non-members in the province
- Other consequential amendments are made

# Clause 26: Section 47 - Conversion of permits

- The heading of section 47 is amended to clarify its meaning
- It is made clearer that OLs issued under the NLTTA must be renewed at least every 7 years (not only permits)
- The provision that no operator may receive subsidy or Government assistance until his/her permits are converted has been removed, because the conversion process is likely to take some time
- The position is made clearer that there must be a simultaneous application for conversion of a permit where application is made to renew, amend or transfer the permit
- The Minister is empowered to make regulations on detailed processes for conversion (comment by SLA)
- Some provisions that are currently in the regulations are moved to the Act on advice from the SLA
- The cut-off date for conversion is reset as 5 years after the Amendment Act comes into operation



# Clause 30: Section 53 - Exemptions

- The Act is clarified to state that operators of staff services are exempted from the requirement to obtain an OL if the vehicle is owned by the employer and no charge is made (due to comments received)
- The section is also amended to clarify that services not for reward are exempt
- Other consequential amendments are

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made



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# Clause 34: Section 59- Publication of applications

- Section 59 is also amended to clarify which applications do not have to be published for comment .i.e. contracted services, renewals and temporary OIs
- Other services can be prescribed by the Minister

# Clause 35: Section 60 - Special events

- Section 60 on temporary OLs for special events is amended to clear up issues raised in workshops, among others that temporary OLs can be issued “over the counter” to persons who already hold an OL or permit by an official delegated by the regulatory entity
- The application process for temporary OLs is also simplified



# Clause 36: Section 62 – Passenger Liability insurance

- The section is amended to remove the requirement that proof of insurance cover must be submitted, in the light of the 2008 amendment of the RAF Act (operators and drivers cannot be sued except in very limited circumstances)
- Minister to prescribe the need for insurance for other services .e.g. tourist services

# Clause 38: Section 66 – Metered taxi services

- This section is amended to provide that metered taxis must use a meter, electronic application or both to calculate fares



# Clause 39: Section 67 – Charter services

- This section on charter services is amended at the request of the PREs to provide that where application is made for a charter service only, i.e. not coupled with a minibus taxi-type service or scheduled service, the regulatory entity must be satisfied that:
  - There will be a need for the service, and
  - The service will be provided on a regular basis in terms of a contract or other arrangement
- The regulatory entity must attach appropriate conditions to prevent abuse of the licence

# Clause 40: Section 68 - Staff services

- Section 68 is amended to clarify that staff services will be exempt where not for reward and the vehicle is owned by the employer
- Where the employer contracts a vehicle, an OL will be required, but the application need not be advertised
- The amendments are pursuant to comments received at workshops



# Clause 41: Section 73 – Replacement of vehicles

- Section 73 is simplified to provide that in the case of vehicle replacement, the replacement must be allowed if:
  - The vehicle is a motor car (sedan), minibus or midibus, or
  - In the case of a bus, the replacing vehicle has the same capacity or less, or is not more than 40% larger

# Clause 43: Section 75 - Interaction with cross-border transport

- Section 75 is amended to delete the presumption that cross-border transport is undertaken where passengers are picked up or set down within 2 km of an international border

# Clause 44: Section 79 - Withdrawal, suspension or amendment of OL or permit

- Section 79 is amended to add that an OL or permit can be withdrawn, suspended or amended where the operator has contravened the Act or the National Road Traffic Act

# Clause 48: Section 92 - Appeals to the TAT

- Section 92 is clarified to provide that persons can appeal to the Transport Appeal Tribunal (TAT) also for decisions relating to accreditation of tourist operators and decisions relating to permits
- Section 92 is amended to clarify the interaction with appeals under the Municipal Systems Act
- Appeals for other decisions should possibly be added, e.g. a decision to withdraw on OL or a decision whether or not to hold a hearing



- The end – Thank you



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