BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG — PUBLISHED BY AUTHORITY

30c | Dinsdag 30 Desember 1980 | WINDHOEK | Tuesday 30 December 1980 | No. 4357

Goewermentskennisgewing

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

N. J. DAVIN
Sekretaris van die Nasionale Vergadering van Suidwes-Afrika

Windhoek

No. AG. 195 30 Desember 1980

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig in gevolge artikel 19 van daardie Proklamasie:—

No. 29 van 1980 Wysigingswet op Padvervoer, 1980

Government Notice

The following Government Notice is published for general information.

N. J. DAVIN
Secretary of the National Assembly of South West Africa

Windhoek

No. AG. 195 30 December 1980

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:—

No. 29 of 1980 Road Transportation Amendment Act, 1980

Wet No. 29, 1980

WYSIGINGSWET OP PADVERVOER, 1980

(Afrikaanse teks deur die Administrateur-generaal onderteken op 17 Desember 1980)

WET

Tot wysiging van die Wet op Padvervoer, 1977, ten einde die bevoegdhede om verskillende vervoergeriewe vir verskillende bevolkingsgroepe af te sonder, in te trek; om die bepalings, voorskrifte, voorwaardes en vereistes van bestaande permitte waarvolgens verskillende vervoergeriewe vir verskillende bevolkingsgroepe afgesonder word, op te hef; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 74 van 1977.

1. Artikel 1 van die Wet op Padvervoer, 1977 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die omskrywing van "klas" te skrap.

Wysiging van artikel 15 van Wet 74 van 1977.

2. Artikel 15 van die Hoofwet word hierby gewysig —

(a) deur paragraaf (j) van subartikel (1) te skrap;

(b) deur subparagraaf (iv) van paragraaf (a) van subartikel (2) te skrap;

(c) deur subartikel (3) te skrap; en

(d) deur paragraaf (a) van subartikel (5) te skrap.

Wysiging van artikel 21 van Wet 74 van 1977.

3. Artikel 21 van die Hoofwet word hierby gewysig —

(a) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

" (c) die aard van of klas of klasse padvervoer ten opsigte waarvan dit toegestaan is, en die klas of klasse goedere wat kragtens daardie permit vervoer kan word, na gelang die kommissie of raad in elke geval na goeddunke bepaal;";

(b) deur paragraaf (f) van genoemde subartikel (3) deur die volgende paragraaf te vervang:

" (f) die wyse waarop tariewe, indien deur die kommissie of raad goedgekeur of vasgestel, gepubliseer of vertoon moet word.";

ROAD TRANSPORTATION AMENDMENT ACT, 1980

Act No. 29, 1980

(Afrikaans text signed by the Administrator-General on 17 December 1980)

ACT

To amend the Road Transportation Act, 1977, so as to withdraw the powers to set different transportation facilities aside for different population groups; to abolish the provisions, terms, conditions and requirements of existing permits according to which different transportation facilities are being set aside for different population groups; and to provide for matters incidental thereto.

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

Amendment of section 1 of Act 74 of 1977.

1. Section 1 of the Road Transportation Act, 1977 (hereinafter referred to as the principal Act), is hereby amended by the deletion in subsection (1) of the definition of "class".

Amendment of section 15 of Act 74 of 1977.

2. Section 15 of the principal Act is hereby amended —

(a) by the deletion of paragraph (j) of subsection (1);

(b) by the deletion of subparagraph (iv) of paragraph (a) of subsection (2);

(c) by the deletion of subsection (3); and

(d) by the deletion of paragraph (a) of subsection (5).

Amendment of section 21 of Act 74 of 1977.

3. Section 21 of the principal Act is hereby amended —

(a) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

" (c) the nature or class or classes of road transportation in respect of which it was granted, and the class or classes of goods which may be conveyed under such permit, as the commission or board may in each case in its discretion determine;";

(b) by the substitution for paragraph (f) of the said subsection (3) of the following paragraph:

" (f) the manner in which tariffs, if approved or laid down by the commission or board, shall be published or exhibited.";

(c) deur paragraaf (b) van subartikel (4) te skrap; en

(d) deur subartikel (5) te skrap.

Wysiging van artikel 24 van Wet 74 van 1977.

4. Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

" (c) in die geval van 'n openbare permit of privaatpermit (behalwe so 'n permit ten opsigte van die klasse padvervoer uitgereik wat die kommissie of die betrokke raad na goeddunke bepaal), die naam, adres en aard van die besigheid van die houer op die by regulasie voorgeskrewe wyse of op die ander wyse wat die kommissie of die betrokke raad in 'n bepaalde geval skriftelik goedkeur, op 'n in die ooglopende plek op die motorvoertuig waarop die permit betrekking het, laat verskyn;".

Wysiging van artikel 31 van Wet 74 van 1977.

5. (1) Artikel 31 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

" (3) Wanneer die houer van 'n permit daarvan aangekla word dat hy, deur middel van die motorvoertuig waarop daardie permit betrekking het, iemand vervoer het wat hy nie volgens daardie permit gemagtig is om te vervoer nie of uit hoofde van die een of ander wet verplig is om te vervoer nie, is dit 'n verweer teen die aanklag om te bewys dat die persoon wat aldus vervoer is daardie voertuig betree het sonder die wete van of ondanks beswaar deur die kondukteur of ander persoon belas met die toesig oor daardie voertuig, en geweier of versuim het om ingevolge die versoek van daardie kondukteur of ander persoon daardie voertuig te verlaat, en dat daardie kondukteur of ander persoon by die eerste redelike geleentheid die omstandighede tesame met die naam en adres van die persoon wat aldus vervoer is, by 'n polisiebeampte aangemeld het of, indien daardie persoon op aanvraag geweier het om sy naam of adres te verstrek, 'n verklaring te dien effekte aan 'n polisiebeampte gedoen het.".

(2) Die bepalings van subartikel (1) tree in werking op die datum in artikel 7(2) beoog.

Wysiging van artikel 32 van Wet 74 van 1977.

6. (1) Artikel 32 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

(2) Die bepalings van subartikel (1) tree in werking op die datum in artikel 7(2) beoog.

(c) by the deletion of paragraph (b) of subsection (4); and

(d) by the deletion of subsection (5).

Amendment of section 24 of Act 74 of 1977.

4. Section 24 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

" (c) in the case of a public permit or private permit (except such a permit issued in respect of such classes of road transportation as the commission or the board concerned may in its discretion determine), cause the name, address and nature of the business of such holder to be borne on the motor vehicle to which the permit relates, in a conspicuous place, in such manner as may be prescribed by regulation or in such other manner as the commission or the board concerned may in any particular case approve in writing;".

Amendment of section 31 of Act 74 of 1977.

5. (1) Section 31 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

" (3) Whenever the holder of a permit is charged with having conveyed, by means of the motor vehicle to which that permit relates, any person whom he is not in terms of that permit authorized to convey or by virtue of any law obliged to convey, it shall be a defence to the charge to prove that the person so conveyed entered that vehicle without the knowledge of or in spite of objection by the conductor or other person in charge of such vehicle, and refused or failed on being requested thereto by that conductor or other person to leave that vehicle and that such conductor or other person reported the circumstances together with the name and address of the person so conveyed, to a police officer or, if that person refused on demand to furnish his name or address, made a statement to that effect to a police officer, at the first reasonable opportunity.".

(2) The provisions of subsection (1) shall come into operation on the date contemplated in section 7(2).

Amendment of section 32 of Act 74 of 1977.

6. (1) Section 32 of the principal Act is hereby amended by the deletion of subsection (2).

(2) The provisions of subsection (1) shall come into operation on the date contemplated in section 7(2).

Wet No. 29, 1980 **WYSIGINGSWET OP PADVERVOER, 1980**

Opheffing en nietigverklaring van sekere bepalings, voorskrifte, voorwaardes en vereistes van padvervoerpermitte.

7. (1) Enige bepaling, voorskrif, voorwaarde of vereiste van 'n permit wat kragtens die Hoofwet toegestaan en uitgereik is of wat geag word aldus toegestaan en uitgereik te wees, waarvolgens —

(a) slegs persone wat lede is van 'n in bedoelde permit vermelde bevolkingsgroep of bevolkingsgroepe deur middel van die motorvoertuig waarop bedoelde permit betrekking het, vervoer kan word;

(b) slegs die goedere van persone wat lede is van 'n in bedoelde permit vermelde bevolkingsgroep of bevolkingsgroepe deur middel van die motorvoertuig waarop bedoelde permit betrekking het, vervoer kan word;

(c) verskillende gedeeltes van die motorvoertuig waarop bedoelde permit betrekking het, vir die vervoer van persone wat lede is van verskillende bevolkingsgroepe afgesonder moet word,

word hierby opgehef en nietig verklaar.

(2) Die bepalings van subartikel (1) tree in werking op 'n datum ses maande na die datum van inwerkingtreding van hierdie Wet.

Kort titel en inwerkingtreding.

8. Hierdie Wet heet die Wysigingswet op Padvervoer, 1980, en tree, behoudens die bepalings van artikels 5(2), 6(2) en 7(2), in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

Abolishment and annulment of certain provisions, terms, conditions and requirements of road carrier permits.

7. (1) Any provision, term, condition or requirement of any permit granted and issued under the principal Act, or deemed to have been so granted and issued, according to which —

(a) only persons who are members of a population group or population groups specified in the said permit may be conveyed by means of the motor vehicle to which the said permit relates;

(b) only goods of persons who are members of a population group or population groups specified in the said permit may be conveyed by means of the motor vehicle to which the said permit relates;

(c) different portions of the motor vehicle to which the said permit relates are required to be set aside for the conveyance of persons who are members of different population groups,

is hereby abolished and declared to be null and void.

(2) The provisions of subsection (1) shall come into operation on a date six months after the date of commencement of this Act.

Short title and commencement.

8. This Act shall be called the Road Transportation Amendment Act, 1980, and shall, subject to the provisions of sections 5(2), 6(2) and 7(2), come into operation on a date to be determined by the Administrator-General by proclamation in the *Official Gazette.*