

REPUBLIC OF SOUTH AFRICA

---

# NATIONAL LAND TRANSPORT AMENDMENT BILL

---

*(As amended by the Portfolio Committee on Transport (National Assembly))*  
*(The English text is the official text of the Bill)*

---

(MINISTER OF TRANSPORT)

**[B 7B—2016]**

ISBN 978-1-4850-0453-0

No. of copies printed ..... 800

**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.

---

---

## **BILL**

**To amend the National Land Transport Act, 2009, to insert certain definitions and amend others; to provide for non-motorised and accessible transport; to bring the Act up to date with developments since the implementation of the Act; to provide for certain powers of provinces to conclude contracts for public transport services; to expand the powers of the Minister to make regulations and introduce safety measures; to prescribe criteria and requirements for municipalities to enter into contracts for public transport services; to amend other transport-related legislation to bring it into line with the Act; and to clarify or simplify various provisions or solve problems that have arisen since the implementation of the Act; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 5 of 2009**

1. Section 1 of the National Land Transport Act, 2009 (herein after referred to as the principal Act), is hereby amended— 5

(a) by the insertion after the definition of “adapted light delivery vehicle” of the following:

“ **‘association’** means a group of operators—

- (a) which has been formed not for gain;
- (b) whose object is to promote the interests of its members, and
- (c) whose funds are to be applied in promoting those interests;” 10

(b) by the substitution for the definition of “contracting authority” of the following definition:

“ **‘contracting authority’** means—

- (a) the Department; 15
- (b) a province, subject to sections 11(1)(b)(viiA), 11(1)(c)(xxvi), 11(6), 11(8), 11(9) and 11(10); and
- (c) a municipality, subject to section 11(1)(b)(viiA), 11(1)(c)(xxvi), 11(2), [and (5)] 11(8), (9) and 11(10);”;

- (c) by the insertion after the definition of “designed or modified” of the following definition:
- “**‘electronic hailing service’** or **‘e-hailing service’** means a public transport service operated by means of a motor vehicle, which—
- (a) is available for hire by hailing while roaming;
  - (b) may stand for hire at a rank, and
  - (c) is equipped with an electronic e-hailing technology-enabled application, as contemplated in section 66A;”.
- (d) by the substitution for the definition of “integrated public transport network” of the following:
- “**‘integrated public transport network’** means a system in a particular area that integrates public transport services between modes, including non-motorised transport, with through-ticketing and other appropriate mechanisms, that may be implemented in a phased manner, to provide users of the system with the optimal solutions to be able to travel from their origins to destinations in a seamless manner with integrated pedestrian access for all passengers, and may, in appropriate municipalities, include—
- (a) integrated rapid public transport networks, being high-quality networks of car competitive public transport services that are fully integrated regardless of mode, and may or may not have a dedicated right of way, with or without bus rapid transit systems; and
  - (b) bus rapid transit systems, which are high volume bus corridors served by an integrated feeder system;”.
- (e) by the substitution for paragraph (c) of the definition of “metered taxi service” of the following paragraph:
- “(c) is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable, that is calibrated for such fare or complies with any other requirements applicable to such meters as prescribed by the Minister under section 66(4)(cA);”.
- (f) by the insertion after the definition of “municipal public transport” of the following:
- “**‘Municipal Regulatory Entity’** means a municipality to which the operating licensing function contemplated in section 11(1)(a)(viii) has been assigned;”.
- (g) by the insertion after the definition of “non-contracted service” of the following definition:
- “**‘non-motorised transport’** means transport by any mode other than a motor vehicle including, but not limited to, walking, cycling and animal-drawn vehicles and motorised or non-motorised wheelchairs;”.
- (h) by the insertion after the definition of “organ of state” of the following definition:
- “**‘Passenger Rail Agency’** means the Passenger Rail Agency of South Africa established in terms of section 23 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989);”.
- (i) by the substitution for the definition of “regulatory entity” of the following:
- “**‘regulatory entity’** means the National Public Transport Regulator, a Provincial Regulatory Entity, or a **[municipality to which the operating licence function has been assigned]** Municipal Regulatory Entity;”.
- (j) by the deletion of the definition of “South African Rail Commuter Corporation”;
- (k) by the deletion of the definition of “special categories of passengers”;
- (l) by the insertion after the definition of “Systems Act” of the following definition:
- “**‘targeted categories of passengers’** means—
- (i) persons with disabilities; and
  - (ii) the elderly, pregnant women, scholars, young children and those who are limited in their movements by children;”.

### Amendment of section 5 of Act 5 of 2009

2. Section 5 of the principal Act is hereby amended by the deletion in subsection (4) of the word “and” at the end of paragraph (i), by the addition of the word “and” at the end of paragraph (j) and by the addition of the following paragraph:

“(k) promote measures to ensure the safety of pedestrians and all forms of passengers using public transport by means of regulations or the publication of guidelines or standards or through other appropriate measures.” 5

### Amendment of section 8 of Act 5 of 2009

3. Section 8 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (d) of the following paragraph: 10

“(d) a process to be followed for offering alternative services in place of existing services to holders of operating licences or permits under section 39, including identifying operators contemplated in section 41(2) and involving them in the negotiation process contemplated in that section;” 15

(b) by the insertion in subsection (1) after paragraph (f) of the following paragraphs:

“(fA) fees payable for any application made in terms of this Act or any decal or document issued in terms of this Act; 20  
 (fB) codes of conduct for operators or drivers of public transport services, which may differ in respect of different types of services or different categories of operators or drivers;”;

(c) by the substitution in subsection (1) for paragraph (h) of the following paragraph: 25

“(h) colour coding and branding of vehicles used for public transport where national uniformity is required;”;

(d) by the substitution in subsection (1) for paragraph (n) of the following paragraph:

“(n) meetings of the National Public Transport Regulator, Provincial Regulatory Entities and Municipal Regulatory Entities;” 30

(e) by the substitution in subsection (1) for paragraph (y) of the following paragraph:

“(y) guidelines and desired outcomes for vehicles and facilities to accommodate the needs of targeted categories of passengers, including the provision of minimum standards required in any aspect of the public transport network to achieve that objective, and requirements for planning authorities to produce universal access plans for all modes of public transport and safety measures to protect pedestrians and users of public transport;” 35  
 40

(f) by the insertion in subsection (1) after paragraph (bb) of the following paragraph:

“(bbA) administrative or procedural matters necessary to enable public transport operators to obtain the required operating licences; and” 45  
 and

(g) by the insertion after subsection (1) of the following subsection:

“(1A) The regulations contemplated in subsection (1)(bbA) may differ in respect of different types of public transport or different categories of operators, and may include, but shall not be limited to— 50  
 (a) the imposition of a moratorium on applications for operating licences or the issuing of such licences for specified periods; and  
 (b) the criteria that must be met or considered by the regulatory entities in order for such applicants to qualify for an operating licence.”

### Amendment of section 9 of Act 5 of 2009

4. Section 9 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (d) of the following paragraph: 55

“(d) produce an annual report on the state of transport affairs in the province in the prescribed manner containing the prescribed information and submit it to the Minister [in] within the prescribed time.”.

#### **Amendment of section 10 of Act 5 of 2009**

5. Section 10 of the principal Act is hereby amended— 5
- (a) by the insertion in subsection (1) after paragraph (e) of the following paragraph: 10
- “(eA) colour coding and branding of vehicles used for public transport in the province, subject to any regulations made by the Minister in terms of section 8(1)(h);”;
- (b) by the substitution in subsection (1) for paragraph (f) of the following paragraph: 15
- “(f) the composition, powers and duties of Provincial Regulatory Entities, and”; and
- (c) by the addition of the following subsection: 15
- “(5) Before making any regulations contemplated in subsection (1), the MEC must publish a draft of such regulations for public comment in the relevant provincial Gazette, and must consider any comments received in response to such publication.”.

#### **Insertion of new section 10A in Act 5 of 2009** 20

6. The following section is hereby inserted in the principal Act after section 10:

##### **“Accessible and non-motorised transport**

- 10A.** (1) The Minister and all MECs and planning authorities must take steps in performing their functions under this Act to promote accessible transport and non-motorised transport. 25
- (2) For the purposes of this section, **“accessible transport”** means transport that is accessible to all persons in the area, including, but not limited to, targeted categories of passengers, pedestrians and cyclists to their intended destinations in a safe and convenient manner, and in relation to infrastructure means the design of facilities that are usable by all people to the greatest extent possible, with or without the need for adaptation or specialised design.”. 30

#### **Amendment of section 11 of Act 5 of 2009**

7. Section 11 of the principal Act is hereby amended— 35
- (a) by the substitution in subsection (1)(a) for subparagraph (xi) of the following subparagraph: 35
- “(xi) concluding subsidised service contracts, negotiated contracts, and stopgap contracts contemplated in section 41A, with operators; and”;
- (b) by the deletion in subsection (1)(b) of the word “and” at the end of subparagraph (vii) and the insertion after subparagraph (vii) of the following subparagraphs: 40
- “(viiA) concluding negotiated contracts, subsidised service contracts, commercial service contracts, and stopgap contracts contemplated in section 41A, with operators for services provided in the province where the relevant municipality or municipalities do not meet the requirements or criteria prescribed by the Minister under subsection 10(d), after following the prescribed procedures, which may include issuing directives in terms of subsection 10(b); 45
- (viiB) concluding contracts for dedicated services for transporting scholars contemplated in section 72, unless the Minister directs otherwise under subsection (10)(b); and”;